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**OF THE**

**HOUSE OF REPRESENTATIVES**

**FOR THE**

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**WASHINGTON:**  
**GOVERNMENT PRINTING OFFICE.**  
**1876.**



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TO THE



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REMOVAL OF RAILROAD TRACKS FROM STREETS OF CITY  
OF WASHINGTON.

MEMORIAL  
OF  
CITIZENS OF WASHINGTON CITY,

PRAYING

*Action on House bill 2638.*

---

JUNE 7, 1876.—Recommitted to the Committee on Public Buildings and Grounds and ordered to be printed.

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MEMORIAL OF CITIZENS OF WASHINGTON CITY, PRAYING ACTION ON  
HOUSE BILL 2638.

Your memorialists respectfully represent that they are residents of Washington and have a vital interest in the matter of the removal of the railroad tracks now used in the southern portion of the city of Washington. They represent especially that the Baltimore and Potomac Railroad Company is using the streets and avenues of that locality in such a manner as to impede the passage and transportation of persons and property along the said streets and avenues, contrary to the express prohibition of its charter; that its conduct of its business therein endangers life and limb, disturbs the public schools, interferes with religious worship on the Sabbath-day, has greatly depreciated the value and usefulness of all property in the vicinity of the line of its road, has rendered that whole section undesirable as a place of residence, has made it difficult and dangerous to pass to and from the southern part of the city, has marred the beauty and symmetry of the public parks and grounds, has encroached upon the public reservations, and has, in general, proved exceedingly injurious and detrimental to all the best interests of the entire neighborhood.

The said company claims the right, and does in fact exercise the power, of occupying nearly the whole road and carriage way of Virginia and Maryland avenues for the purpose of laying tracks thereon, loading and unloading lumber and merchandise, discharging cattle, and the general purposes of a freight-depot, in such manner that it has become almost impossible for persons or vehicles to travel thereon. Your memorialists are advised that it claims this right under the pretense that within the State of Maryland it is entitled to a width of 60 feet for its road-bed, and to certain other privileges at stations or terminal points.

Your memorialists respectfully represent that your honorable bodies can readily ascertain by personal observation the great injury that is being done by the said company in the premises, and how necessary it is that immediate action should be had to remedy the evils of which they complain.

That Congress has the right and power to apply a remedy to these evils, they believe will readily appear from a brief summary of the previous legislation of the United States, of the District of Columbia, and of the State of Maryland, in reference to the said railroad company, and other companies upon which similar privileges have heretofore been conferred.

The Baltimore and Potomac Railroad Company is an organization owing its existence to an act of the assembly of the State of Maryland, passed on the 6th day of May, 1853. (See Acts of the General Assembly of Maryland, January session, 1853, chap. 194, page 234.) By this enactment, after providing for the organization of the company, it was specified "that the president and directors of the said company shall be, and they are hereby, invested with all the rights and powers necessary to the construction, working, use, and repair of a railroad from some suitable point in or near the city of Baltimore, and thence within one mile of the town of Upper Marlborough, in Prince George's County, and as near to said town within the limits of that distance as may be practicable, and by or near the town of Port Tobacco, in Charles County, to a point on the Potomac River, to be selected by the president and directors of the said company hereby incorporated, not higher up than Liverpool Point, and not lower down than the mouth of Saint Mary's River, with such branches at any point of said railroad, not exceeding twenty miles in length, as the president and directors may determine; the said road when completed not to be more than sixty-six feet wide, except at or near its depots or stations, where the width may be made greater, with as many tracks as the president and directors may deem necessary, \* \* \* and they may make, or cause to be made, lateral railways in any direction whatever from the said railroad; and for the construction, repair, and maintenance thereof, shall have all the rights and powers hereby given, in order to the construction and repair of the said principal railroad." \* \* \* (Acts of Maryland, 1853, chap. 194, sec. 12.)

A subsequent section makes provision for a jury of inquest for the condemnation of property in case of disagreement between the company and the owner. The time limited in the act for the construction of the road was extended by several subsequent enactments.

The real object of the parties who procured this charter, and certainly of those who ultimately obtained control of it and procured its revival, was to construct a railroad from Baltimore to Washington in opposition to the Baltimore and Ohio Railroad Company, a design thinly veiled under the privilege of constructing lateral roads. Accordingly they applied to Congress for leave to enter the District of Columbia, and to reach the city of Washington. For upward of thirty years the Baltimore and Ohio Railroad Company had enjoyed an undisturbed monopoly of the travel and traffic between Baltimore and Washington; and the people of Washington, with more or less justice, had commenced to complain of the monopoly as onerous and exacting. Consequently, both the people and Congress received the new company with unusual favor, and its application was speedily granted.

By the act of Congress of February 5, 1867, (14 Stat., p. 387,) the Baltimore and Potomac Railroad Company was authorized to extend a

lateral or branch road from any suitable point on its main stem to a terminus in the city of Washington, and to have and exercise within the District of Columbia the same rights and privileges that were conferred by its charter in Maryland. With regard to the city of Washington, it was provided in the act that, in crossing or intersecting "any established road, street, or other way, it shall be the duty of said company so to construct the said railroad across such established road, street, or other way, as not to impede the passage or transportation of persons or property along the same;" and, also, that nothing contained in the act should be so construed as to authorize the entry by said company upon any lot or square, or upon any part of any lot or square, owned by the United States." The reservation was appended of the right of Congress to alter, amend, or repeal the act at any time.

Under this act, it is understood, the company claims the right to occupy sixty-six feet of any street, and as much more as it requires in the neighborhood of its depots. And, notwithstanding the express prohibition of the act, it has appropriated, and continues to occupy, the public reservation at the intersection of Maryland avenue with Virginia avenue and Seventh street, for depot purposes; and, contrary to the same express prohibition, it has almost entirely appropriated to its own use the streets through which its road passes, and from which it has excluded all travel.

An act of March 18, 1869, (16 Statutes, p. 1,) prescribed two routes by which the road might enter the city of Washington, at the election of the company. The company selected the second route designated in the act. This route was slightly altered by a subsequent act, approved March 25, 1870, (16 Stat., p. 78,) which also extended the time for the completion of the road. The route, as authorized by these two acts, is as follows: "Beginning at some point on the northern shore of the Eastern Branch of the Potomac River, between South L and South M streets, thence westwardly, between said streets, to the intersection of Virginia avenue with South L and East Twelfth streets; thence along said Virginia avenue northwestwardly to South K street; thence along said South K street to some point on said K street between East Fourth and East Second streets; thence crossing to and passing along the south bank of the canal, to South Capitol street, and thence northwestwardly to Virginia avenue; thence along Virginia avenue northwestwardly to the intersection of South C and West Ninth streets."

By the act of June 21, 1870, (16 Stat., p. 161,) an extension of the road was allowed, "by the way of Maryland avenue, conforming to its grade, to the viaduct over the Potomac River, at the city of Washington, known as the Long Bridge, and to extend their tracks over said bridge and connect with any railroad constructed, or that may hereafter be constructed, in the State of Virginia;" and the Long Bridge, worth at least \$1,000,000, was given to it free of cost.

This extension covered ground already or previously occupied by a Virginia corporation, the Alexandria and Washington Railroad Company, and by another corporation claiming to be its successor and known as the Washington, Alexandria and Georgetown Railroad Company, to both of which Congress had accorded the right of entering the city of Washington and connecting with the depot of the Baltimore and Ohio Railroad Company. In view of the fact that both these organizations have fallen under the same influence that controls the Baltimore and Potomac Railroad Company, the roads of all of them being leased and operated by the Pennsylvania Railroad Company, and that their rights and privileges have been in some manner transferred

to the last named; and in view of the probability that some of the grievances complained of by your memorialists may be accomplished under color of a combination of the privileges granted by their various charters, it is deemed proper to refer briefly to the legislation of Congress in favor of the two Virginia companies which have been mentioned.

On the 27th of February, 1854, the legislature of Virginia chartered a railroad company under the name of the Alexandria and Washington Railroad Company, to construct and operate a railroad from Alexandria, in that State, to the city of Washington; and Congress, by act of August 3, 1854, (10 Stat., p. 810,) authorized the company to construct a bridge across the Potomac River at or above the Aqueduct Bridge, and to establish a connection with the Baltimore and Ohio Railroad depot through the cities of Georgetown and Washington by such route as the corporate authorities of those cities would approve. This connection was never made; no bridge was ever built; and the road on the Virginia side was never constructed higher up than the south end of the Long Bridge.

But by an act of March 3, 1863, (12 Stat., p. 403,) this company was authorized to cross the Potomac River beside the Long Bridge, and run its track on Maryland avenue to First street west; thence on First street, crossing Pennsylvania avenue, to Indiana avenue; and thence to the Baltimore and Ohio Railroad depot, with the proviso that the track should be laid in the middle of the street, and no steam-cars should be used without the consent of Congress and of the authorities of the city of Washington.

This track was laid, the consent to use steam-engines was given, and the road was operated for several years, until, in 1872, that portion of it extending eastward from Sixth street west to the Baltimore and Ohio depot was forcibly torn up by the board of public works of the District of Columbia, or by some one else in authority.

The corporation of Washington, in 1855, determined to extend its financial aid to the Alexandria and Washington Railroad Company, by guaranteeing its bonds to the amount of \$60,000, to enable it to build and complete its road. The company executed a mortgage upon its property and franchises to indemnify the corporation against loss on account of the guarantee. The bonds were negotiated and sold, and some, if not all, of them have become due, and have not been paid by the company; and it is said that the corporation has redeemed and now holds the greater part of them. Litigation has ensued between the company and the corporation, which is yet pending both in the courts of Virginia and of the District of Columbia.

In February, 1862, during the war, and in the absence of the officers of the Alexandria and Washington Railroad Company within the belligerent lines of the Confederate States, the road of the company was sold under a mortgage, subsequent to that given to secure the corporation of Washington; and, in apparent pursuance of the laws of Virginia, a new organization was formed by the purchasers under the name of "The Washington, Alexandria and Georgetown Railroad Company."

The United States Government had seized the road in 1861, at the commencement of the war, and used it for military purposes, and continued to hold and operate it until 1865 or 1866, when it turned it over to the new company, formed as just stated.

Litigation ensued between the two companies both in the State and Federal courts of Virginia, and also in the courts of the District of Columbia. In all these tribunals, the organization known as the

Washington, Alexandria and Georgetown Railroad Company," was declared fraudulent; and the courts of Virginia placed the officers of the old company—the Alexandria and Washington Railroad Company—in possession of that portion of the road contained within that State. The supreme court of the District of Columbia, while it declared the new organization to have originated in fraud and to have no rights as against the old company, yet held that it had acquired a legal status and some legal rights on this side of the river by the recognition of an act of Congress approved July 25, 1866, (14 Stat., p. 248.) By this act, the Washington, Alexandria and Georgetown Railroad Company, which is therein recognized as the successor of the Alexandria and Washington Railroad Company, is authorized to make a new connection with the Baltimore and Ohio Railroad to run south and east of the Capitol. But the connection has never been made, and no track has ever been laid.

The Washington, Alexandria and Georgetown Railroad Company, though having yet a kind of legal existence within the District of Columbia, has now no actual existence, no road, no property, no office, no place of business. And the Alexandria and Washington Railroad Company is understood to have abandoned its franchises and its road on this side of the river. Both organizations seem to have surrendered their privileges to the Baltimore and Potomac Railroad Company. But it is believed to be the purpose and intention of those controlling all these organizations, to hold all these franchises and privileges, and to revive and enforce them whenever it is deemed proper or expedient for them so to do.

Returning to the Baltimore and Potomac Railroad Company, we find that, by an act of Congress of March 3, 1871, (16 Stat., p. 585,) it was authorized to erect a passenger-depot on Virginia avenue near Sixth street west; but this was repealed by a section in a subsequent act of May 21, 1872, (17 Stat., p. 140.) By another act of the same date, March 3, 1871, (16 Stat., p. 585,) the Baltimore and Potomac Railroad Company was authorized to change the grade of Maryland avenue, so as to enable it to reach the Long Bridge more easily, upon condition of its paying to the owners of adjacent property all damages they might suffer by reason of such change of grade. The grade was changed; but no offer of compensation was ever made to any of the adjacent owners of property until they brought suit, and some of them recovered judgment. Some suits to enforce this compensation are yet pending in the supreme court of the District of Columbia.

By an act of the corporation of Washington March 20, 1871, when that corporation was in its last hours, and the decree had already gone forth for its dissolution and for the inauguration of the new system for the District of Columbia, provided by the act of Congress of February 21, 1871, (16 Stat., p. 419,) that body, in opposition to the protest of numerous citizens, donated to the Baltimore and Potomac Railroad Company, as a free gift, one hundred and twenty thousand and three hundred (120,300) square feet of ground in the very heart of the city, for the purposes of a passenger-depot, although it was fully advised that it had no title to the land which it so magnificently squandered, and which was worth in the neighborhood of a quarter of a million of dollars. The title to this property was really in the United States. The land, which the corporation of Washington assumed to donate, was a part of the mall, extending from the Capitol to the monument. Hence, the company found it necessary to appeal to Congress to confirm the

grant, and, at the same time, to authorize the location of the track of the road on Sixth street west, so as to reach the intended depot.\*

Congress, very improvidently, we think, sanctioned this concession which destroyed the symmetry of the public grounds, and cut in twain the most valuable and the most extensive of all the public reservations. It did so against the earnest protest of the citizens of Washington, and against the strong opposition of several Senators and Representatives; and we know that one Senator, at least, publicly notified the company that he would not cease to agitate the subject of their removal until he accomplished that object.

By this act, that of May 21, 1872, (17 Stat., p. 140,) the title of which is "An act to confirm the action of the board of aldermen and common council of the city of Washington, designating a depot-site for the Baltimore and Potomac Railroad Company, and for other purposes," it was provided that the company "shall have the right to extend its track from Virginia avenue along Sixth street to the open grounds between Sixth street and B street north and the canal, described as follows: Beginning at the southwest corner of Sixth street and B street north, running west 150 feet along B street; thence south 802 feet to the present line of the canal; thence east 150 feet to the line of Sixth street; thence north by line of Sixth street to the place of beginning; and the said company shall, so far as the United States can so provide, have the right to hold, use, and occupy the said grounds for the purpose of constructing thereon a passenger-depot, to be used by the said company for passenger and express-freight traffic, and for no other purposes." Further provision is made for two tracks on Sixth street; for the payment of damages to property-owners on that street; for the repeal of the act of March 3, 1871, (16 Stat., p. 585,) above mentioned, whereby a passenger-depot was authorized on Virginia avenue near Sixth street; and, also, for the keeping of flagmen at the street-crossings during the transit of trains. A proviso was also inserted to reserve the right to alter, amend, or repeal the act at any time.

Thus, the Baltimore and Potomac Railroad Company was welcomed to Washington with a substantial welcome, not only in the grant of the right of way over our streets, but in the donation to it of a part of the public domain worth a quarter of a million of dollars, and of a magnificent bridge worth at least four times as much more. It should not object, therefore, in return, to submit to some expense and inconvenience to gratify the reasonable demands of your memorialists and their fellow-citizens, petitioning for the security of their persons and property, and the convenience and comfort of their homes, their schools, and their places of public worship.

We have stated, we believe, the sum of congressional legislation in regard to the Baltimore and Potomac Railroad Company. But there are some enactments of the corporation of Washington and of the legislative assembly of the District of Columbia that seem proper to be cited, in view of the present question.

On May 24, 1866, the corporation of Washington granted to the "Washington, Alexandria and Georgetown Railroad Company" the right to use steam on the Long Bridge and on its track within the city, and to erect a depot for freight and passengers on Maryland avenue, between Ninth and Tenth streets. (See Webb's Digest of the Laws of the Corporation of Washington, p. 472.)

The legislative assembly of the District of Columbia, which, under

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\* We append to this memorial a statement of the title to the property donated.

the act of Congress of February 21, 1871, superseded in June, 1871, all the municipal organizations previously existing in the District, attempted, by an act dated August 23, 1871, (see acts of first session, p. 105,) to provide penalties against all railroad companies obstructing the streets and sidewalks. This ordinance the Baltimore and Potomac Railroad Company has systematically disregarded and violated, as we have already shown; and no attempt is made to enforce the enactment.

By an act of January 13, 1872, (Laws of D. C., 2d session Leg. Ass., p. 14,) the legislative assembly authorized a temporary connection for one year from the Baltimore and Potomac Railroad on Virginia avenue to the Baltimore and Ohio depot. This seems to have been the connection subsequently broken up by the board of public works, as already stated; and it no longer exists.

An act of Congress of June 8, 1872, (17 Stat., p. 342,) authorizes the Orange, Alexandria and Manassas Railroad Company, now known as the Washington City, Virginia Midland and Great Southern Railroad Company, a Virginia corporation, which owns a road running southwestwardly from Alexandria, and which runs its cars over the road of the Alexandria and Washington Railroad Company and that of the Baltimore and Potomac Railroad Company, by agreement with those two corporations, "to exercise its functions as a common carrier, and transport passengers and freight within the District of Columbia, and for this purpose shall have authority to run locomotives and trains upon and over the bridge which has been constructed by the Baltimore and Potomac Railroad Company across the Potomac River at the western terminus of Maryland avenue, \* \* \* and may put down a single track along Maryland avenue, from its western terminus to its intersection with the Washington Canal," and thence to a junction with the Baltimore and Ohio Railroad south and east of the Capitol. This connection has never been made. The right is reserved to alter, amend, or repeal at any time.

From the foregoing statement it seems clear that neither the Baltimore and Potomac Railroad Company nor any other of the railroad companies mentioned has any rights or privileges in the city of Washington which Congress may not alter, amend, or repeal. It seems clear, also, that the Baltimore and Potomac Railroad Company is claiming and exercising privileges which it was not the intention of Congress to grant; that it has no right to use the avenues and streets for the purpose of loading and unloading live-stock, lumber, and merchandise, or for any of the purposes of a freight-depot; that its use of those streets and avenues is an unwarranted and illegal impediment to travel thereon and prohibited by the act of Congress; that the noise, disorder, and confusion with which it runs its trains, cars, and engines constitute an abuse of its privileges, and that the circumstances imperatively demand the immediate intervention of Congress to prevent further injury. Such intervention, moreover, is demanded to settle the conflicting and discordant franchises and privileges conferred on the different companies hereinbefore mentioned, and to relieve the city from the possibility of their unreasonable assertion in the future.

The evils complained of by your memorialists are plain enough. The power and the right of Congress to remedy these evils seem equally plain. Your memorialists apprehend that the principal, and, perhaps, the only difficulty in the way of granting their prayer is the difficulty of ascertaining the specific remedy presently applicable in the premises.

Your memorialists justly complain of a great grievance; they would prefer to leave to your honorable bodies to devise and select the remedy

for their relief. In response, however, to suggestions made to them, they beg leave, respectfully, to state that, in their opinion, the track of the railroad could readily be removed to a more advantageous and less objectionable route; and that the interests of your memorialists and of their fellow-citizens, for whom they complain, and the best interests of the railroad company itself, would be subserved by locating the track of its road on south K street, beginning at or near the west end of the tunnel, near the navy-yard, and extending thence westward through K street to Water street; thence along Water street and the river-front to the Long Bridge; and thence, if expedient, still along the river-front to a point at or near the foot of west Seventeenth street, a central location, where ample space exists for the construction of a grand union depot, which could easily be reached also by the Baltimore and Ohio Railroad Company, if desirable, by means of the route down Rock Creek allowed to it, and to the Washington City and Point Lookout Railroad Company, by the act of Congress of June 23, 1874, (18 Stat., p. 274.) Your memorialists believe that this route would be the least injurious to private interests of any that can at present be devised; that it will ultimately prove the most beneficial to the railroad company, and that it can be utilized to develop the water-front of Washington, and to turn into a source of considerable revenue the wharfing facilities belonging to the Government, which are now almost wholly unproductive.

Your memorialists conceive that there is only one serious difficulty connected with the immediate execution of this plan, and that is, that it will be necessary to provide for the acquisition of the present depot of the Baltimore and Potomac Railroad Company either by purchase or by condemnation, and for compensation therefor to be made to the company. But they are of opinion that this difficulty is not insuperable. This depot building can easily be converted to the necessary uses and purposes of the United States or of the District of Columbia. The District needs a permanent building for its municipal purposes. The rent now paid by it for the use of the Columbia Buildings, on Four-and-a-half street, which it holds under a temporary lease, soon to expire, and which are inadequate to its purposes; and also for the building, on C street, used for the Police Court, and which is utterly unfit for the purpose, will fall but little, if at all, short of the interest on the probable cost of the depot-building, which could serve for one or both of those purposes. Hence, it would be economy to purchase this building for the municipal uses of the District of Columbia. If, in the present condition of the treasury of the District, it should be deemed inexpedient to expend so considerable a sum of money in the purchase of a building, a sufficient number of bonds could be issued therefor, and the utilization of the water-front, which we have suggested, will speedily provide a sinking-fund for their redemption.

It has been stated that the water-front is now almost entirely unproductive. It may be made a source of revenue, especially with a railroad running along Water street.

Your memorialists are advised that it is the best opinion of the legal profession in this District, that the whole water-front and all the riparian rights on the Potomac River between Greenleaf's Point, at the Arsenal grounds, and Seventeenth street west, and most probably even as far as Rock Creek, between Washington and Georgetown, belong to the United States, and are not of private ownership. This opinion has been recently fortified by a decision of the supreme court of the District of Columbia to the same effect. Without entering into any elaborate discussion of the grounds of this opinion and decision, your memorialists believe a brief statement of the subject not inopportune.

Along nearly the whole of the water-front in question a street is designed to run, known as Water street, and this is actually laid out between the Arsenal grounds and the Long Bridge, a space which comprises at present all the harbor of Washington. The title to this street is in the United States in fee-simple, like that of all the other streets of the city. (See the decision of the Supreme Court of the United States in the case of *Van Ness vs. Corporation of Washington and the United States*, 4 Peters, 232.) There is no ground between Water street and the river. Hence, whatever riparian rights there are along that portion of the river appertain to the United States as the fee-simple owners of the soil of Water street.

A claim, however, has been put forth by some of the owners of the adjacent lots on the north side of Water street, to the effect that riparian rights, and especially the right of wharfage, attach to those lots, and that such was the understanding between the original proprietors and purchasers, on the one part, and the United States Government, on the other, represented by the commissioners for laying out the city of Washington. The foundation for this claim is briefly the following:

By an agreement on the 12th of March, 1786, between Maryland and Virginia, it was stipulated that "the citizens of each State, respectively, shall have full property in the shores of the Potomac River adjoining their lands, with all emoluments and advantages thereunto belonging, and the privilege of making and carrying out wharves and other improvements, so as not to obstruct or injure the navigation of the river," &c., &c. (See laws of Maryland, Nov. sess., 1785, chap. 1.) An act of Maryland of December 19, 1791, (chap. 45, sec. 12,) provided "that the commissioners (for the Territory of Columbia) for the time being, or any two of them, shall, from time to time, until Congress shall exercise the jurisdiction and government within the said Territory, have power to license the building of wharves in the waters of the Potomac and the Eastern Branch, adjoining the said city, of the materials, in the manner, and of the extent they may judge durable, convenient, and agreeing with general order. But no license shall be granted to one to build a wharf before the land of another, nor shall any wharf be built in the said waters without license, as aforesaid; and if any wharf shall be built without such license or different therefrom, the same is hereby declared a common nuisance." (Act of Assembly of Md., Nov. sess., 1791, chap. 45.)

Only a few licenses were granted under this act by the commissioners, apparently not more than four. But it is stated that, just previous to the assumption by Congress, in 1801, of jurisdiction over the District of Columbia, they (the commissioners) granted to all riparian owners a right to wharf by general proclamation. The regularity of this proceeding seems to have been considered very questionable; and William Wirt, when Attorney-General, doubted its force and efficacy.

Under the acts of cession of Maryland and the various deeds of the original proprietors of the lands now embraced within the city of Washington, all those lands and their appurtenances were conveyed in fee-simple to trustees to be divided by the commissioners appointed by the United States, all the streets, avenues, and needful reservations to be set apart for the United States, and the residue to be divided between the United States and the original owners. Under this power, all the lots bordering on the north side of Water street were reconveyed to the original owners, or such of them as fell to the United States were subsequently sold, by *metes and bounds*; and Water street was made the boundary of all of them toward the river. It does not appear, there-

fore, how any riparian rights or wharfing privileges could have attached to these lots, especially when it is remembered that the Potomac here is a tide-water river, and that, by the common law, riparian owners do *not* own to the middle of *tide-water* rivers, as they do in other streams, but merely to high-water mark, and that all the land below high-water mark remains in the Government for the use of the public. (See *Hale De Jure Maris*; *Kent's Commentaries*, vol. 3, p. 437; *Ex parte Jennings*, 6 Cowan, 518; and all the authorities uniformly.)

In the transactions of the commissioners, some lots in the city, adjacent to the river, are mentioned as *water-lots*. It will be found, on examination of the map of the city, that all these so-called water-lots are to be found on Rock Creek, the Eastern Branch, or the portion of the city where the Observatory now stands, and which was formerly occupied by a little town or village known as Hamburg, west of Seventeenth street west. These water-lots were sold by the front foot merely, and without designation of metes and bounds; but none of them are located on the line of the proposed route between Seventeenth street west and the Arsenal. And there is no reason why the Government should not at once assume the entire possession and control of all the wharves and wharfing rights between the Arsenal grounds and the Long Bridge. In fact, several of those now holding wharves on that line acknowledge the right of the Government, and hold their wharves by a revocable license from it.

The suggestion of your memorialists is that the Government should donate to the District of Columbia all its riparian rights between the Arsenal grounds and the Long Bridge; that the District be required to assume immediate control thereof, and lease or rent the same to the best advantage; that the proceeds to be derived from such leasing or renting should be devoted to the payment of the interest on the bonds to be issued for the purchase of the depot-building of the Baltimore and Potomac Railroad Company, and to the formation of a sinking-fund to pay the principal thereof at maturity; and that the rents and profits of such wharfing privileges should thereafter be carried to the credit of the general fund of the District of Columbia.

With these statements and suggestions, your memorialists leave the subject to the wisdom and discretion of your honorable bodies; but they earnestly hope that the present session of Congress will not be permitted to expire without the adoption of some measure for their relief from the evils of which they complain.

Very respectfully,

JAMES E. MORGAN, M. D.,  
EDWARD TEMPLE,  
E. E. WHITE,

*For the Committee of the Citizens of Washington.*

C. B. CHURCH,  
C. P. CULVER,  
J. L. KIDWELL,

*For the Committee of the Citizens of South Washington.*

Rev. B. F. BITTINGER,  
Rev. E. D. OWEN,  
Rev. C. C. MEADOR,

*For the Committee of the Clergy of Washington.*

*Brief on the right of Congress to repeal the privileges and franchises heretofore granted to the Baltimore and Potomac Railroad Company and other railroad companies having grants to enter South Washington.*

I. The review heretofore given of the legislation, both of Congress and of the municipal authorities of the District of Columbia, in reference to the franchises, rights, and privileges held by the Baltimore and Potomac Railroad Company, the Orange, Alexandria and Manassas Railroad Company, the Alexandria and Washington Railroad Company, and the Washington, Alexandria and Georgetown Railroad Company, within the limits of the District of Columbia and of the city of Washington, shows conclusively that no one of those companies has received any concessions which Congress may not resume at its pleasure. The three corporations last named have no road and no property within the District; and a repeal of their franchises will involve no injury to them, and will deprive them of nothing of actual value. The act of August 3, A. D. 1854, (10 Stat., p. 810,) in reference to the Alexandria and Washington Railroad Company, has never been availed of by it; and the same statement is true of the act of July 25, 1860, (14 Stat., p. 248,) regarding the Washington, Alexandria and Georgetown Railroad Company. The act of March 3, 1863, (12 Stat., p. 805,) in favor of the Alexandria and Washington Railroad Company, and that of June 8, 1872, regarding the Orange, Alexandria and Manassas Railroad Company, (17 Stat., p. 342,) expressly reserve the right of repeal. Hence, it seems that there can be no difficulty in the way of a withdrawal of the privileges extended to these companies.

But the case is different with the Baltimore and Potomac Railroad Company. It is the action of that company of which complaint is made; and with regard to it we understand the question to be raised, whether Congress has the right, notwithstanding the express reservation in the several enactments, to alter, amend, or repeal those enactments without making compensation to the company for any rights of property that may be affected by such alteration, amendment, or repeal.

Of the seven acts of Congress relating to this company, two specifically and expressly reserve the fullest right to alter, amend, or repeal, viz, that of February 5, 1867, (14 Stat., p. 357,) which authorizes the road to enter the District of Columbia and the city of Washington, and that of May 21, 1872, (17 Stat., p. 140,) granting to it the present depot-site and the right to extend its track on Sixth street; one, that of June 21, 1870, reserves the power "to alter or amend," (16 Stat., p. 161,) which is the act that gives it the Long Bridge; and four of them, those of March 18, 1869, March 25, 1870, March 3, 1871, and March 3, 1871, (16 Statutes, pp. 1, 78, 585,) contain no express provisions for the right of repeal, nor reservation of the right to alter or amend. And yet the first of the two acts passed March 3, 1871, was repealed without question by a provision in the act of May 21, 1872.

If it should be argued that, by the absence of this reservation from the acts of March 18, 1869, March 25, 1870, and March 3, 1871, by which several acts the route of the road within the city is prescribed, Congress is powerless to revoke its grant—which we certainly are not willing to concede—there would still be ample remedy in the repeal of the acts of February 5, 1867, and May 21, 1872, in which the power of revocation is unqualified. The privileges conferred by these two acts are unquestionably held by the company as a tenant at will; and as a tenant at will, it is liable to have those privileges revoked at any time.

It has been decided by the Supreme Court of the United States in

numerous cases, beginning with the noted one of Dartmouth College *vs.* Woodward, (4 Wheaton, 518,) that the grant of a franchise constitutes a contract between the State and the corporation that accepts the franchise, which is protected by the Constitution of the United States, and that the corporation acquires a vested right of property therein, of which it cannot legally be deprived except by "due process of law." Without at all questioning the correctness of the principle announced in these cases—although the present generation has commenced to question it very seriously, and we are very much mistaken if the coming generation will be satisfied with less than an entire overruling of that principle—it is expressly laid down that the decisions themselves apply only to private and not to public or quasi public corporations. So, it is uniformly held that the charter of a municipal corporation can be repealed at any time in the discretion of the legislature. And the same principle requires that any corporation whatever which receives a franchise involving to any extent a participation in the exercise of the right of eminent domain, which is the kind of franchise that a railroad receives, should to that extent be subject to the unlimited control of the legislative power, and liable to have the franchise resumed whenever the legislature regards such resumption as necessary for the public welfare. The only limitation which justice and equity impose in the event of such resumption is that the property of the corporation affected should be secured to those to whom it justly belongs, whether the community or individuals. And this is the course pursued wherever a corporation is dissolved either by legislative or judicial action. (See *Curran vs. State of Arkansas*, 15 Howard, 305.)

But, conceding that the franchise of a railroad company is as much protected by the Constitution as the private property of an individual, there are three ways known to law by which it can be resumed. In the first place, it may be taken like all other proper property for public use upon the payment of just compensation. But this is done by virtue of the sovereign power inherent in the State, and not in pursuance of any legislative reservation, expressed or implied. In the second place, it may be forfeited by judicial proceedings upon a writ of *quo warranto* or *scire facias*, which are common-law proceedings applicable to all corporations, public and private, in the case of the abandonment or non-use of a charter, or the abuse of the privileges conferred by it. Their object is to procure the forfeiture of the charter and the dissolution and civil death of the corporation, whereupon its real estate reverts to the original grantors or their representatives, and its personal property, after the payment of debts, is divided among the stockholders.

But, besides the power to condemn a franchise under the right of eminent domain and the dissolution of a corporation in pursuance of judicial proceedings, it has now become almost a universal custom in this country, on account of the alarm created by the Dartmouth College decision and subsequent similar adjudications, to insert in every charter a proviso expressly reserving to the legislature the right to alter, amend, or repeal such charter at any time in its discretion, and thereby a more speedy, certain, and efficacious control is retained over corporations than is possible through the slow medium of judicial investigation. When such a reservation is contained in the charter, and the legislature, in the exercise of its discretion, of the propriety of which it is itself the exclusive judge, proceeds in accordance with that reservation to revoke the franchise, is it bound by any principle of constitutional or common law or by any principle of equity or justice, to provide for compensation to the corporation or its stockholders? While the present case is not pre-

cisely an application for the forfeiture of a franchise or the dissolution of a corporation, but merely involves the repeal of an incidental privilege or concession granted to a company which is not essential to its existence or its free operations, all the judicial authorities go to the full length of the doctrine that, where the right of repeal is reserved in the charter of a company, the legislature may exercise that right at any time in its discretion without constitutional or legal liability of any kind to compensate the company for any supposed loss of property.

In the case of *McLarren vs. Pennington*, (1 Paige, 108,) where a charter had been granted to a banking association by the legislature of New Jersey, with the express reservation of the right of the legislature to alter, amend, or repeal the act, and where a bonus of \$25,000 was required to be paid, and was actually paid, for the grant of the charter, Chancellor Walworth held that the reservation of the right to repeal was "not a condition repugnant to the grant, but only a limitation of it;" and that "the reservation of such a power in the grant, if it was contrary to the common law, would of itself change the law in regard to that particular grant. \* \* \* The power of repealing the bank charter was, therefore, legally and constitutionally reserved to the legislature of New Jersey; and this court will not presume that it has been improperly or unconscientiously exercised." The repealing act in this case made no pretense of compensating the company or its stockholders; the bonus of \$25,000 was not refunded, and trustees were appointed to take charge of the property of the company for the benefit of its stockholders and creditors.

In the case of *Crease vs. Babcock*, (23 Pickering, 334,) the supreme court of Massachusetts decided that "a reservation by the legislature of the right to repeal an act of incorporation for a violation of the charter, or other default, is not unconstitutional on the ground of being a reservation of judicial power."

Mr. Justice Grier, holding the circuit court of the United States for the western district of Pennsylvania, decided, in the case of "The Mayor of Baltimore *vs.* The Pittsburgh and Connellsville Railroad Company," (1 Abbott's U. S. C. C. Rep., 9,) in 1865, that "if in the act of incorporation the legislature retains the absolute and unconditional power of revocation for any or no reasons; if it is so written in the bond, the party accepting a franchise on such conditions cannot complain if it be arbitrarily revoked; or, if this contract is that the legislature may repeal the act whenever, in its opinion, the corporation has abused or misused its privileges, then the contract constitutes the legislature the arbiter and judge of the existence of that fact."

The principles, however, that govern this subject are more clearly and distinctly laid down by the supreme court of Pennsylvania in the case of "The Erie and Northeast Railroad Company *vs.* Casey," (26 Penn., 287—2 Casey,) in which Judge Black, delivering the opinion of the court, enunciates the following propositions:

1. Where a charter was granted by the legislature to a corporation, with the reservation of the right to repeal it if the franchises should be abused or misused, and in point of fact the abuse and misuse occurred; after the happening of that event, the incorporators held their franchises as mere tenants at will, and the legislature was invested with as full power to repeal the charter as if the reservation had been unconditional.

2. The power to repeal for abuse of corporate privileges is a different right from that of demanding a judicial sentence of forfeiture, and is

reserved for the reason that it may afford a remedy when a writ of *quo warranto* would not.

3. When a charter is constitutionally repealed, the franchises are resumed to the State, and a railroad belonging to the corporation remains what it always was—public property.

4. The corporators in such case are not entitled to compensation, having never had any property in the road, and the exercise of the will of the legislature in the resumption of their franchises did them no injury but what they agreed to submit to.

In this case, the legislature of Pennsylvania, in pursuance of a reservation in the charter of the railroad company, undertook to resume the franchise which it had conferred, and appointed trustees or commissioners to take charge of the road and operate it for the benefit of the State, no provision whatever being made for any compensation to the company or its stockholders ; and it was held by the court that this was a constitutional and proper exercise of the right reserved in the charter. The revocation, as stated by the court, was not in violation of the agreement between the State and the company, but in accordance with its express provision.

To the same effect, are the following cases :

Miners' Bank *vs.* United States, 1 Greene, (Iowa,) 553.

Miller *vs.* State of New York, 4 Amer. Railway Cases, 25.

Pennsylvania College Cases, 13 Wallace, 213.

Kent's Commentaries, vol. 2, p. 306.

Angell and Ames on Corporations, 504.

It appears, therefore, that the right of revocation in such cases is exercised under the specific agreement between the State and the corporation, and not by virtue of the right of eminent domain ; that the only thing resumed is the franchise or privilege granted by the State, and not the private property acquired in addition to it by the company or its stockholders ; and consequently that the only question for doubt in the premises is not whether there should, in such cases, be a provision for compensation to the company, but whether the legislature has really the right to appropriate anything by way of compensation. There is not a single judicial authority, as far as we are aware, to show that compensation is necessary in any such contingency.

M. F. MORRIS,  
*Attorney for Petitioners.*

THE DISPOSAL OF THE SUBSIDIES GRANTED CERTAIN  
RAILROAD COMPANIES.

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EVIDENCE

TAKEN BEFORE

THE JUDICIARY COMMITTEE,

UNDER

*The following resolutions of the House of Representatives.*

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JUNE 7, 1876.—Ordered to be printed.

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JANUARY 31, 1876.—Mr. Luttrell submitted the following resolution, which was agreed to :

"Whereas the several railroad companies hereinafter named, to wit, the Northern Pacific, the Kansas Pacific, the Union Pacific, the Central Branch of the Union Pacific, the Western Pacific, the Southern Pacific, the Sioux City and Pacific, the Northern Pacific, the Texas and Pacific, and all Pacific roads or branches to which bonds or other subsidies have been granted by the Government, have received from the United States, under the act of Congress of July 1, 1862, the act of March 3, 1874, and the several acts amendatory thereof, money subsidies amounting to over \$64,000,000, land-subsidies amounting to over 220,000,000 acres of the public domain, bond subsidies amounting to \$——, and interest amounting to \$——, to aid in the construction of their several roads; and whereas it is but just and proper that the Government and people should understand the status of such roads and the disposition made by such companies in the construction of their roads of the subsidies granted by the Government: Therefore,

"Be it resolved, That the Judiciary Committee be, and are hereby, instructed and authorized to inquire into and report to this House, first, whether the several railroad-companies hereinbefore named, or any of them, have, in the construction of their railroads and telegraph-lines, fully complied with the requirements of law granting money, bonds, and land-subsidies to aid such companies in the construction of their railroads and telegraph-lines; second, whether the several railroad-companies or any of them have formed within themselves corporate or construction companies for the purpose of subletting to such corporate or construction companies contracts for building and equipping said roads or any portion thereof, and, if so, whether the money, land, and bond subsidies granted by the Government have been properly applied by said companies or any of them in the construction of their road or roads; third, whether the several railroad-companies or any of them have forfeited their land-subsidies by failing to construct and equip their road or roads or any portion of them as required by law; and, fourth, that, for the purpose of making a thorough investigation of the several Pacific railroads or any of them, the Judiciary Committee shall have full power to send for persons and papers, and, after thorough investigation shall have been made, shall report to this House such measure or bill as will secure to the Government full indemnity for all losses occasioned by fraudulent transactions or negligence on the part of said railroad-companies or any of them, or on the part of any corporate or construction company, in the expenditures of moneys, bonds, or interest, or in the disposition of land donated by the Government for the construction of the roads or any of them, or any portion thereof, and for the non-payment of interest lawfully due the Government, or any other claim or claims the United States may have against such railroad company or companies."

MAY 2, 1876.—Mr. Tarbox submitted the following resolution, which was agreed to:

"Whereas it is publicly alleged, and is not denied by the officers of the Union Pacific Railroad Company, that that corporation did, in the year 1871 or 1872, become the owner of certain bonds of the Little Rock and Fort Smith Railroad Company, for which bonds the said Union Pacific Railroad Company paid a consideration largely in excess of their actual or market value, and that the board of directors of said Union Pacific Railroad Company, though urged, have neglected to investigate said transaction: Therefore,

"Be it resolved, That the Committee on the Judiciary be instructed to inquire if any such transaction took place, and, if so, what were the circumstances and inducements thereto, from what person or persons said bonds were obtained and upon what consideration, and whether the transaction was from corrupt design or in furtherance of any corrupt object; and that the committee have power to send for persons and papers."

WASHINGTON, D. C., May 4, 1876.

BENJAMIN F. HAM sworn and examined.

By Mr. HUNTON:

Question. State your name, age, residence, and occupation.—Answer. Benjamin F. Ham; 40 years old. I reside at Cranford, county of Union, State of New Jersey; secretary and treasurer.

Q. Secretary and treasurer of what?—A. Of the Credit Mobilier, for one institution, and two or three railroad companies, for others.

Q. Name them all.—A. Credit Mobilier, Chicago and Canada Southern, Toledo, Canada Southern, and Detroit.

Q. Have you ever had any connection officially with the Union Pacific Railroad Company?—A. I have, sir.

Q. What and when?—A. In January, 1867, I was appointed auditor of the Union Pacific Railroad, and remained so, I think, until 1870.

Q. Have you had no connection with the Union Pacific Railroad Company since 1870?—A. Not since I ceased to be connected with it as auditor; I think it was in 1870; it might possibly have been in 1871, but since that time I have had no connection with it.

Q. Tell the committee what is the connection, if any, between the Credit Mobilier and the Union Pacific Railroad Company.—A. There has been no connection whatever since 1867.

Q. What was the connection prior to 1867?—A. It was building the road to the one hundredth meridian.

Q. That embraces one hundred and sixty-six miles?—A. No, sir; it embraces two hundred and fifty-six miles; that was built before I came to New York.

Q. What was built?—A. The portion that the Credit Mobilier built was before I came to New York; the Credit Mobilier did no building of railroads after I came to New York in 1867.

Q. How did the Pacific Railroad pay the Credit Mobilier?—A. They built no railroad after I came to New York; I know nothing about the transactions previous to that.

Q. State, if you know, how the Union Pacific paid the Credit Mobilier for building the road.—A. The books show that they paid for it in cash.

Q. Do you know anything about the sale and issue of bonds by the Union Pacific Railroad Company?—A. I do, sir.

Q. How many bonds were issued by the railroad-company called first-mortgage bonds?—A. There were 29,000,000 of bonds issued and executed by the company.

Q. An even twenty-nine?—A. Yes, sir; just an even 29,000,000 signed and executed.

Q. What was done with those bonds?—A. The company sold the great bulk of them; some were retired by order of Congress, and surrendered and canceled.

Q. How much was retired by order of Congress?—A. I don't remember the number exactly; about 1,600, I believe.

Q. Sixteen hundred bonds?—A. Yes, sir; \$1,600,000.

Q. That was only one million six hundred thousand?—A. Yes, sir; I think it was a little more than that; I do not remember. All these things are on the company's books and show for themselves.

Q. Who has possession of those books?—A. The present officers of the company, the secretary, treasurer, and auditor.

Q. After the retirement of the \$1,600,000 what became of the \$27,400,000?—A. The books of the company would show that entirely. I couldn't tell from my memory; it is several years since this thing took place.

Q. Were they all sold?—A. There were some that were never disposed of.

Q. Where are those?—A. That I cannot tell.

Q. Did you keep the bond-account of the Union Pacific Railroad Company?—A. During a large part of the time I kept it.

Q. State, as near as you can, what amount of the \$27,400,000 was disposed of.—A. I think the books show there were about two hundred and fifty that were not disposed of.

Q. What became of those?—A. That I cannot tell; I don't know.

Q. Where are those bonds now?—A. They are in the hands of the general public; they are scattered everywhere.

Q. Those bonds that were not disposed of?—A. Yes, sir.

Q. How did they get into the hands of the general public?—A. That we can't tell; that I can't tell; I don't know how they did get out of the possession of the company.

Q. Why did you say they are in the hands of the general public?—A. Because the coupons are regularly paid.

Q. Whom to?—A. I don't know that. I have no connection with the company.

Q. Why do you say their coupons are regularly paid?—A. I am so informed by the officers of the company.

Q. What officers of the company so informed you?—A. The treasurer.

Q. Give his name.—A. E. H. Rollins,

Q. Did you ever have any talk with Mr. Dillon, the president of the company, on this subject?—A. Certainly.

Q. What does he say about these bonds?—A. He does not know where they are.

Q. Does he know that the coupons are regularly presented?—A. He does not know it of his own personal knowledge, except as Mr. Rollins tells him.

Q. Do you mean to say that the president of the company does not know what coupons are paid out?—A. I should judge he did not know it. I judge that the president of the road is not cognizant of every little thing that takes place. I don't know anything about it. I don't know what he does know.

Q. Do you call \$250,000 a "little thing"?—A. It is, in a sum of several millions in comparison. It would be a great deal for me individually.

Q. Mr. Dillon is the president of the company now?—A. Yes, sir.

Q. What is his name and residence?—A. Sidney Dillon, New York.

Q. You say you have had a conversation with him on this subject?—A. Yes, sir.

Q. State what he told you in that conversation.—A. I don't recollect anything about it only my impression is that he does not know anything more than what Mr. Rollins tells him.

Q. And that is that these coupons are regularly presented?—A. Yes, sir; presented and paid.

Q. Then I understand you to say that there are coupons presented on \$250,000 of bonds, the proceeds for the sale of which never reached the company.—A. Yes, sir.

Q. Has there been any effort made to find out who holds these \$250,000?—A. An effort has been made to find how they got out of the possession of the company.

Q. Has any effort been made to find out who sold these bonds?—A. I don't know.

Q. Is there any trouble in finding out who holds a bond when a coupon is presented?—A. I think not.

Q. Then if the company chose they could readily find out who holds these \$250,000 of bonds?—A. I should presume so.

Q. Do not you know as a railroad man used to handling coupons and paying them?—A. They could find out who they paid them to.

Q. Do not you know that the company does know who holds these bonds?—A. No, sir, I do not know. I have no connection with the company.

Q. You stated a while ago that they could find out who they paid the coupons to, that is not exactly my question; my question was when they paid the coupons could not they find out who held the bonds from which the coupons were taken?—A. I should presume they could.

Q. Can you state how these bonds to the amount of \$250,000 got out of the possession of the company?—A. No, sir, I cannot.

Q. Did you ever have the custody of these bonds?—A. No, sir; I never did.

Q. How long since the bond account of the railroad was found to be short \$250,000?—A. Since July, 1869. I would like to say that in paying these coupons the company would be compelled to pay them to innocent holders, without finding their names or anything else. It is customary to pay coupons. The company don't pay the coupons; the Union Trust Company of New York pays the coupons.

Q. I understand that. This is the question I desire to ascertain from you: If, for instance, I was forced to pay interest on \$250,000 semi-annually, and on which I had not received a dollar consideration, whether I would not use all means in my power to know who held those bonds and how they held them? Now, while the company could not refuse to pay the innocent holder, my desire is to get at the fact whether this railroad company ever undertook to find out who the holders were, of the bonds, not of the coupons.—A. The present officers of the company, I presume, are ready to testify as to what efforts they have made to get at it.

Q. I am examining you now.—A. I am ready to testify so far as I can, but the facts are not in my possession.

Q. I do not want any facts, of course, except what are in your possession. Did you

ever make out any list of the bonds?—A. I endeavored to keep track of the bonds to the best of my ability.

Q. What was your success in that direction?—A. My success was always good until a certain time.

Q. What time was that?—A. Until about the 1st of January, 1869.

Q. What was your failure at that time?—A. Then I was compelled to give my attention to paying coupons, and during that time, about six days, I was occupied all the time, and at the expiration of that time I found 130 bonds missing—one lot of 80 and one lot of 50, consecutive numbers the two lots were.

Q. Was that all that you ever found missing?—A. No, sir; in the month of March, 1869, the company's offices were taken possession of by the sheriff of New York, and I was told to go to New Jersey and remain there until I was sent for. I did so. I was not sent for until July, and then I came back to write up the company's books, and then I discovered another shortage in the bond account.

Q. What was that entire shortage?—A. About two hundred and fifty.

Q. The exact amount was \$247,000, was it not?—A. I don't remember the exact amount.

Q. You first missed one hundred and thirty?—A. Yes, sir.

Q. That was before you left the office in New York?—A. Yes, sir.

Q. When you first missed those one hundred and thirty bonds what did you do toward recovering them?—A. I could do nothing except to know where I had them last, where they were placed last.

Q. To whom did you report the shortage of the bonds?—A. To the assistant treasurer.

Q. Give his name.—A. Charles Tuttle.

Q. What explanation did he make; any?—A. He could make none; he did make none.

Q. Was there any effort made to find those one hundred and thirty bonds?—A. Yes, sir.

Q. Who made the effort?—A. He and I both did.

Q. What was the effort you made?—A. I can't remember distinctly; we made all the efforts we could.

Q. Just tell what you did do.—A. We asked the parties to whom we had a record of their being last with.

Q. Who were they?—A. I don't remember now; the books will show. They said they had been returned to the company upon the payment of the loans for which they were pledged as collateral.

Q. Returned to what company?—A. To the Union Pacific Railroad Company.

Q. This Credit Mobilier, then, holds these bonds?—A. No, sir; never had anything to do with these bonds.

Q. The Union Pacific had borrowed money on these bonds?—A. Yes, sir.

Q. And they had been returned to the company upon the payment by the company of the bonds for the loan of which they were pledged?—A. Yes, sir; they were borrowing money all the time on these bonds, and about that time, the 1st of January, were shifting loans to the extent of half a million a day, paying half a million of dollars every morning and borrowing it again in the afternoon.

Q. You were told when this effort was made to account for this shortage of the bonds that the loan that they had been pledged to secure had been paid up and the bonds returned to the company?—A. That is what the parties say.

Q. What parties said it?—A. I don't recollect who the parties were; I should have to refer to the books.

Q. Can not you recollect who told you that they had been returned?—A. No, sir, I cannot; it is seven years since these things took place.

Q. I should think you might recollect who you had a conversation with a little better than you could recollect the conversation?—A. No, sir.

Q. How much of these bonds in amount was pledged for the loan of this money?—A. I don't recollect that either.

Q. Did you communicate the loss of these bonds or the disappearance of these bonds to the president of the company?—A. I think I did.

Q. What efforts did he make to recover them, or what explanation did he give of their disappearance?—A. I don't recollect now.

Q. Did the president make any effort to recover them?—A. I cannot tell.

Q. Do you undertake to say that you do not know who holds any one of these \$247,000 of bonds?—A. Yes, sir, I mean to state that; that I don't know who holds them.

Q. Do not know who holds any one of them?—A. No, sir; not one of them.

Q. Please state to the committee the numbers of these one hundred and thirty bonds that were short upon your first examination.—A. I don't recollect the numbers of them.

Q. Do you recollect any of the numbers?—A. No, sir.

Q. Did not you see a memorandum of all these things upon an investigation of this matter in New York?—A. Yes, sir.

Q. What explanation did you give about them upon seeing that memorandum?—A. I don't recollect now.

Q. When was that investigation in New York?—A. These gentlemen can tell better than I can.

Q. I am not examining them.—A. I don't remember what month it was.

Q. What year was it?—A. I can't say whether it was last year or this year; the matter has entirely slipped my mind.

Q. You cannot tell whether it has been since Christmas or before?—A. No, sir; I cannot; I have forgotten entirely as to the time.

Q. Was it as long ago as last summer, the summer of 1875?—A. It might have been.

Q. But was it?—A. I don't remember; It has entirely escaped my memory.

Q. You cannot tell an occurrence of that sort, the time of it, within a year?—A. No, sir; I cannot.

Q. Where did it take place?—A. It took place in New York; I can tell you that.

Q. You cannot recollect whether it was in 1875 or 1876?—A. No, sir; my impression is that it was in 1875.

Q. Now give us your impression as to the month.—A. I have no impression about that.

Q. You cannot tell whether it was either one of the twelve months of 1875?—A. No, sir.

Q. What was the date at which you discovered the shortage of these one hundred and thirty bonds?—A. It was about the 1st of January, 1869.

Q. Then when did you discover a further shortage in the bonds?—A. In July of the same year, or August.

Q. You said a while ago you discovered on the first occasion a shortage of two lots of 50 and 50?—A. Yes, sir.

Q. How did you determine that they were two lots of bonds, one containing 80 bonds and the other 50?—A. Because at that time I made up the bond-account and discovered that those two lots were missing.

Q. What do you mean by "lots" of bonds?—A. Eighty consecutive numbers and 50 consecutive numbers; that is what I call a lot.

Q. Why not have 100 consecutive numbers?—A. Because there were 80 in one lot of consecutive numbers, and 50 in another lot, consecutive numbers.

Q. Why do you recollect that they were 80 consecutive numbers?—A. Because my recollection is good on that point.

Q. What consecutive 80 numbers were there?—A. That I don't remember.

Q. It is bad on that point?—A. Yes, sir; I could tell if I had the memorandum here that was in the Boston office. There are certain things that I remember, and certain other things that the memorandum would tell at once.

Q. Then you say to the committee that that company is paying coupon interest on two hundred and forty-seven thousand dollars' worth of bonds, and have received not a dollar consideration for those bonds?—A. Yes, sir; I so understand.

Q. That if a proper effort had been made it could have been discovered who holds these bonds, and, as far as you are advised, no such effort has been made; is that your testimony?—A. I think they could discover who the present holders are.

Q. How could they do it?—A. If a person goes and presents a coupon to the Union Trust Company and asks the payment of it, they pay it to him, and they don't ask him who he is or where he got it.

Q. They could ask him.—A. They could ask him; but suppose he should say, "My name is John Smith?"

Q. If Mr. Ashe brings me a coupon from a bond of mine that was gotten out of my hands fraudulently I ask Mr. Ashe where he got that coupon from, and he says he got it from Mr. Meguire; I ask Mr. Meguire where he gets it from, and he gets it from Mr. Spence; and Mr. Spence says he got it from you. Now, in that way I can trace it up to the man who cannot trace it out of his hands, and that man holds the bond. Now, it seems to me the road to the bonds is so plain that a man can hardly miss it.—A. That is a plan that I recommended to the company years ago, when Mr. Spence was with them; I recommended that then, when the thing was fresh, it should be done on the payment of the very next coupons.

Q. Did they adopt it?—A. That I don't know.

Q. Do you know anything about a shortage of the Government bonds?—A. Yes, sir.

Q. State that to the committee.—A. There is a shortage of \$110,000 in Government bonds.

Q. When did that shortage occur?—A. It occurred about the 1st of January, 1869.

Q. The same year?—A. Yes, sir.

Q. Did the whole of that shortage occur at that time?—A. Yes, sir; all at once.

Q. Is the Government paying its coupons on those one hundred and ten bonds?—

A. Yes, sir.

Q. The Union Pacific Railroad Company got no consideration for those bonds?—

A. No, sir.

Q. They were not sold?—A. No, sir.

Q. Has any effort ever been made to discover the holders of those one hundred and ten bonds?—A. Yes, sir.

Q. With what success?—A. With no success.

Q. What effort was made?—A. The company did not keep a record of the numbers of the bonds, and they are not coupon bonds, but registered bonds. These bonds were all indorsed by the treasurer in blank, and then they circulated like a certificate of stock; they were pledged by the company as collateral for loans, 110,000 for \$110,000 in money.

Q. Now, when they come to get the interest on those registered bonds, do not they bring the bonds with them?—A. No; they have to be transferred. The bonds are not necessary to be presented, but before the interest is paid they must be transferred into other names, and then those parties collect the interest the same as you would a certificate, a dividend on stock.

Q. But they have to present the bonds?—A. No, sir; they don't present the bonds at all.

Q. They present a certificate that they hold the bonds?—A. No, sir; nothing whatever.

Q. The Government pays the interest on those?—A. Yes, sir; the Government pays the interest upon them.

Q. When they go to the treasurer to get their interest upon these registered bonds, what do they bring to the treasurer to show that they hold those bonds?—A. The Government has a list; they make up a list of whom the interest is payable to from the books in the Treasury Department, and then the party who collects the interest must identify himself at the Treasury as being the party.

Q. Who is upon the Treasury books as the holder of the 110 registered bonds?—A. That cannot be traced out.

Q. Then who collects the interest on those 110,000?—A. We cannot separate these 110 from a large number of others; that is the difficulty in the way of the entire thing.

Q. Do you mean to say that there are 110 Government bonds upon which interest is not paid?—A. It is paid.

Q. Then somebody must appear upon the Treasury books as the owner of each one of these bonds?—A. Yes, sir; but these 110 bonds are out of a lot of 2,000,000, and it is impossible to tell which of the 110 are the ones.

Q. I can understand that, but the Government pays interest on these 110 bonds?—A. Yes, sir.

Q. The amount of the Government bonds is the same as the first-mortgage bonds?—A. Yes, sir.

Q. A little over 27,000,000, or about 27,000,000. Now, on the books of the Treasury Department there are bonds representing this \$27,000,000 and charged to different people, the holders of each one of those bonds put down on the Treasury book; is not that so?—A. Yes, sir.

Q. Now there must be 110 of those to which there is no owner?—A. O, no, the parties who have got them have had them transferred into their own names, or have sold them over and over again, and then finally been transferred.

Q. Then what is the trouble about finding out who originally got the 110 bonds?—A. We can tell where all the bonds that the company had were at a certain time; then we cannot tell anything further.

Q. Can you tell who got them from the company?—A. Yes, sir; we can show who had them as collateral at a certain date, about December 29, 1868.

Q. Collateral for loans?—A. Yes, sir; collateral for loans. There was about 4,000,000 that the company had on hand unsold, and these were pledged as collateral to loans.

Q. The whole 4,000,000?—A. The whole 4,000,000; yes, sir.

Q. Were those loans paid off?—A. Yes, sir.

Q. Then were the bonds returned?—A. The parties who held them say they returned them, but there was missing one hundred and ten bonds. The treasurer or the assistant treasurer, Mr. Charles Tuttle, paid the loans.

Q. What had Charles Tuttle to do with the company; anything?—A. He was assistant treasurer of the company.

Q. He had no other connection with it.—A. No, sir; none whatever; he received and paid out all the moneys.

A. Let me see if I understand it. The books of the Treasury show now the present holders of these bonds?—A. Yes, sir.

Q. If I understand aright, then, the Treasury books show that these bonds are now held by certain people.—A. Yes, sir.

Q. All of them?—A. All of them; yes, sir.

Q. The difficulty in accounting for that shortage is that you cannot tell which ones of all these bonds were the one hundred and ten that were not sold by the company?—A. That is the difficulty.

Q. Is there no way of overcoming that trouble?—A. I did the best I could to overcome it.

Q. With what success?—A. With none at all. I got from the books of the Treasury a list of whom these bonds had been transferred to and did everything I could at the time.

Q. Have these bonds passed through many different hands?—A. While they were indorsed they very frequently changed hands, a great many times, and then they would only be transferred whenever the dividend was to be paid.

Q. Did the name of each man appear on the bond?—A. No, sir; not at all until it was transferred.

Q. Up to what date did Charles Tuttle pay the interest on these bonds?—A. He paid only to the 1st of January, 1869; he never paid any interest after that.

Q. Has the Government paid any interest on them since?—A. O, yes; the Government has continued to pay the interest on these bonds.

Q. Who paid it? Do you say Charles Tuttle did?—A. No; he never paid the interest on these Government bonds; the Government pays it directly to the holders; it does not pass through the company.

Q. You said Charles Tuttle paid it?—A. I supposed you meant the first-mortgage bonds.

Q. No; I was talking about the Government bonds.—A. He never has paid any interest on the Government bonds.

Q. Who paid the interest?—A. The Government paid it.

Q. Charles Tuttle was the assistant treasurer?—A. No; he was the assistant treasurer of the company, not of the United States.

Q. There was a Tuttle that was assistant treasurer of the United States; that is another man?—A. That is another man. Mr. Tuttle was assistant treasurer of the Union Pacific Railroad Company, not of the Treasury.

Q. What was the Tuttle's name that was assistant treasurer?—A. I don't remember that.

Q. Up to what time did Charles Tuttle, assistant treasurer of the Union Pacific, pay the interest on the first-mortgage bonds?—A. The 1st of January, 1869.

Q. Who has paid it since?—A. They have been paid in Boston by the company.

Q. By the assistant treasurer?—A. By the treasurer in Boston; they have been paid by Morton, Bliss & Co. and by the Union Trust Company.

Q. What do you mean by the Union Trust Company?—A. Of New York.

Q. What is that company?—A. That is a company organized under the statutes of the State of New York.

Q. For what purpose?—A. I don't know whether it has a special charter or not.

Q. What connection had the Union Trust Company with the Union Pacific?—A. Not any whatever.

Q. Why did the Union Trust Company pay the interest?—A. Because it was a trust company organized to do banking business and to take trusts.

Q. It was merely a payment through the trust company?—A. That is all.

Q. Not by the company?—A. The money was deposited with them, and then they paid the coupons.

Q. I would like to understand something of the connection between them; did Mr. Tuttle, assistant treasurer of the Union Pacific Railroad Company, pay any loans of the company after January, 1869?—A. Yes, sir.

Q. Up to what time did he pay them?—A. Up to the 19th of March, 1869.

Q. Did he pay any after the 19th of March, 1869?—A. No, sir.

Q. Who did pay after that time?—A. I couldn't tell exactly. Mr. H. C. Crane paid some; Mr. C. S. Bushnell, Mr. Oakes Ames, Mr. William T. Glidden. On the 19th of March the company's office was taken possession of by the sheriff, and then the loans were taken care of the best they could do it. I went to New Jersey and remained at home.

Q. Who are these gentlemen that you have named that paid these loans after the 19th of March?—A. Mr. H. C. Crane was secretary of the trustees under the Oakes Ames contract. Mr. Oakes Ames is well known. Mr. William T. Glidden is a prominent Boston man, who was chairman of the committee of stockholders. Mr. C. S. Bushnell is a gentleman that is well known in New Haven, Connecticut, one of the directors of the company.

Q. They were trustees of the Oakes Ames contract, did you say?—A. Mr. Bushnell was.

Q. Who else?—A. No other, not of these gentlemen that I have named.

Q. Who were the other trustees of the Oakes Ames contract?—A. They were Sidney Dillon, Benjamin E. Bates, H. S. McComb, T. C. Durant, and Mr. Bushnell—five.

Q. Why did the Oakes Ames contract require trustees?—A. That is a difficult question for me to answer.

Q. Did he have to go into trust; did he fail?—A. O, no; Mr. Oakes Ames did not wish to execute the contract for so many millions himself, and he assigned it to these trustees.

Q. For what purpose?—A. That I don't know; I did not have anything to do with that part of it; I had no interest in it.

Q. I cannot understand why Oakes Ames should want trustees to carry on a contract. In our country when a man goes into trust and makes trustees, it is on account of embarrassment in business.—A. Mr. Oakes Ames's testimony is all given there, and he states the reason fully in his own testimony why he did it.

Q. This Mr. Crane you say was secretary of the trustees?—A. Yes, sir; secretary for the trustees.

Q. Was not he assistant treasurer of the trustees?—A. Yes, sir; he was assistant treasurer also.

Q. And these gentlemen took care of the loans from the time you left the office and went to New Jersey until you returned?—A. They took care of them ever after that.

Q. Ever after that?—A. Ever after; yes, sir.

Q. This was a sort of a flight of the company, was it not? Jim Fisk was after you.—A. Jim Fisk was after them; yes, sir; that is the thing. I locked up the safe on the 19th of March, and was told to go home and remain there until I was sent for.

Q. But before going home you had missed one hundred and thirty of these bonds?—A. Yes, sir.

Q. And when you came back you missed the balance, making two hundred and forty-seven or two hundred and fifty?—A. It was about two hundred and fifty; it might have been two hundred and forty-seven; I don't remember. If the Fisk raid had not taken place I should have made an effort at the time of the payment of the July coupons to trace the two hundred and thirty, because I should have paid the coupons myself, and I should not have paid them unless I knew whom I paid them to.

Q. When you came back in July, why did you not make the same effort?—A. Those July coupons have never been paid to this day.

Q. But you knew that some coupons had been paid?—A. I was not then an officer of the company; the company had moved its office to Boston, and I refused to go to Boston. I did go there for a time; sometimes once a week, and sometimes twice a week, but I severed my connection with them as soon as I could.

Q. Why?—A. Because I didn't wish to go to Boston; the salary was no compensation for me to remove to Boston.

Q. Why did the company move to Boston?—A. They were driven out of New York by the Fisk raid.

Q. Jim was too many for you?—A. Yes, sir; the corrupt judges were; take a lot of judges, they can drive a concern anywhere.

Q. Had you any connection with the company after the company moved to Boston?—A. Yes, sir; I still remained auditor of the company.

Q. Until how long?—A. Until 1870 or 1871, as I stated before.

Q. Can you state the exact date?—A. No, sir; I cannot state the exact date of my retirement.

Q. I wish you would try and be accurate about the dates; it seems to me a man could state accurately what time he severed his official connection with a great company?—A. No, sir; I cannot.

Q. You remained auditor of the company until 1870 or 1871?—A. Yes, sir.

Q. Did not you say in New York that you could find out where these first-mortgage bonds were?—A. No, sir; I may have said that I could find out where they were at present by the coupons. I might, if I were paying the coupons, find out where they were at the present time.

Q. Did you ever say to Mr. Dillon that you could find out where they were?—A. I don't recollect that I ever did.

Q. Who does pay those coupons now?—A. The Union Trust Company pay them in New York and the treasurer of the company pays them in Boston.

Q. Did you ever tell the treasurer or inform him that you could find out?—A. Who the present holders of the bonds were?

Q. Yes?—A. No, sir; I have no connection with the company, and have not had for years.

Q. Do you mean to say that the company did not know who the present holder was when these coupons were presented?—A. No, I didn't say anything about it, because I don't know anything about it.

Q. These bonds were lost in early 1869?—A. One hundred and thirty were lost in January, 1869.

Q. You remained auditor until 1870 or 1871?—A. Yes, sir.

Q. You paid the coupons?—A. No, sir; I never paid the coupons.

Q. What was the last coupon that you paid; what time?—A. January, 1869.

Q. You did not pay them after that?—A. No, sir; never subsequent to that. I never handled any coupon subsequently.

Q. Who did pay them after that; the treasurer in Boston?—A. Yes, sir; and by Morton, Bliss & Co. in New York, and subsequently the Union Trust Company in New York.

Q. Why did you not make the effort while you were auditor to find out the present holders of these bonds?—A. I did make every effort that I could make.

Q. Why could you not succeed? You say you could succeed now.—A. Because I didn't pay the coupons.

Q. You could learn from those who did pay them who they paid them to, could you not?—A. I could if they had paid them; Mr. Spence paid some of them.

Q. Could you not get from Mr. Spence the names of the parties to whom he paid them?—A. Couldn't I have obtained from him the names of the parties?

Q. Yes.—A. I could through the treasurer. I did what I could, but I don't recollect now.

Q. The person who paid these bonds had a list of the payments, of course?—A. Yes, sir; I presume so.

Q. When you take coupons in, is there any name on them to indicate to whom the coupons were paid?—A. My practice was to have the name upon the envelope, though a party might give a fraudulent name.

Q. Do not they put the name on the coupons?—A. No, sir.

Q. They just put the name on the envelope?—A. Yes, sir.

Q. And then, when you come to enter those transactions on the books of the company, did you state to whom the coupons were paid?—A. No, sir.

Q. How was the entry made?—A. On the 1st of January, 1869, we simply entered so many coupons paid; that is all.

Q. Nothing else?—A. Nothing else; no, sir; I don't know how it was done subsequently.

Q. Did you ever call upon Mr. Spence or any other person to give you the names of the persons who received the payment for these coupons?—A. No, sir; I do not recollect that I did.

Q. Do you know how those coupons are kept by the company now?—A. No, sir; I do not.

Q. You do not know whether they are still kept in the envelopes, with the names on the envelopes of the persons who received coupons?—A. No, sir; I do not.

Q. Do you know whether there is anything in the office of the company to indicate to whom these bonds were paid?—A. I do not.

Q. Did you ever ask Mr. Spence for the names of the parties to whom he paid these coupons?—A. I have no recollection. My duties as auditor during the time the company's office was in Boston were not the same that they were in New York, because I went to Boston sometimes only once in two weeks, and remained only three days.

Q. I understand that; but you were an officer of the company?—A. Yes, sir.

Q. And you stated a while ago that you could have found out the holders of the bonds if you had known who collected the coupons.—A. You could have found the present holders of the bonds.

Q. Why did not you as an officer of the company make that effort?—A. I did state to the officers of the company that that was the course to pursue.

Q. What were you informed by the officers of the company?—A. I don't recollect now.

Q. Did they make any effort themselves or instruct you to make any effort?—A. They did not instruct me to make any effort.

Q. Did they make any effort themselves?—A. I don't know.

Q. Did they say to you that they would make the effort?—A. I don't recollect.

Q. What reason did they give you for not instructing you to make the effort?—A. Because I should have told them I would resign my office then and there.

Q. For what?—A. Because I did not want to go to Boston. I wouldn't go to Boston to stay, and be compelled to stay there to attend to the business of the company.

Q. But you would have gone there to make this investigation?—A. No, sir; I would not have gone there to stay there all the time.

Q. I did not say stay all the time.—A. It would have required me to be there continually to make a proper investigation.

Q. No; there must be some end to an investigation. You would not have gone there to make an effort to find these bonds?—A. I did make several efforts to find the bonds, but not in that way.

Q. What was the way?—A. I tried to trace them out by numbers to the parties who had them.

Q. What was your success in that direction?—A. I was not successful.

Q. Did you find nothing at all?—A. In regard to the one hundred and thirty, I have stated that the books show where they were last placed.

Q. Did you find none of the missing bonds in that effort? You say you undertook to trace out these missing bonds by the numbers?—A. Yes, sir.

Q. Was that effort to trace out these missing bonds successful to any extent?—A. It was not successful in telling where they were.

Q. In what particular was it successful?—A. It was successful in telling where these one hundred and thirty bonds were, the last record of them on the books.

Q. Where were they?—A. That I don't remember; the auditor has a full list, made out since this investigation.

Q. Have not some of these missing bonds come to hand?—A. Come to hand in what respect?

Q. To the company. Have they not turned up?—A. I presume they may have; I don't know.

Q. Well, but do not you know?—A. No, sir; I don't know.

Q. And you cannot say whether the company have found out where any of these missing bonds are?—A. No, sir; I cannot. And what is more, I don't think it is possible for them to find out.

Q. It is not possible?—A. No, sir; I don't think it is.

Q. I thought a while ago it was entirely so.—A. It is possible to find out where they are at present; it is not possible to find out who got them from the company without paying for them. That is what I mean.

Q. What can be the trouble there? Because if they find out where they are now, and make the present holder account for where he got them, they can trace them back then until you get to some man who cannot trace them any more?—A. I will give you a little history. There is one bond now lying in the Safe Deposit Company—a bond that has been found; somebody in the Safe Deposit vaults has left a bond lying in one of those little pigeon-holes. This I am told by the president of the Safe Deposit Company; that bond has been found, and he has got it posted up that this bond is there—one of the first-mortgage bonds of the Pacific Railroad. I went to the company books and found out who the bond was originally sold to, then I went to that man's books and found out who he sold it to, and then I go to that man and ask him, and I want to trace that bond to its rightful owner. That man says, "I won't tell you anything about it." Another man, when you attempt to trace these other bonds back, and you come to a place where his books don't show, he says, "I didn't keep any record of my bonds."

Q. If a man refused to say where he got the bonds, would not you conclude at once that he got them fraudulently?—A. No, sir.

Q. Why?—A. Because all brokers do not keep a record.

Q. If a man says, "I don't know," you might not think so; but if he said, "I won't tell you?"—A. That is where a man refuses to tell; that is not a case of that kind; it was where we traced the bonds from the company to find who the present owners are.

Q. That man who refused to tell you, if he knew and refused to tell you, it must have been from some corrupt motive?—A. Yes; I should say so.

Q. Who is the present auditor that succeeded you?—A. H. B. Wilbur.

Q. Has he ever called upon you to help him trace out these lost bonds?—A. Yes, sir.

Q. What was your reply?—A. I have assisted him.

Q. What was the result?—A. The result was that he has a full list of where they were the last record we have of them.

Q. Where were they?—A. That I can't remember; he has the list himself; he made it up; he has it now in his possession.

Q. Would you recognize that list if it was shown to you?—A. Yes, sir.

Q. Whose handwriting is it in?—A. Mr. Wilbur's own handwriting. I don't think it will ever be shown to me, unless he shows it. That was made up during the present year.

Q. Did you ever see any of the original memoranda made by you last summer?—A. Yes, sir; I saw them since the 1st of January.

Q. What did you say about them?—A. Not the memoranda made last summer, but the memorandum that was made when I was tracing these bonds.

Q. Did you ever see the memoranda that you made last summer?—A. I don't recollect making any last summer.

Q. The memorandum that you made when you were tracing these bonds is the only memorandum you made?—A. Yes, sir; that is all I recollect of.

Q. What remark did you make about that memorandum when you saw it?—A. I don't recollect now.

Q. Did not you say they were original?—A. I presume I did.

Q. And important?—A. Yes, sir.

Q. And that they would trace the missing bonds?—A. Not exactly in that manner I didn't say it.

Q. State the manner in which you did.—A. I said that they were tracers of the bonds.

Q. And did not you refuse to trace them?—A. I refused to furnish any information to these gentlemen behind me, but I have since furnished the full information to the company which those papers indicated.

Q. Did not you refuse to trace them upon that occasion?—A. In the presence of these gentlemen I did.

Q. And to explain to them the reason, because Meguire would make money out of them?—A. Yes, sir; that was the only reason.

Q. And because he was to get a portion of the bonds you would not assist the com-

pany to get the balance?—A. Yes, I would. I did it cheerfully, at the request of the company subsequently; I went to Boston and did it.

Q. A while ago you said you would not go to Boston to trace them?—A. I wouldn't go to Boston to live.

Q. I did not ask you about going to Boston to live; it was about going to Boston to trace out these bonds.—A. To pursue the method that I spoke of would require my being there permanently. The method of tracing them out by coupons would have required a different method from this one.

Q. Was that your method?—A. This method was to take these memorandums which I delivered to Mr. Spence for safe-keeping, with the instruction that they were important memorandums and to be retained in Boston in his possession until I returned again a week or two subsequently, that I might pursue the investigation further. When I returned to Boston they could not be found, and subsequently Mr. Spence says they have turned up in the waste-basket. If so, I certainly delivered them to him as important memorandums to be kept.

Q. The memorandum turned up in the waste-basket?—A. There is where he says he found it. I took these memorandums when I was in Boston, and with Mr. Wilbur went through the books of the company, and Mr. Wilbur has now a full list of where these bonds were the last record the company has of them.

By Mr. ASHE:

Q. What is the date of the time that you ascertained where the bonds were?—A. The one hundred and thirty was about the 1st of January and the balance were the 19th of March, 1869.

Q. Do I understand you to say that those memorandums would show where these bonds were at that date?—A. Yes, sir; the one hundred and thirty.

Q. In whose hands they were at that time?—A. Yes, sir.

Q. One hundred and thirty in January and the balance in March?—A. Yes, sir.

By Mr. HUNTON:

Q. They were the only missing bonds on that date?—A. Yes, sir.

Q. When you came back to New York and found that there were other missing bonds, did you ever find out in whose hands they were at the time?—A. We have just traced them up from these memoranda that Mr. Wilbur had.

Q. So that you can by the assistance of those memoranda tell the committee into whose hands these bonds went when they first disappeared from the company's possession?—A. Yes, sir; Mr. Wilbur has a full statement of them already made up, and he has the original memoranda in his possession.

By Mr. ASHE:

Q. Do you recollect the date when those memoranda were made out by Mr. Wilbur?—A. No, sir.

By Mr. HUNTON:

Q. Since Christmas?—A. Since the 1st of January.

Q. Was it your duty as auditor to attend the meetings of the directors of this company?—A. No, sir.

Q. Do you know how often the directors met?—A. No, sir.

Q. Were you ever present at the meetings?—A. No, sir.

Q. Who were the Government directors on that road at the time these bonds were missing?—A. I have forgotten who they were.

Q. Can you name any of them?—A. No, sir.

Q. Was there no effort made on the part of the Government directors to find out where these bonds, either the first mortgage or the registered bonds of the Government, were?—A. I don't know.

Q. Was not one of these memoranda that you made placed in your hands by Mr. Wilson, of the investigating committee in Boston?—A. I don't recollect about that; it is about three years since that investigating committee.

Q. You do not recollect what you said to Mr. Wilson about these memoranda?—A. No, sir; I do not.

Q. Have these memoranda been in the hands of the company ever since then?—A. I don't know.

Q. Have you stated why you did not help, after making that memorandum, to find these bonds?—A. The memorandum was lost; it was delivered by me to Mr. Spence for safe keeping, and when I came back to Boston again it could not be found.

Q. When was it delivered to Mr. Spence?—A. In 1869, in the fall.

Q. When did you go back to Boston?—A. I went back in the course of a week or two.

Q. In that time it was lost?—A. That memorandum was lost.

Q. Did you ask Mr. Spence for it?—A. Yes, sir; I certainly did.

Q. What was his reply?—A. I have forgotten what his reply was.

WASHINGTON, D. C., May 13, 1876.

G. M. DODGE sworn and examined.

By Mr. HUNTON:

Question. State whether you are officially connected with any of the Pacific Railroads; and if so, which? and for how long you have been so connected, and in what official capacity.—Answer. I am a director in the Union Pacific Railroad Company; I have been connected with that railroad ever since its inception, with the exception of three or four years.

Q. State how.—A. I was chief engineer of the road during its construction; and after its completion I was a director until 1871 or 1872, I forget which, when I took charge of the Texas Pacific. I became a director in the Union Pacific again in 1874 or 1875, I forget which; 1875, I think.

Q. Have you had any connection with any other road than the Union Pacific Railroad?—A. Yes, sir; with many roads.

Q. State with which you have been connected officially.—A. I was connected with the Chicago, Rock Island and Pacific, and other railroads.

Q. Have you been connected with any other of the roads named in the resolution of the 31st of January, 1876, under which this investigation is now being made?—A. I think not. [After having examined the resolution.] Yes, here is the Sioux City and Pacific; I have been a director of that road.

Q. When and for how long?—A. I cannot tell you; I was a director in it one or two years. It is impossible for me to remember the years; it has been some time ago, however; my connection with that was merely incidental. I know nothing about it.

Q. State if you know whether the Union Pacific company complied with the requirements of law, granting money, bonds, and land subsidies to that company in the construction of their railroad and telegraph-line.—A. As far as my knowledge exists I think they have; I do not know of any place where they have not complied with it.

Q. Do you know whether the stock was paid in in cash or not?—A. I do not.

Q. Were your duties confined to the construction of the road in the early part of your connection with it?—A. Yes, sir; I was the chief engineer of the road for the company.

Q. From when until when?—A. From May, 1866, until 1870. My duties were to make all the surveys, locate the road, and see that the road was built in accordance with the law and to the satisfaction of the Government.

Q. During that period did you know anything of the affairs of said company except so far as pertains to your duties as chief engineer?—A. No, sir.

Q. Do you know whether the said company formed within itself corporate or construction companies for the purpose of subletting under such corporate or construction companies, contracts for the building and equipping of that road or any portion thereof?—A. I know that the road was constructed by a separate company from the Union Pacific.

Q. Was that separate company formed with the Union Pacific Company?—A. Well, I think there were people in the company that were in the Union Pacific Company, and those outside of it besides.

Q. Can you state whether the money, land, and bond subsidies granted by the Government have been properly used by the company in the construction of their road?—A. As far as my knowledge goes.

Q. How far does your knowledge go?—A. As engineer I had nothing to do with spending the money, outside of my department.

Q. Then you have no knowledge on that subject?—A. No, no knowledge on that subject outside of my department, except the general one.

Q. Do you know anything of the first-mortgage bonds issued by the Union Pacific Railroad?—A. I know of the bonds. I know that they were issued and the character of the bonds.

Q. Do you know whether there is any shortage in the bonds or not?—A. I know that there is said to be; that is, we think there is.

Q. To what extent?—I think it is two hundred and forty-three bonds, though I will not be positive about the exact number.

Mr. HUNTON. The exact number, I believe, is two hundred and fifty-four; there are two hundred and forty-seven in one lot and seven in another.

The WITNESS. I cannot state from my memory; it has been so long since I looked into it. I should say it was two hundred and forty to two hundred and fifty, or somewhere in that neighborhood.

By Mr. LAWRENCE:

Q. Are those first-mortgage bonds of the Union Pacific Company?—A. Yes, sir, of the Union Pacific Railroad.

Q. They are not the Government subsidy bonds?—A. No, sir.

By Mr. HUNTON:

Q. Is there any shortage in the Government subsidy bonds?—A. We think there is. I do not know that there is a shortage. I suppose you mean a loss.

Q. That is what we mean by a shortage, as I understand.—A. It is said there is a loss or shortage in Government bonds also. I do not know it with certainty. I am only speaking of my personal knowledge.

Q. To what extent?—A. I think there are about one hundred of them, or somewhere in that neighborhood.

Mr. HUNTON. The number is one hundred and ten.

The WITNESS. One hundred and ten are reported lost.

By Mr. LAWRENCE:

Q. Both the subsidy bonds and the first-mortgage-railroad-company bonds are bonds of \$1,000 each?—A. Yes, sir.

By Mr. HUNTON:

Q. Altogether there are three hundred and sixty-four bonds lost. State, if you can, how that loss or shortage occurred.—A. I can only state it from hearsay; I have no personal knowledge of it.

Q. State what effort has been made by the company to recover those lost bonds, if any has been made.—A. Since I have been connected with the company several committees have been appointed, and the company has also employed for nearly two years a thorough accountant to try to find them. I was on one of the committees myself.

Q. Name the committees and the accountant.—A. I cannot do that from memory. I remember that Mr. Hiram Price, a Government director, was connected with one of the committees, and gave it a long examination; after that it went into the hands, I think, of the executive officers; and Mr. Wilbur finally took charge of it, and I think he has been at work on it ever since. In 1875 Mr. Gould, Mr. Wilson, and myself were appointed a committee to examine it, and we spent a good while upon it, and turned over all the information we had to the company.

Q. What information did you get?—A. We did not get much.

Q. Tell us what you did get.—A. I gave the examination my personal attention for two or three weeks, together with Mr. Gould's secretary. We endeavored to find out the lost numbers. We came to the conclusion as to the number of bonds that were gone, but I was not able to get down to the exact numbers.

Q. You mean the number on each bond?—A. The number on each bond. I was taken sick, and could not give it any more attention. In fact, we carried it as far as we could ourselves, and then I turned it over to the executive officers or to the company in Boston, to verify as far as we had gone, if possible, from the information we had got. It was then taken up by another committee, and that is the end of my personal knowledge of the matter. It was taken up by a local committee in Boston, where the books were.

Q. If you had got the numbers of the missing bonds, could you not have traced them to the holders?—A. I do not think we could.

Q. Could you not have traced them to their present holders?—A. No, sir; because the numbers did not show on the bond-books.

Q. You do not understand my question.

The WITNESS. You mean the number on each bond?

Mr. HUNTON. Yes; if you had found that, could you not have found the holder?

The WITNESS. To-day?

Mr. HUNTON. To-day.

A. That we might have done.

Q. If you had found the present holder of the bonds, could you not have found the man who originally got them from the company?—A. Mr. Wilbur can probably answer that better than I, because he has followed it up.

Q. I want you to answer it as far as you can.—A. I could not tell, because I have not tried; but from the experience others have had, I should think not. You might find the man who had possession of the bond; he perhaps bought it on the market; you might go to the banker or broker from whom he bought it, but he will tell you that he does not know where he did get it.

Q. Do not brokers and bankers keep books?—A. Yes, they keep books; but they do not keep a record of the numbers of the bonds.

Q. Is it not most probable that many of these bonds are held as permanent investments and are not on the market, passing from hand to hand?—A. I think there are many of our bonds held in that way.

Q. Any bonds so held could be traced, could they not?—A. Into the hands of the present holders, but perhaps not back of that. That is only a matter of opinion, however.

By Mr. LAWRENCE:

Q. The bonds are all payable to bearer?—A. Yes, sir.

Q. And pass to purchasers without indorsement?—A. And pass without indorsement.

By Mr. HUNTON:

Q. They are coupon bonds?—A. Yes, sir.

By Mr. LAWRENCE:

Q. And the coupons are also payable to bearer?—A. Yes, sir.

Q. So that the holder of a bond may cut off the coupon and sell it, or pass it to a party for collection, without you being able to reach the holder of the bond?—A. Certainly; I could not tell anything about it. I know I hold bonds myself, but I cannot tell anything about from whom I got them.

Q. As a matter of fact, the holder of the bonds generally takes off the coupons, and carries them to the nearest banker, and has them placed to his credit or collected for his account?—A. Yes, sir. Let me suggest here in the case of the one hundred and ten Government bonds—

Mr. HUNTON. They are registered bonds?

The WITNESS. We collected the interest on the coupons to those and undertook to trace them back, but we utterly failed. I cannot go into a statement of these matters, because I have not investigated them. Mr. Wilbur and those men who have investigated them are competent to answer all those questions. I confined myself to the duty of attempting to ascertain the numbers on these bonds, and there my duty ended, and I turned my information over to the board.

Q. You did not find out the numbers?—A. No, sir.

Q. Then your investigation was a failure?—A. We did not succeed.

Q. You got nothing valuable?—A. No. They reported to me that they had known previously all the knowledge that we turned over to them. I turned over all the papers to the next committee.

By Mr. LAWRENCE:

Q. For the purpose of putting on the record a correct understanding of this, let me state what I understand you mean by loss or shortage of bonds. You mean, if I understand you, that there were a certain number of Government subsidy bonds issued to the railroad company, and a certain number of railroad first-mortgage bonds that were issued, which have passed into the hands of some person or persons, and the proceeds of which have never been paid into the railroad company.—A. That is what we think.

Mr. LAWRENCE. The railroad has received no consideration for those three hundred and sixty-four thousand dollars' worth of bonds?

The WITNESS. Now let me say that during my investigation of this matter I could see plainly where we might have received money for those bonds and it not appear upon the books.

By Mr. HUNTON:

Q. Tell us how?—A. It appeared during the investigation that a part of these bonds were lost during what was known as the Fisk raid upon us.

By Mr. LAWRENCE:

Q. State what the Fisk raid was.—A. Mr. Fisk commenced a suit against us in New York and served an injunction upon us, and closed up our safes and books, and drove us out of New York. We were not allowed to keep any books or anything else. We were enjoined from doing anything.

By Mr. HUNTON:

Q. An injunction would not drive any person out of New York.—A. It did drive us out. We had to go out and stay out, and we had to come to Congress in order to get the right to remove our office to Boston for the purpose of going on with our business. They took and sealed up our safes and books. During these times a portion of these bonds were lost, and a portion had been lost before. During that time money was borrowed on these bonds, and I could see plainly that in the way that matter was done that money might have been returned to us and the bonds, and no record kept of it; or that the bonds could have been sold for the money that was borrowed. That is what I gathered from the investigation that I had.

Q. That is all speculation on your part?—A. That is the idea that I got from it. I cannot say that it is true.

Q. It is the theory you formed?—A. It is the theory I formed. I could see why that might have been done. I have no doubt a portion of those bonds were lost or stolen, and I did think the company might have got the proceeds or a portion of them in that way.

Q. You stated a while ago that a portion of the bonds were lost during the Fisk raid. How could they have been lost during the Fisk raid? You stated that the money was borrowed during the Fisk raid, and it might not have been returned or may have been stolen. State how you could have borrowed money on those bonds when they were locked up in the safe?—A. They were not locked up in the safe; they took them out.

Q. Who got them out?—A. The officers of the company.

- Q. The Union Pacific?—A. Yes, sir.
- Q. How did they get them out after they were locked up?—A. They took them out before the safes were sealed up.
- Q. Then there was nothing of the kind sealed up in the safe?—A. No.
- Q. The Fisk raid did not interfere with you so far as the bonds were concerned?—A. It interfered with our transacting any business in the city; they had our books &c.
- Q. It did not interfere with the custody of bonds?—A. I think not, any further than that the individuals got them and kept them.
- Q. The company, through its officers, retained the possession of all these bonds during the Fisk raid?—A. I think they did, but I will not state that as a fact.
- Q. State who had them, if you can?—A. I cannot.
- Q. Do you know anything about the Little Rock and Fort Smith bonds that were owned by the Union Pacific Railroad Company?—A. No, sir; I only know the fact that we have them, that is all.
- Q. You have them now?—A. Yes, sir.
- Q. How many of them?—A. I forget. I know nothing about that matter.

By Mr. LAWRENCE:

- Q. Have you any information which would lead to the supposition that any improper use had been made of these lost bonds?—A. I have not.
- Q. Have you any information which would lead you to suppose that they had been used to influence legislation?—A. No; I had no information of that kind. My information is all the other way; that the bonds were lost or stolen from us.
- Q. What officers of the company had charge of these bonds?—A. It would be impossible for me to tell you, for at that time I was not present.

By Mr. HUNTON:

- Q. Had you any connection with the legislation resulting in the first enactment of the charter of the company, and with another act amending the charter of the Union Pacific Railroad Company?

The WITNESS. In 1862, 1864?

Mr. HUNTON. Yes.

A. No, sir.

- Q. Had you any connection with any other legislation on the subject?—A. Yes, sir; I had connection with the amendment upon the interest question and Council Bluffs Bridge bill.

Q. When was that passed?—A. I think that was in 1871.

Q. Were you here in 1862 or 1864?—A. No, sir.

Q. Were you here in 1871?—A. Yes, sir.

Q. What part did you take in the procurement of that amendment of 1871?—A. I presented, for the company, to the Departments, our side of the question before the decision of Mr. Akerman and Mr. Boutwell upon it.

Q. What part did you take in the passage of that amendment through Congress?—A. I appeared here before the committees with our attorneys. I appeared before the Judiciary Committee of the Senate and others that had the matter under consideration.

Q. Was there any money used in the procurement of that amendment?—A. No, sir; none whatever.

Q. You did not pay out a dollar of money?—A. No, sir. I paid our attorneys.

Q. Who were they?—A. Mr. Poppleton was one, and I think we had Mr. Curtis, Mr. Cushing, and Mr. Blair, though I will not be certain about Mr. Blair. They were all paid by the company.

Q. Were any of them paid by you?—A. I do not think any of them were paid by me.

Q. Did you pay out any money to anybody in connection with that amendment?—A. None, except the expenses.

Q. What expenses?—A. My own, and whatever they were here.

Q. You paid out nothing except your own expenses?—A. No, sir.

Q. Was there not a large sum of money put into your hands at the time by the company?—A. No, sir.

Q. Was there any sum of money put into your hands by the company?—A. No, sir.

Q. Do you know of any money paid to influence legislation here either in 1862, 1864, or 1871?—A. I do not.

Q. In some investigation that has taken place in regard to this matter, was it not said that a sum of money, probably \$125,000, had gone into your hands?—A. No, I think not. I think you have reference to Mr. Bushnell, probably.

Q. Mr. Bushnell instead of you?—A. Yes, sir. You no doubt refer to the Wilson investigation.

Mr. HUNTON. Yes.

The WITNESS. If you had the Wilson report here you could see what connection I had with that matter.

Q. But you can state it now?—A. I suppose you refer to a check for about \$24,000 that was paid to me by Mr. Bushnell.

Mr. HUNTON. Yes; state your connection with that.

A. That is all the connection I had with it; he paid me that amount of money.

Q. What for?—A. Upon a call of Union Pacific stock. I had a call upon him of Union Pacific stock, and that was the amount that was due from him.

Q. What do you mean by having a call upon him for that stock?—A. I bought the call on him of the stock at about twenty-three, I think, or something like that; and when the stock went up, that was the difference.

Q. I do not understand what you mean by calling the stock?—A. The right to call at a certain price. For instance, I buy the right to call any amount of stock on you at twenty-three cents.

Q. Did you own any stock in the road?—A. Yes, sir. I bought the right to buy this stock of him at any time at twenty-three cents.

Q. What did you pay him for it?—A. Twenty-three, or that would be the price I would pay him for it.

By Mr. LAWRENCE:

Q. The stock went up?—A. The stock went up and I called on him, and he would pay me the difference between the price I bought it and the selling price.

By Mr. HUNTON:

Q. That is, you and he made a bet on the future price of the stock?—A. Yes, sir; that is all; it is done every day, and every hour, and every minute.

Q. That is a Wall-street operation?—A. Yes, sir.

Q. You won the bet?—A. I won the bet.

Q. How much did you win?—A. I think it was somewhere in the neighborhood of \$24,000; I cannot state the exact amount.

Q. Mr. Bushnell did not own any stock, did he?—A. Yes, sir; plenty of it.

Q. He did not transfer it?—A. It was transferred in that way. Instead of transferring me the stock, he gave me the difference. He sold the stock, and I took the difference. I think that matter is all set forth in Mr. Bushnell's testimony in the Wilson investigation.

By Mr. LAWRENCE:

Q. I have heard it said that the Union Pacific Company allows to some private parties who ship goods over their roads certain drawbacks, and that it does not allow any such drawbacks on Government freights, so that in that way they really charge the Government more on its freights than they do some private parties. How is the fact?—A. I do not think that is so. That question was put to us officially not long ago by the Senate committee, and the questions were answered officially by each of the heads of departments who transact all their business, our general passenger agent and general freight agent.

Q. The questions were propounded by the Senate railroad committee?—A. Yes, sir; the questions were put to us officially, and were answered officially by the President and by each one of the departments who had that in charge. I know that our instructions are positive on that.

Q. Is there no such drawback allowed to any of these coal companies or to parties who are transporting coal over the road?—A. No, sir, I do not think there is; the coal now on the Union Pacific belongs to the Union Pacific Company itself. It used to belong to a separate company, but it is now in their hands; they mine their own coal. They have had a long struggle to get it. There was a separate coal company, but it has been wiped out. We have had immense litigation in getting rid of it, but I think we have had the concern in our hands for some time.

By Mr. HUNTON:

Q. If I start a lot of freight from New York and the Government starts at the same time the same quantity of the same sort of freight to California, who would pay the most freight, the Government or myself?—A. Well, if the Government started freight to California it would not bill its freight to California at all.

Q. Just answer the first question.—A. They would both pay the same price if the Government started the freight through to California.

Q. Would I get a drawback or be entitled to a drawback?—A. None at all.

Q. When the Government ships freight from New York to California, does it go all the way through without a transfer?—A. No. The freight is transferred at Council Bluffs, Iowa.

Q. That is across the river from Omaha?—A. Yes, sir.

By Mr. LAWRENCE:

Q. Do private parties ship in the same way?—A. No, sir. The Government ships its freight from New York to Council Bluffs over one system of roads for cash, and from there it is reshipped over another system of roads for half cash. Private individuals ship through on one bill of lading. If the Government and a private individual ship through on the same bill of lading, they always pay the same price.

Q. Separate bills of lading cost no more than one bill of lading through?—A. No. For instance, if you are a private shipper, and ship from Council Bluffs to San Francisco, you would pay a different rate probably than from New York to San Francisco. The longer the distance the less price.

By Mr. HUNTON :

Q. The less price per mile?—A. Yes, sir.

By Mr. LAWRENCE :

Q. Does the Government pay more in shipping from New York to San Francisco and reshipping at Council Bluffs than a private party would in shipping the same things through?—A. Not if the freight was reshipped.

Q. If a private party can ship through from New York to San Francisco on one bill of lading without reshipping at a less rate than by reshipping at Council Bluffs or Omaha, why does the Government not adopt the same plan?—A. That is more than I can tell you. You will have to go to the Government to find that out. If you were a private individual and shipped a barrel of flour from New York to San Francisco, it would be billed right through. The Pennsylvania road, for instance, would take it to Chicago; there another road would take it and pay the Pennsylvania the back charges. If the Government would arrange its back charges on their bill of lading, probably it would go through the same as for a private individual. Of course, the Union Pacific would pay no back charges on account of the Government's freight, because they cannot reclaim it.

By Mr. HUNTON :

Q. You state, as a matter of fact, that the Government does transship at Omaha?—A. Yes, sir; I know they do. I do not think they ever bill any farther.

Q. And that private individuals do not transship?—A. They often do. Some do and some do not.

Q. And you state that the Government loses by the operation of transshipping at Omaha?—A. Yes, sir; I think so.

Q. What would be the difference between the freight shipped through without change at Omaha and that which was changed or transshipped at Omaha?—A. It would be impossible for me to say. I am not acquainted with the rate of freights enough to be able to say.

By Mr. LAWRENCE :

Q. Does the company own any considerable part of its first-mortgage bonds?—A. It does not own any at all.

Q. Is the interest being paid when it falls due upon those bonds?—A. Promptly.

Q. It is not permitted to accumulate?—A. Not at all.

Q. It is not permitted to accumulate so as to increase the debt of the road?—A. O, no; we pay our interest promptly every six months as it falls due.

Q. Does the company own any considerable part of the land-grant and mortgage bonds?—A. None, except those it has liquidated and canceled.

Q. Is interest permitted to accumulate on them?—A. No; it is paid promptly.

By Mr. HUNTON :

Q. Does the company or any of its members individually own these first-mortgage or land-grant bonds?—A. I cannot tell what individual members of the company own because I do not know. I will say that I do not think that is a matter that would concern anybody. I do not think they do though.

Q. Your stockholders, I suppose, are few in number?—A. No; we have upward of a thousand.

By Mr. LAWRENCE :

Q. Who owns the majority of the stock?—A. That is impossible for me to say. It is distributed among a great many.

Q. Do the present directors of the company, other than the Government directors, own a majority of the stock?—A. I think they do; I do not know it of my own knowledge. All the directors are very heavy owners in the stock.

Q. So that they can elect anybody they choose?—A. Yes, sir. I do not think they are large bondholders at all.

Q. First-mortgage bonds?—A. Yes, or land-grant bonds. This is mere guess-work, however. I do not know what any one of them owns or does not own. There is a list of our stockholders on file in the Interior Department which will show just exactly who owns the stock. We file a stock-list every year.

By Mr. HUNTON :

Q. What dividend has that company been paying?—A. I think it has paid at the rate of 8 per cent. for one year.

Mr. LAWRENCE. Their earnings on the capital stock amount to over 16 per cent.

The WITNESS. I guess not; not net earnings.

Mr. LAWRENCE. Yes, net earnings.

The WITNESS. I would like to be convinced of the truth of that.

H. Mis. 176, pt. 1—2

WASHINGTON, D. C., May 15, 1876.

JOHN C. S. HARRISON sworn and examined.

By Mr. HUNTON:

Question. State your full name and residence.—Answer. John C. S. Harrison, Indianapolis, Ind.

Q. Are you the Mr. John C. Harrison, of Indianapolis, alluded to in the Cincinnati Gazette of April 26?—A. Yes, sir; I made that statement there under my own signature.

The following is the statement referred to :

"CINCINNATI, April 26.

"The Gazette to-morrow morning will publish an interview with Mr. John C. S. Harrison, of Indianapolis. Mr. Harrison makes the following statement: At the September (1872) meeting of the board of directors of the Union Pacific Railroad, at which I was present, the president of the board, Mr. Horace F. Clark, called the attention of the directors to a letter from the president of the Fort Smith and Little Rock Land-Grant Railroad with reference to some bonds of that road held by the Union Pacific company. Desiring to know something more about these bonds, I made a motion to appoint a committee of three to investigate and report before the adjournment of the board as to how they came into its possession, and all matters connected therewith. Thereupon E. H. Rollins, the secretary, took me to one side and told me that I must withdraw that motion for an investigation of the bond-transaction, as it would involve James G. Blaine. He said the fall elections were near at hand, and Blaine was a candidate for re-election to Congress in Maine. An exposure of the transaction just at that time would be sure to defeat him. With that I withdrew the motion. Subsequently I took J. H. Millard, of Omaha, who was and still remains a Government director, to Mr. Rollins, and in his presence asked Rollins if I understood him correctly in relation to the bond-transaction involving Mr. Blaine. He repeated that I did, and that an investigation would be sure to kill off Mr. Blaine at the approaching election. Afterward, when the investigating committee of which Jeremiah M. Wilson was chairman was in session, and E. H. Rollins was on the stand, I telegraphed Wilson to ask the witness certain questions concerning the Fort Smith and Little Rock bonds, but in noticing the daily reports of the committee afterward I saw that no such questions were asked. On the 3d of February, 1873, I wrote to Wilson, chairman of the committee, more fully about the matter, detailing the facts that I have just stated, but I did not mention Blaine's name. I stated that the transaction implicated a prominent member of the republican party. That letter was copied into my regular letter-book at Indianapolis, and can be referred to at any time. I never received any answer to the letter to Wilson, but on the 26th of February, just twenty-three days later, Mr. Delano, Secretary of the Interior, wrote a letter to a prominent republican official, saying it was deemed best on the part of the Government to change the entire board of directors of the Union Pacific Railroad, and that he therefore proposed to appoint some one from Indiana in the place of J. S. C. Harrison. This proposition of Delano met with such strong opposition that it was abandoned and none of the directors were removed. We were engaged at that time in making an active fight against the Wyoming Coal Company, which was swindling the United States out of \$500,000 or \$600,000 a year.

"If the committee want that letter of Delano's they can find a copy of it in the Interior Department. Bear in mind that this action on my part as a Government director, and the correspondence to which I have referred, and the effort on the part of Secretary Delano to have me removed from the board of directors occurred in 1872, and early in 1873, just about the time of the re-election of President Grant, and when neither Mr. Blaine nor any other man was spoken of in connection with the Presidency of 1876. It is therefore unreasonable to suppose that anybody at that stage of the proceedings was interested in defeating Mr. Blaine's presidential aspirations. This whole Little Rock bond-matter would have been investigated by the United States court at the time but for the killing off of the Credit Mobilier suits. I showed to Mr. Jenks, the Government's special attorney, who, with three others, was charged with investigating the affair, this order of the executive committee:

"NEW YORK, December 16, 1871.

"Ordered, That Morton, Bliss & Co. be authorized to draw on the treasurer of this company for \$34,000 payable at forty days from date, and hold as collateral security for the company seventy-five land-grant bonds of the Little Rock and Fort Smith Railroad Company's bonds, \$1,000 each."

"He made a copy of it in my presence and would have entered suit upon it at once had not all these Credit Mobilier suits failed in the courts, being ruled out on demurrer. In conclusion I have to say that I am ready and willing at any time to go before the Judiciary Committee of the House and make oath to the facts in this statement."

Q. Are you a Government director of the Union Pacific Railroad Company?—A. Yes, sir; I am.

Q. How long have you been Government director?—A. I was appointed in 1870, I think, to fill a vacancy for that year, and I was re-appointed last March.

Q. State what you know about an order entered upon the book of the executive committee of the Union Pacific Railroad Company, dated New York, December 16, 1871.—A. You are a little ahead of the hounds there. I will just state when I came in possession of the knowledge that the Union Pacific Railroad held any Little Rock and Fort Smith Railroad bonds, if that will satisfy you as well.

Q. I have no objection; state it in your own way.—A. It was September 11, 1872. Mr. Clarke, the president of the board at that time, stated that he had a communication from the president of this Fort Smith and Little Rock Railroad, saying that he would exchange seventy-five bonds held by this company, and give in lieu of the same fifteen other bonds. It struck me as very unusual for this company to be holding such bonds among its assets, so I immediately moved that a committee of three be appointed to investigate how these bonds came in possession of this road, and all matters connected therewith. Mr. Rollins, the secretary of the road, took me to one side and desired me to withdraw the motion. He said that the October election was near at hand, and the investigation of that matter would ruin Mr. Blaine and defeat his reelection to Congress. Well, I just withdrew it. The next morning I took Mr. J. H. Millard, Government director, with me, and asked of Mr. Rollins if I understood him correctly what he said before, and he there stated the same thing, that Mr. Blaine was involved in this matter. Then, when Mr. Jeremiah Wilson, chairman of the congressional committee, had Mr. Rollins on the stand in January, I telegraphed him at my own expense to ask Mr. Rollins in relation to these bonds, how they came in the possession of the road, and all about them. In looking over the daily reports of the investigation I saw that the questions were not asked him. I then, on February 3, wrote him fully about the matter, and told him that Mr. Rollins took me one side and informed me that it involved a prominent member of the republican party. I did not use Mr. Blaine's name; of course I would not write his name, because it was a serious charge and I did not want to put it on paper. No attention was paid to the letter. That was just about, in substance, what was in that letter; still I have the letter in my letter-book at the Ebbitt House, in my trunk there. I did not understand fully at that time the nature of this transaction.

By Mr. LAWRENCE:

Q. What was the date of this conversation with Rollins?—A. September 11, 1872, and September 12, 1872. He told me on the afternoon of September 11, 1872, that Mr. Blaine would be involved in an investigation of this kind and it would defeat his reelection; and on the next morning I took Mr. Willard with me to know if that was the case. Now, I found out that this whole thing was based on this resolution of the executive committee, which reads as follows:

"The committee met December 16, 1871, and passed this resolution:

"Resolved, That Messrs. Morton, Bliss & Co., are hereby authorized to draw on the treasurer of the Union Pacific Railroad Company for the sum of \$64,000, payable forty days from this date and hold as collateral security for the company seventy-five land-grant bonds of the Little Rock and Fort Smith Railroad Company, with coupons attached, such bonds to be for \$1,000 each."

The following June, Mr. Jencks, one of the three counsel appointed by the Government, was in the Union Pacific office at the time that I was there, and I took this executive committee book and called his attention to this unusual transaction, and told him that it was something that ought to be looked into; that I had tried to have it looked into through an investigating committee of Congress, but no attention was paid to it, and I asked him then as a Government director that when he investigated that credit mobilier suit they should be made a part of it, and he made a memorandum to that effect, that is, he copied that order. I guess that is about all I know.

By Mr. HUNTON:

Q. Did Mr. Rollins explain to you how Mr. Blaine was involved in that transaction?—A. Not at all, only he just said that the investigation would defeat him in his reelection, and ruin him.

Q. Was any effort made to remove you as a Government director after this occurrence between you and Mr. Rollins?—A. There was an effort made to change the whole direction of the road the following March.

Q. Are the directors of the road appointed annually?—A. The directors are appointed annually, about the 11th of March. There was quite an effort made during the latter part of February to remove the whole direction. I thought it very strange, too, because we were just at that time in a fight with the Wyoming Coal Company, (the Government directors were,) which was a corporation furnishing the road with coal at an enormous expense, and we were trying to have it abolished.

Q. I see in this interview to which we have both alluded, you speak of getting a letter from Mr. Delano?—A. I did not get any letter from Mr. Delano, but I have got the letter.

Q. Explain that.—A. I have had this letter in my possession from a week after it was written, and I filed it away, and thought it would be a good thing to file; it is addressed to Senator Morton. I can give you the letter; it belongs to me, and I have had it from a week from its date. My letter to Mr. Wilson was dated February 3, 1873; this letter is dated February 26, 1873:

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., February 26, 1873.

DEAR SIR: As I promised in our conversation yesterday I now write to say that it is deemed advisable to change the entire board of directors for the Union Pacific Railroad.

I shall therefore feel obliged if you will give me some name for Indiana in the place of John G. S. Harrison, against whom there is no personal objection whatever.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon. O. P. MORTON, *United States Senate.*

I presume that is a genuine letter.

Q. Has that transaction about the Little Rock and Fort Smith bonds ever been investigated by the Union Pacific Railroad Company?—A. Mr. Wilson has made some inquiries in relation to it, so he told me, but I know nothing myself.

Q. What Mr. Wilson?—A. Mr. James F. Wilson, Government director; but I went to headquarters and tried to get it cleared up, but did not seem to meet with much success.

Q. Can you make any explanation of this order of the executive committee of that road dated December 16, 1871?—A. There the order stands for itself.

Q. Can you make any explanation?—A. I don't know how it could be explained. It is certainly a very unusual and a very mysterious transaction, if not a very infamous one; but still it may be explained satisfactorily; I don't know anything about that; they may be able to explain it; it was never explained to me; the only explanation I ever got for it was what Mr. Rollins told me.

Q. Do you know anything more than you have stated to the committee in regard to this transaction?—A. Nothing at all, and I did not know that, only from Mr. Rollins and the order of the board there, and the bonds being in the possession of the road. I presume they were there; they said they were there.

Q. I understand you to say, then, that this account of the interview published in the Cincinnati Gazette of April 26 is true?—A. That is true, sir.

By Mr. LAWRENCE:

Q. You might state whether Morton, Bliss & Co. drew on the company in pursuance of that resolution.—A. They did, and Mr. Rollins showed me the draft.

By the CHAIRMAN:

Q. The draft was paid?—A. The draft was paid by Mr. Rollins.

Q. To whom was it paid?—A. I don't know. Mr. Rollins will have to say that.

Q. Does the Union Pacific Railroad Company own those bonds now?—A. I don't think they do.

Q. How many bonds were there?—A. Seventy-five, of a thousand dollars each.

Q. What has become of them; where are they?—A. I can only tell by hearsay, and I don't know whether what I say is correct. I understood Mr. Oliver Ames gave him check for \$25,000 and took the bonds; I don't know whether that is so or not.

Q. Who is Oliver Ames, and what connection had he?—A. He is a prominent stockholder and director in the Union Pacific road. I do not state that as a fact, for I don't know. I won't state only what I know, and that is just merely a rumor. I heard that.

Q. Do you recollect from whom you heard it?—A. No. I heard it from some of the board, I think.

WASHINGTON, D. C., May 15, 1876.

JOHN C. S. HARRISON recalled.

By Mr. HUNTON:

Question. Can you tell me, either accurately or approximately, the value of these seventy-five bonds of the Little Rock and Fort Smith Railroad Company?—Answer. I think the New York Sun reported them as being worth from seven to eight, ten, twelve, or thirteen cents on a dollar.

Q. At what period?—A. I don't know what period; I noticed the Sun made that statement.

Q. When?—A. Some weeks ago.

Q. Did the Sun make the statement of their value at the time of the statement?—A. I don't know; I don't know anything about their value myself, only I have heard them spoken of as valueless bonds. That was the general term used in speaking of them.

Q. When you made this motion before the board of directors did you or not believe at that time that they were altogether or about valueless?—A. I thought they were valueless, and I thought it very strange that they should be among the assets of the company.

Q. What was the condition of the Union Pacific road at that time as to money to invest in bonds?—A. I guess they were very large borrowers; very hard up financially. I don't think their 10 per cent. income bonds were worth more than fifty to sixty or seventy cents on a dollar, although I won't state positively.

Q. The income-bonds of the Union Pacific?—A. Yes, sir.

Q. Can you procure and furnish to the committee the approximate value of these Little Rock and Fort Smith bonds at the date of this transaction?—A. I can telegraph to New York and get it; that is the only way I can get it. I can do that if you desire.

By Mr. BLAINE:

Q. In your testimony this morning you said when you left the office of Mr. Rollins you asked Mr. Willard to put a pin there for future use.—A. No; the next morning I brought him in the presence of Mr. Rollins, and after we had the conversation we came in the hall, and I told him just to stick a pin right there, what Mr. Rollins said, that this investigation would implicate Mr. Blaine. That is what I said to him.

Q. You said something about "for future use"?—A. No, I said, "This thing may come up in the future."

Q. Where did you mean?—A. I meant in an investigation in Congress. I reported it promptly to Jeremiah Wilson without using Mr. Blaine's name, and called his attention to this transaction of a large amount of bonds, and when he had Mr. Rollins on the stand in January I telegraphed him to ask those questions and paid the dispatch myself. They were not asked, and on the 3d of February I wrote him fully and told him to ask these questions, and no attention was paid to it whatever. The next notice I got was Mr. Delano's letter that the whole board must be changed.

By Mr. LAWRENCE:

Q. Did you get any knowledge or information after that motion as to the actual ownership of the bonds?—A. The bonds were in the possession of the Union Pacific Railroad Company. By their desiring to make an exchange for them I supposed they owned them. They said they owned them. I didn't know they had any such bonds until Mr. Rollins called attention to this printed circular that was introduced here this morning.

Q. Who had the ownership of the bonds prior to the time they came into the hands of the Union Pacific Railroad?—A. I don't know anything about that only what Mr. Rollins told me, to withdraw the motion. He said that the State election, or the election was at hand and investigation would involve Mr. Blaine and defeat him.

Q. That was, it seems, after the Maine election was over?—A. That may be; it seems so; but that is what he told me.

By Mr. BLAINE:

Q. Was it your impression at the time that this was a transaction involving corruption?—A. Well, Mr. Blaine, I thought it was very strange that the Union Pacific road should have such assets, no matter who they came from.

Q. Your impression was, then, that there was some corrupt motive?—A. Yes, sir; corruption.

Q. Then you abandoned the investigation as soon as that was intimated to you by Mr. Rollins; you derived that impression from Mr. Rollins?—A. I withdrew the motion, as I say.

Q. As soon as you found there was corruption in it you backed out of the investigation?—A. I backed out from the investigation, but reported it to Congress, the proper place to investigate this thing.

Q. Did you do that officially?—A. I signed that as a Government director, and have got my letter now.

Q. But in your report; you have made four or five since then?—A. I took no notice of this in the report.

Q. You had annual communications with the Government in that way?—A. We had with the Secretary of the Interior.

Q. You made an annual report. The committee that Mr. Wilson was chairman of was an accidental circumstance; it might or might not have existed. Was that a regular official channel for you to report to? That committee might come and might not.—A. As soon as that committee was appointed I then reported this transaction, without using anybody's name.

Q. In your annual report to the Secretary of the Interior did you ever propose to your brother directors of the Government to make any mention of it?—A. No; I never did.

Q. You had a free communication with the Government there, did you?—A. We made a report generally about the condition of the road.

Q. And you dealt in anything that was irregular, like the Wyoming Coal Company?—A. Yes; that was a matter of record on the books. We knew all about that; but this is a mysterious transaction, according to the records of the company. They are assuming to be brokers, to loan money on uncertain securities.

Q. If this involved some irregular transaction leading up to corruption, do not you think it was the duty of the Government directors to call attention to it?—A. I think it was; yes, sir.

Q. You never proposed to do it?—A. No, sir; I only called attention to it through the committee that was appointed purposely to investigate it.

Q. But in the official report that you annually made to the Government you never did?—A. No, sir.

Q. You never proposed to do it?—A. No, sir; this report was to the Credit Mobilier Committee.

Q. If the Credit Mobilier Committee had not been raised, you never would have reported?—A. That may be.

Q. You did not, in other words, avail yourself of your regular official channel?—A. To the Secretary of the Interior? No, sir; I did not.

Mr. HUNTON. He did not state that he reported this to the Credit Mobilier Committee personally; he said that he reported it as a Government director.

The WITNESS. I signed my dispatch as Government director.

By Mr. BLAINE:

Q. You bore no official relation to Mr. Wilson's committee; not the slightest. You had an official channel in the annual report which you made to the Government.—A. I supposed Mr. Wilson would certainly take cognizance of a report made by a Government director where it simply desired him to ask the secretary and treasurer of the company certain questions.

Q. If you had reported it to the Secretary of the Interior, that report would have been laid before Congress?—A. I had no communication with the Secretary of the Interior on this question at all.

Q. You could have done it at any time during the last five years officially?—A. I presume I could; but I will say this: as far as the books and papers of the company are concerned your name is not connected with it in any way.

Q. In your own personal view of this matter, have you entertained the belief that I was connected with that transaction?—A. Only through Mr. Rollins.

Q. Only his statement?—A. Only his statement; the books of the company do not connect your name with anything.

Q. Have not you been in the habit of stating it very freely within the last five years in conversation?—A. No, sir; it didn't occur five years ago.

Q. Four years?—A. I have been in the habit of stating what Mr. Rollins told me. I mentioned it to several parties.

Q. Has not it been with you a matter of common conversation?—A. No; not as a matter of common conversation. When anything has come up, I have often stated just as I have stated now what Mr. Rollins told me. I made my Cincinnati statement just in self-defense.

Q. Have not you been in the habit of stating that you held something that would blow Mr. Blaine out of office any time that you chose to let it go?—A. No, sir; nothing of that sort. I have often stated Mr. Blaine's connection with this thing through Mr. Rollins's statement to me.

Q. Was it not generally accompanied with the idea that, as the phrase goes, it was a dynamite that would explode me?—A. O, no; nothing of that kind.

Q. Did you mention it in a friendly way or in an unfriendly way?—A. I always had a very friendly feeling for you, Mr. Blaine, and always a kind feeling for you, and I was sorry this thing could not be explained at the time, and hope you will come out of this matter clear and bright.

Q. You never gave me an opportunity to explain it.—A. If you had written me a letter—

Q. I never heard of it.—A. [Continuing.] I should have certainly given you the same kind of a letter that Mr. Rollins gave you; that the books of the company did not show your name connected with any transaction of this kind. That I could have given you truly. All the information that I have come from Mr. Rollins. He stated that an investigation of this thing would implicate you and ruin you and defeat your re-election to Congress.

Q. Where I had been elected two days before?—A. That may be; that is what he told me, anyhow. He might have told me that to have me withdraw the motion. I don't know anything about that; but that is just what he told me.

Q. Did you ever communicate to the editor of the Indianapolis Journal that it would be a very fatal thing to me personally?—A. No, sir; not the Indianapolis Journal. I have told the editor of the Indianapolis Journal some time ago in relation to this transaction that if Mr. Blaine was ever a candidate for the Presidency this thing ought to be explained beforehand and cleared up, because there was a mystery connected with this that was perfectly unexplained so far.

Q. You never communicated it to me for explanation.—A. Mr. Wilson says he communicated it to you.

Q. And I seem to have satisfied Mr. Wilson?—A. Yes, sir. No, I never communicated to you; I never had an opportunity of personal acquaintance with you; I never came in contact with you until this morning.

Q. We never met, I believe?—A. No, sir; we never met.

Q. You could not have given me a very great opportunity, you will observe, for you never brought it up in the board of directors.—A. No, sir; it never was referred to in the board of directors.

Q. You kept silent in the board ever afterward?—A. The board often talked about it; Wilson, Millard, and I often talked about it; it was common talk.

WASHINGTON, D. C., May 16, 1876.

EDWARD H. ROLLINS sworn and examined.

By Mr. HUNTON:

Question. State your full name and residence.—Answer. Edward H. Rollins, Concord, N. H.

Q. Are you connected officially with the Union Pacific Railroad Company; and, if so, in what capacity?—A. I am secretary and treasurer of the Union Pacific Railroad Company.

Q. How long have you been so?—A. I have been treasurer since April, 1871, and secretary since May, 1869.

Q. Were you present at the meeting of the board of directors in September, 1872?—A. I was.

Q. Were you acting as clerk and treasurer at that time?—A. Yes, sir.

Q. Did Mr. Harrison as one of the Government directors offer a resolution to investigate the ownership by the Union Pacific Railroad Company of the seventy-five bonds of the Little Rock and Fort Smith Railroad Company at that meeting?—A. I do not think he did, sir; I do not think that Mr. Harrison offered any formal resolution.

Mr. HARRISON. Just a motion, I said.

The WITNESS. To my recollection it was a simple informal motion.

Q. He made the motion?—A. Yes, sir.

Q. Are the motions made at these meetings of the directory entered of record?—A. Where there is any result reached. An informal motion of that kind if withdrawn would not be entered upon the records.

Q. Then he did make a motion at that meeting?—A. I think he did.

Q. State the exact character of the motion, if you please.—A. It would be impossible for me to give the phraseology.

A. Give the substance.—A. I think he made a motion to investigate this transaction relating to the Little Rock and Fort Smith bonds, or something of that sort.

Q. You say this transaction; I want you to state what the transaction was that he moved to investigate.—A. It related to the vote of the executive committee passed in December, 1871, authorizing the acceptance of a draft of \$64,000 and receiving the seventy-five Little Rock and Fort Smith bonds.

Q. Do you mean the order of the executive committee dated December 16, 1871?—A. Yes, sir.

Q. "Ordered that Morton, Bliss & Co. be authorized to draw on the treasurer of this company for \$34,000, payable at forty days from date, and hold as collateral security for the company seventy-five land-grant bonds of the Little Rock and Fort Smith Railroad Company, \$1,000 each." It was in regard to that order?—A. Yes, sir.

Q. Who called the attention of Mr. Harrison to that order?—A. I have no means of stating positively. I judge, however, from the record that his attention may have been called to it by a proposition of the Little Rock and Fort Smith Railroad which was submitted to the board for consideration.

Q. What was that?—A. Here is the document printed, [producing a paper.]

Q. It is spread upon the minutes there, is it not?—A. No, sir.

Q. This was a proposition, then, from the Little Rock and Fort Smith Railroad Company to the Union Pacific Railroad Company, as the holder of a portion of its bonds?—A. Yes, sir.

Q. And this proposition, as I gather from reading a little of it, was a proposition to

the creditors of the Little Rock and Fort Smith Railroad Company to surrender the bonds and take a new mortgage!—A. Yes, sir. This is taken from our files, as you will see on the back.

The following is the proposition referred to:

#### LITTLE ROCK AND FORT SMITH RAILROAD.

Whereas the Little Rock and Fort Smith Railroad Company, a corporation existing under the laws of the State of Arkansas, for the purpose of providing—

First. For the redemption of all the first-mortgage and land-grant bonds issued and outstanding and the coupons matured upon the same;

Second. For the payment or redemption of bonds issued to said company by said State of Arkansas of the par value of \$900,000;

Third. For the payment of its floating indebtedness and liabilities; and

Fourth. For the completion and equipment of its said road—

Proposes that the mortgages heretofore executed shall be discharged and the first-mortgage and land-grant bonds issued thereunder, as well as those remaining in the treasury of the company, shall be surrendered and canceled, and that in lieu thereof said company shall execute to the New England Trust-Company of Boston, as trustees:

First. A new first-mortgage covering all the lands, railroads, equipment, property, rights, and franchises embraced and described in both said existing mortgages, to secure the payment in thirty years from October 1, 1872, of six millions of dollars of the gold-bonds of said company, bearing interest at the rate of 7 per cent. per annum, payable semi-annually in gold coin on the 1st day of April and October in each year, in the city of Boston, with a provision in said mortgage that all proceeds of the sales of land in each year, so far as the same may be necessary, shall be set apart, first, for the payment of interest and second, for a sinking-fund for the payment or redemption of said bonds; and, if the proceeds from the sales of land should not be sufficient to meet the interest, the deficiency is to be made up from the net earnings of the road;

Second. A second mortgage covering all the lands and property embraced or described in said last-named mortgage to secure the payment of six million dollars of income bonds, payable forty years from October 1, 1872, which bonds shall be entitled to all the net earnings up to 7 per cent. per annum in currency, in each and every year not required for any deficiency in the payment of interest on said first-mortgage bonds and for the sinking fund, as before mentioned.

And whereas said railroad-company also proposes that the preferred and common stock of said company, heretofore issued, shall be surrendered and canceled, and that the capital stock of said company shall be fixed at the sum of five millions of dollars, all of one class and kind: It is understood that said new first-mortgage and income bonds and stock shall remain on deposit with said New England Trust-Company until all outstanding first-mortgage and land-grant bonds have been surrendered, or provision made for the same, satisfactory to the committee hereinafter named. It is also clearly understood that the aforesaid bonds and stock, old and new, are always subject to the order of the committee, and that the trust-company takes no other responsibility in the matter than the safe-keeping and accounting to the committee for the stock and bonds aforesaid.

Now, in consideration of the premises, and in order to effect the above objects—

We, the undersigned, promise and agree to and with Thornton R. Lothrop, John Gardner, and Thomas H. Perkins, a committee of said bondholders, that we will, upon ten days' notice, deposit with said trust-company, to the credit of said committee the amount of the existing first-mortgage and land-grant bonds of said company, with the coupons attached as stated in the annexed schedule, and the amount of preferred and common stock of said company set against our respective names, upon the terms and conditions following:

First. That for each and every first-mortgage bond with the coupons on, due after July 1, 1872, or land-grant bond with the coupons on, due after October 1, 1872, so deposited, one or more certificates shall be issued by said trust-company, setting forth the fact of such deposit, and that upon the performance of the conditions herein contained, of which notice shall be given by said committee to said trust-company, the holder of such certificate is, upon the surrender thereof to said company, entitled to 50 per cent. of the par value of said bonds so deposited in new first-mortgage bonds (bearing interest from October 1, 1872) and 50 per cent. in income-bonds, and that the two coupons first maturing on said new first-mortgage bonds shall be cut off at the time of delivery and an equal amount of said income-bonds at par given in lieu thereof.

Second. That for past-due coupons or unpaid interest on said existing first-mortgage and land-grant bonds so deposited, computed to October 1, 1872, said trust-company shall deliver to the holder thereof an equal amount at par in said income bonds.

Third. That for each and every share of preferred or common stock so deposited, said trust-company shall deliver to the holder thereof 50 per cent. in new stock.

But this agreement is upon condition that the holders of three-fourths of each of

said existing first-mortgage and land-grant bonds shall sign a like agreement to deposit their bonds, and that said bonds shall not be surrendered or canceled until the total amount of said first-mortgage and land-grant bonds are surrendered for cancellation, or the same provided for to the satisfaction of said committee; and it shall be the duty of said committee to see that the new bonds and stock remaining after the exchanges within mentioned have been made are devoted to the purposes named in this agreement. Said committee shall have power to fill vacancies in their board which may arise from time to time, by an appointment in writing, filed with said trust-company, and they are also duly authorized to limit the time within which the aforesaid deposits for exchange shall be made, and in their discretion to return the bonds deposited as aforesaid to the holders of said certificates upon surrender thereof.

To retire the preferred and common stock, and the first-mortgage and land-grant bonds issued and now outstanding, and the coupons of the same, and the two coupons first maturing on the new first-mortgage bonds, upon the terms and in the manner herein provided, it will require of the—

New stock .....	\$2, 234, 800
New first-mortgage bonds.....	3, 975, 500
New income bonds .....	5, 501, 500

This leaves in the hands of the committee, for the payment of the debts of the company (including the debt due the State of Arkansas) and for the completion and equipment of the road—

New stock .....	\$2, 765, 200
New first-mortgage bonds.....	2, 024, 500
New income bonds .....	493, 500

The estimated amount in money required—

To complete and equip the road.....	\$1, 000, 000
To pay the debts (including the State of Arkansas).....	600, 000

With other assets on hand, a sale of the remaining new first-mortgage bonds at eighty cents on the dollar will realize this amount and leave the company with a completed and equipped railroad, free from all debts excepting the new bonds proposed to be issued.

Name.	Address.	No. of first-mortgage bonds with all coupons on, due after July 1, 1872.	No. of land-grant bonds, with all coupons on, due after October 1, 1872.	Amount of coupons and unpaid interest on first-mortgage bonds, computed to October 1, 1872.	No. of coupons from land-grant bonds, due prior to, and including those due, October 1, 1872.	Shares of preferred stock, par, at twenty-five dol. lars.	Shares of common stock, par, at twenty-five dol. lars.

On the back of the paper is the following indorsement:

"Proposition of Little Rock & Ft. Smith R.R. in regard to the exchange of 75 of their land-grant bonds for new ones, etc.

"Ordered to be placed on file—proposition agreed to by directors Sept. 11, 1872."

Q. This proposition was brought up at the meeting in September, 1872?—A. Yes, sir.

Q. And it was that fact that brought to the attention of Mr. Harrison the fact that the Union Pacific held these seventy-five bonds?—A. I judge so from hearing his statement and the records.

Q. What was the result of the negotiation between the two companies?—A. That negotiation fell through.

Q. Was it ever consummated?—A. The bonds were surrendered, I think, at one time to the New England Trust Company, but for some cause or other it fell through; I did not master the subject very thoroughly myself.

Q. The seventy-five bonds were surrendered to the New England Trust Company?—A. Yes, sir; they were at that time.

Q. As trustee?—A. As trustee, to be held for the purpose of carrying out that scheme. That is my recollection; I may be mistaken, but that is my recollection.

Q. What became of the bonds afterward?—A. The scheme fell through, and they came back into the treasury.

Q. Where are they now?—A. Some other plan has been carried out since, and the bonds have been surrendered.

By Mr. LAWRENCE :

Q. This printed proposition from the Little Rock and Fort Smith Railroad is indorsed on the back, " Proposition of Little Rock and Ft. Smith R.R. in regard to the exchange of 75 of their land-grant bonds for new ones, etc. Ordered to be placed on file. Proposition agreed to by directors Sept. 11, 1872?"—A. Yes, sir.

By Mr. HUNTON :

Q. You said a while ago that it was not agreed to?—A. I did not mean that they did not agree to it; I mean to say it was not finally consummated. The board agreed to it, but it failed through some other cause; I don't know what.

By Mr. LAWRENCE :

Q. Whose indorsement is that?—A. That is the indorsement of the clerk who made up the record.

By Mr. HUNTON :

Q. Turn to the record.—A. I have it: "At the meeting at Boston, Sept. 11, 1872, the treasurer was authorized to exchange the 75 Little Rock and Ft. Smith R. R. land-grant bonds for the new bonds to be issued in accordance with the printed proposition submitted by the Little Rock and Ft. Smith R. R. proposition on file."

Q. When this motion was made by Mr. Harrison, what occurred?—A. Do you mean to inquire what I did?

Q. Yes; what you and others did, too, if any others did anything?—A. I have no immediate recollection of anybody doing anything. I don't remember very distinctly with reference to this transaction.

Q. State all you do remember.—A. Do you want me to state all I know about the whole transaction?

Q. I want you to answer that question. What occurred when Mr. Harrison made this motion?—A. As near as I can recollect, prior to this meeting of the board of directors I had heard a report—I cannot now recall the source from which I heard it—that these bonds in question were the bonds of Mr. Blaine.

Q. From whom did you hear that?—A. It is impossible for me to say; I don't know.

Q. When you heard that, did it or not make an impression on your mind?—A. I presume it made some impression on my mind.

Q. Did not it make a decided impression on your mind?—A. Well, it made some impression; there is no doubt about that.

Q. Did not it make a decided impression? is the question.—A. Decided; that is a comparative term. Perhaps it did.

A. State to the committee, if you please, how it has escaped you from whom you received information that probably made a decided impression on your mind.—A. It is impossible for me to explain how; I can only state the facts, sir.

Q. That is all I want you to state, but we know that impressions are more or less decided when we consider the source from which they come. If this information had come from some sources it would have made no impression; is not that so?—A. It would not have made a very lasting impression from some sources.

Q. From other sources it would have made a more or less decided impression?—A. Yes, sir; that is true.

Q. That is all I am trying to get at. If this made probably a decided impression on your mind, how can you fail to recollect the source from which it came, as well as the information? I am only trying to refresh your memory.—A. I have tried with all the power I have to refresh my recollection, in good faith, and it is utterly and absolutely impossible for me to do it, sir.

Q. Go on with your statement.—A. When Mr. Harrison made his suggestion, or motion, or whatever it was, for an investigation, I remembered that the road and its management had for a long time been the subject of very severe criticism and abuse in the newspapers and elsewhere, and this was a transaction that had been closed up for some months, and I desired, if possible, to obviate any scandal with reference to it, whether the report was true or false.

Q. Those are the motives. Now what did you do?—A. I may have said to Mr. Harrison under those circumstances that the bonds in question were Mr. Blaine's bonds, or something equivalent to that; I would not undertake to swear to the precise language that I used on that occasion. It is a long time ago, and I was busy keeping the records of the meeting and attending to the many duties that devolved upon me at that time; and whatever I did I had to do very rapidly indeed.

Q. You may have told Mr. Harrison what, exactly?—A. That these bonds were Mr. Blaine's bonds. I do not undertake to give the precise language that I used.

Q. I understand that; and that the investigation would involve Mr. Blaine? I may have used the word involve, but not in that form.

Q. What form did you use it in?—A. I may have said that they were Mr. Blaine's

bonds, or that he may have been involved in the matter; I don't think I used both words; I may have used the word involve in connection with the matter.

Q. State now, as a matter of memory, what word you did use to Mr. Harrison?—A. As a matter of memory, I should say that I stated to him in substance that I had heard that these were Mr. Blaine's bonds, and that he might be involved in it.

Q. That is substantially what he has said?—A. Yes, sir; I think that is correct, and still I can't recall the precise words.

Q. Then, as a matter of memory, now you state that the occurrence between you and Mr. Harrison took place substantially as Mr. Harrison detailed it in his evidence a while ago?—A. No; I haven't quite gone to that extent.

Q. State the distinction.—A. I have given you my statement with reference to the matter. If you will call my attention to any portion of his statement that you want to ask me about—

Q. You can read this statement here, which he states is true. (Handing witness printed extracts.)—A. My friend Harrison, I think, will agree with me on reflection that I did not take him onside to do this. I think when he comes to refresh his recollection, he will agree with me. The room was a small room, about 16 by 22; within it a long table like this and my large desk, and our full board of directors; there are twenty of them, and it was absolutely impossible that I could have taken you out of your chair.

MR. HARRISON. I got up out of the chair and went to the side of your desk, and you stood up and told me just what I have narrated.

THE WITNESS. Did you come to me in the matter?

MR. HARRISON. No, you came to me; you took me; called me onside.

THE WITNESS. I could not have got you very far.

MR. HARRISON. You got me two feet from the chair.

By MR. HUNTON:

Q. Go on with your narrative.—A. (Reading from the printed slip.) "He said the fall election was at hand and Blaine was a candidate for re-election to Congress in Maine, and an exposure of the transaction just at that time would be sure to defeat him." This transaction occurred on the 11th day of September, and I hardly think Mr. Harrison will, on further reflection, confirm his own statement in that regard.

Q. You go on and state your recollection.—A. My recollection about it is that this was two days after the Maine election rather than before it. May I ask the question of Mr. Frye? (To Mr. Frye.) Was the Maine election on the second Monday?

MR. FRYE. The second Monday.

THE WITNESS. The election in Maine is the second Monday of September. This meeting was held on the 11th of September, which was Wednesday. Consequently the Maine election took place on Monday preceding this meeting, when Mr. Blaine had been triumphantly re-elected to the House of Representatives. Therefore I think Mr. Harrison is incorrect in that matter.

MR. HARRISON. That is just my recollection of what you had told me.

THE WITNESS. You see how liable we all are to be mistaken in these matters. As to any interviews with Mr. Millard and Mr. Wilson, I cannot recall the facts connected with them.

Q. Then you did interpose when this motion was made, and ask Mr. Harrison to withdraw his motion?—A. Yes, sir; I made the suggestion that I have stated.

Q. And you interposed and gave as a reason why it should be withdrawn that Mr. Blaine owned those bonds?—A. I did not say that he owned them. I said that it had been reported to me; that I had heard so.

Q. That you had heard that Mr. Blaine owned the bonds?—A. Yes, sir.

Q. And you may have said that an investigation would involve Mr. Blaine?—A. I may have said that; I don't undertake to say whether I did or not.

Q. State to the committee how an investigation of the ownership of those seventy-five bonds would involve Mr. Blaine.—A. I don't think it would involve him at all.

Q. How, in your opinion, at that moment?—A. If the report which reached me was true that he owned the bonds, of course an investigation of it would involve him.

Q. How?—A. If he had sold the bonds to the road, I should think it must have been a questionable transaction.

Q. How—in what respect?—A. I don't know why Blaine should sell Little Rock and Fort Smith bonds to the Union Pacific Railroad.

Q. Why not Mr. Blaine as well as anybody else?—A. I don't know why the company should buy them of anybody.

Q. Then you regarded the fact that the company had purchased these bonds as a questionable transaction?—A. It was a transaction that I did not approve. As treasurer of the company I felt in duty bound to protect its treasury against all comers, and I did not want to pay out \$64,000 or any other sum of money unless it was absolutely necessary.

Q. Then you considered the action of the executive committee in ordering these bonds

paid to have been a very improper and questionable transaction?—A. Well, now, you are going a little faster there than I think I warranted you in going.

Q. Very well; you may go just as fast as you want to go.—A. This meeting of the executive committee to vote the \$64,000 was held in the city of New York.

Q. You were present?—A. I was not present, and I know nothing of the transaction in any way, shape, or manner, except what I have gathered from the books and papers of the company.

Q. Where were you when this meeting was held?—A. I was in Boston, I suppose.

Q. The domicile of your company was in Boston at that time, was it not?—A. Yes, sir; I was probably at the office of the company; I know no reason why I should not have been. I do not undertake to say that I was absolutely there, but I know no reason why I should not have been.

Q. You state as a matter of fact that you were not at the meeting?—A. I was not in the city of New York on that day.

Q. When did you first know of this order of the executive committee to pay \$64,000?

—A. The first intimation I had was from a letter addressed to me by Morton, Bliss & Co., I think, of New York, which, I think, was dated two or three days after the transaction.

Q. When you got that information did you come to the conclusion that it was a wrong, if not a questionable, transaction?—A. I didn't know anything about the transaction.

Q. You say you thought it was a questionable transaction if Mr. Blaine was concerned in it?—A. There may have been some considerations which induced the Union Pacific Railroad executive committee to vote this money which were not known to me.

Q. A little while ago you said you thought it would have been a questionable transaction for this company to have bought those bonds from anybody?—A. I don't mean to be understood as making that wholesale sweeping statement.

Q. You did make it. Now make whatever qualification you please about it.—A. I make this qualification, that there might be circumstances under which it might be vastly for the interest of the Union Pacific Railroad Company to buy these bonds, or other bonds.

Q. What was the value of these bonds at that time?—A. I don't know.

Q. State approximately.—A. I have inquired of Mr. Converse since I have received this summons, if he knew anything about the value of these bonds at the time of this transaction. He said that some time during the year 1871 he sold these Little Rock and Fort Smith bonds for \$2.

Q. Then why did you think it a questionable transaction for the Union Pacific road to buy these bonds, 75,000 for 64,000?—A. I don't know that I have ever expressed an opinion that it was a questionable transaction.

Q. Yes, sir; unless my hearing deceives me.—A. Yes, but with the qualification I have just added.

Q. You state there might be circumstances which would authorize it.—A. Very well; I don't know but the circumstances existed in this case.

Q. But without special circumstances it would be a questionable transaction?—A. I think so.

Q. Now, why did it require special circumstances to take a purchase of these bonds out of the declaration that it was a questionable transaction to buy these bonds?—A. I don't think it would be a proper use of the money of the Union Pacific Railroad to buy the bonds of any other corporation, unless there was some special reason in the case which rendered it for the interest of the Union Pacific Railroad to make that purchase.

Q. Then you came to that conclusion as the treasurer of the company, and you wanted to protect the company from such a transaction, and you considered that the executive committee that had this matter in hand had grossly erred in determining to buy these bonds?—A. Have I said that, sir?

Q. That is the result of what you said, I think.—A. I beg your pardon, sir.

Q. State what you do mean.—A. I repeat again what I said, that it would be improper, in my judgment, for the Union Pacific Railroad Company to buy these bonds or the bonds of any other outside railroad corporation unless there were good and sufficient reasons therefor which would justify the taking of the money from the treasury. I don't know but what those reasons existed in this case. I am not informed.

Q. You don't know that there were any such?—A. I don't know.

Q. Were these bonds at that time salable on the market at all?—A. I only judge from what Mr. —

Q. I do not want you to answer from what he told you, but from your general knowledge of the subject.—A. I don't know anything about them.

Q. Then you first became acquainted with this transaction, the order of the executive committee of the 16th of September, 1871, by a letter from Morton, Bliss & Co.?

—A. Yes, sir.

Q. Which occurred soon after the order was made?—A. Yes, sir.

- Q. Morton was the active man of the firm, was he not?—A. Yes, sir.
- Q. Were you apprised by information that the purchase of that lot of bonds involved Mr. Blaine, at the time you got this letter from Morton, Bliss & Co.?—A. No.
- Q. Were you in possession of that information at that time?—A. No, sir.
- Q. At what time did Morton, Bliss & Co. present their draft for the \$64,000?—A. Perhaps there will be no better way than to read their letter.
- Q. I have no objection to it.—A. As they refer to a letter of mine in their letter, I will read my letter to them of the previous day:

BOSTON, December 18, 1871.

GENTLEMEN: We have your favor of the 16th instant with inclosures. Coupons found as stated. Earnings December 13, \$19,553.87.

Truly yours,

E. H. ROLLINS,  
*Secretary and Treasurer.*

MORTON, BLISS & Co.,  
*New York.*

NEW YORK, December 19, 1871.

DEAR SIR: We have your favor of the 18th instant, and now inclose you list of transfers made to date. In accordance with a minute signed by Mr. Duff, V. P., we beg to inclose for favor of acceptance and return to us our draft at forty days date from December 16 for \$64,000. The securities (seventy-five land-grant bonds of the Little Rock and Fort Smith Railroad Company) referred to in the minute, we are to receive from Mr. Carnegie. In the mean time we hold those which are already in our hands, and which are of the full value.

Yours, very truly,

MORTON, BLISS & CO.

Hon. E. H. ROLLINS,  
*Secretary and Treasurer, Boston, Mass.*

Q. Carnegie was one of the Government directors?—A. No, sir; he was one of the executive committee.

Q. What did they mean by "In the mean time we hold those which are already in our hands"?—A. That is the only information I have in reference to it—what is contained in the letter.

Q. You do not know what bonds he referred to in that letter as holding at that period?—A. No, sir.

Q. When you transferred to him these seventy-five bonds in accordance with that resolution of the executive committee, did he surrender to you or to the company any other bonds that he had?—A. No, sir; on the payment of the draft of \$64,000 the seventy-five bonds came into our possession. We paid the draft. The draft came to Boston for acceptance. It was accepted and returned to New York. I suppose it was returned to New York. I do not remember that, but, at any rate, when it became due we paid it.

Q. I understand from that order that you were to accept his draft and he was to hold the seventy-five bonds?—A. Yes, sir; during the forty days.

Q. When you accepted the draft did you send him the bonds?—A. We didn't have the bonds.

Q. Where were they?—A. They were to receive them—so this shows—from Carnegie; that is all I know about it.

Q. Where were the bonds at the time the order was made?—A. In the hands of Mr. Carnegie, I presume from the letter.

Q. Mr. Carnegie was one of the executive committee?—A. Yes, sir.

By Mr. LAWRENCE:

Q. How were the bonds delivered, and by whom to you?—A. I couldn't tell without reference. Probably the draft was collected of us through some bank, and the bonds no doubt, accompanied the draft, and on the payment of the money the bank that held the draft, surrendered the draft and bonds. I can not recall the bank.

By Mr. HUNTON:

Q. You took Mr. Harrison aside and requested him to withdraw that resolution?—A. I can not agree to that, quite.

Q. I will modify that. I did not mean to state it except as you have stated it. When Mr. Harrison offered that resolution, or made that motion, you requested him to withdraw it?—A. Yes, sir.

Q. Upon the ground that Mr. Blaine was the owner of those 75 bonds, and probably upon the further ground that investigation might involve Mr. Blaine?—A. I answered that very fully, and gave my reasons. Would you like to have them repeated?

Q. That was the statement, as I understand, that you made, and I wanted to bring you back to that so as to go on.—A. I don't quite assent to your statement.

Q. State over again your original statement.—A. The company and its general management had been a subject of very severe attack and criticism in the newspapers and elsewhere all over the country, and for a long time, and this transaction had been closed up for several months, and I desired, if possible, to avoid the scandal, whether the reports that reached me in regard to this matter were true or false, whether they involved Mr. Blaine or not.

Q. Now I want from you again, what scandal did you want to avoid?—A. I wanted to avoid the discussion of this very matter.

Q. A discussion is not scandal, necessarily?—A. No, of course not.

Q. Now, answer the question. What scandal was it that you desired to avoid?—A. Well, the reported connection of Mr. Blaine with the bonds.

Q. In what was the reported connection of Mr. Blaine with these bonds a scandal?—A. I presume it would have been treated as a scandal then and so considered by the public, the same as now.

Q. Why? What was there about it?—A. It would be difficult for me to fathom the views of the people of this great Republic on that subject.

Q. If you will excuse me; I am not trying to fathom the feelings of the people of this great Republic, but I am trying to fathom what there was in your mind which made it at least an apprehension in your mind that if this motion of Mr. Harrison was adopted it would produce a scandal.—A. That was the point.—I wish you would state that a little more fully.

Q. I do not think I could state it more fully. I wish to ascertain from you what there was in your opinion connected with this motion of Mr. Harrison's which made it a scandal to adopt it and act upon it?—A. I think that any public discussion in the newspapers or elsewhere of the purchase of that number of bonds from Mr. Blaine, not accompanied by some satisfactory reason therefor, would be regarded by the people of this country as a scandal, and treated as such.

Q. Why?—A. I don't know that I can undertake to explain the reason why.

Q. If you say you had a thought of that sort you ought to give the reasons for the conclusion that your mind came to. I am not asking about the conclusions of anybody else, but I want to know why you in your opinion thought the purchase by the company of 75 bonds from Mr. Blaine would be considered by the public as a scandal?—A. I think the public judgment would be against him.

Q. Why?—A. Because they would think that it was not right.

Q. Why not right?—A. That would be their judgment.

Q. I am asking you for your judgment now.—A. I have explained to you distinctly, and I repeat again that I don't believe it is right and proper for the Union Pacific Railroad to buy Fort Smith and Little Rock bonds, or bonds of any other corporation in the world.

Q. From anybody?—A. From anybody, unless they have got good and valid reasons therefor.

Q. Then it was not because Mr. Blaine sold, but because of the purchase, without regard to whether it was Mr. Blaine or not, that you considered it a scandal?—A. Yes, sir; I considered it wrong for us to purchase the bonds of anybody unless there were good reasons for it.

Q. If this had been a purchase, according to your information from any other gentleman in the country, not connected with politics or office, would you have considered it a scandal?—A. I should have considered it wrong; yes, sir.

Q. Would you have considered it a scandal?—A. Probably if they had been purchased of some less conspicuous individual it would not have aroused quite so much talk in the community.

Q. Then it was because of the conspicuous position of Mr. Blaine that you considered it was a scandal?—A. Now, I beg your pardon, I didn't say that.

Q. I cannot come to any other conclusion at all. You say if the purchase had been from a man less conspicuous than Mr. Blaine.—A. I will say this; I think it would have been a greater scandal in the one case than in the other.

Q. Why?—A. Because one man is more notorious than the other.

Q. But the notoriety of a man does not make a transaction scandalous.—A. It does in the mind of the public.

Q. No, it is the transaction itself that is scandalous, and if the transaction is fair the highest in the land may indulge in it as well as the lowest.—A. Now, is that quite correct, Mr. Chairman?

Q. Yes, I think so. I think the highest in the land may engage in any transaction

that is fair and bona fide and honest.—A. So do I; I agree to that and so may the humblest.

Q. The fact that Mr. Blaine was in high position did not make this transaction scandalous or otherwise, did it?—A. Not of itself.

Q. Then there was something in the transaction which made it scandalous, was there not, in your opinion at that time?—A. I have stated my views in reference to that as fully as I possibly can.

Q. Have you any other reason for saying that the transaction itself apart from who was concerned in it was scandalous, except that it was wrong in your opinion for the Union Pacific to purchase the bonds of the Little Rock and Fort Smith Railroad Company?—A. Not that I am aware of.

Q. Then it was a mere matter of policy that you thought the executive committee had departed from in the purchase of these bonds?—A. I have not said that.

Q. Well, I want you to say now whether you do say it or not?—A. I don't know.

Q. You say there was nothing scandalous in it?—A. Pardon me. There may have been the best reasons in the world why the executive committee of the Union Pacific Railroad should have purchased these 75 bonds. *I don't know.*

Q. Then you think it was wrong, as a matter of policy, to have purchased these bonds without any specific and special reason, or peculiar circumstances attending the purchase?—A. Yes, sir.

Q. Do you know any peculiar or special circumstances attending the purchase?—A. I do not, sir; I don't know anything about it.

Q. Have you ever heard of any?—A. No, sir; I have told you what I have heard.

Q. Then, so far as your information and knowledge goes, there were no peculiar circumstances attending the purchase of these bonds, and therefore you think it was improper policy on the part of the company to purchase, in the belief entertained by you, that there were no special circumstances requiring it?—A. I say I don't know whether there were any special circumstances or not.

Q. I say, acting upon the idea that you don't know of any and never heard of any, do you believe that it was a matter of bad policy in the company to make this purchase?—A. Perhaps I ought to assume that the seven men or five men who acted in the matter, largely interested as they were in the Union Pacific Road, ought to know better what should govern their actions then and there than I, at the distance I was.

Q. I think you are entirely correct there, and it was because of that very fact that I asked you over and over again why you undertook to protect the company against the actions of this executive committee. You said you wanted to protect the company. Now, acting upon the idea that you have just now stated, that these gentlemen knew better than you what was for the advantage of the road, why did you interpose with the desire to protect the company against the action of its executive committee?—A. I thought it would be advisable that the investigation should not then be had.

Q. Then you undertook to act for these gentlemen who you say were better able to act for themselves than you were?—A. Yes, sir; they were better able to act for themselves than I; I agree to that.

Q. You asked Mr. Harrison to withdraw his motion; you said those bonds belonged to Mr. Blaine.—A. No; I have not said that.

Q. Very well; say what you did say.—A. I say I had heard.

Q. I am talking about what you told him as having heard, of course. I trust you won't understand me as trying to make you say what you did not.—A. I wish you would be careful not to put words into my mouth.

Q. I certainly don't want to make you say as a matter of your own knowledge that these bonds belonged to Mr. Blaine, for I don't understand so; but you had heard that these bonds belonged to Mr. Blaine?—A. I had heard it.

Q. And you may have said that the investigation would involve Mr. Blaine?—A. I may have said so.

Q. And thereupon Mr. Harrison did withdraw his motion?—A. Yes, sir.

Q. Now that was your opinion at that time, from what you heard?—A. Yes, sir; merely from this rumor, whose origin I cannot trace.

Q. Did you afterward, or do you now, remain of that opinion, that an investigation might involve Mr. Blaine?—A. I think the most thorough investigation of the matter would show that the bonds were not Mr. Blaine's.

Q. Now tell us how.—A. I judge from the testimony that I have listened to here this morning. I made a most careful examination at this meeting, or about that time, of the books and papers, and probably made some inquiry.

Q. Show us the books and papers that you examined which caused you to come to a different conclusion.—A. This very letter of Morton, Bliss & Co., which had passed from my recollection.

Q. What letter?—A. The letter that I have read to you, in your presence this morning. It shows that the bonds were to be received from Mr. Carnegie.

Q. Now, the question is what books and papers have you examined since Mr. Harrison's motion was withdrawn which have tended or caused a change of opinion that

this investigation might involve Mr. Blaine?—A. That letter was the first thing, and then I have carefully examined the records of the executive committee when the resolution was passed, and the action subsequently.

Q. Let us go on one step at a time. This letter is one thing. Now point out another.—A. Another letter?

Q. Another paper, or minute, or anything of the sort.—A. I have only examined such evidence as is on our records. I have made a careful examination of the resolution in 1871, in connection with the letter.

Q. Now state any fact or paper that came to your notice after this conversation with Harrison at the September meeting in 1872, which caused a change of opinion?—A. After examining these papers I am quite sure—

Q. Let us get to the end of these papers first.—A. First, the letter to which I have called your attention.

Q. What else?—A. The votes of the directors—of the executive committee.

Q. What votes?—A. The votes of 1871.

Q. Show us that, if you please.—A. It is the same one that has been read here; it is the \$64,000 resolution.

Q. You said the votes of the executive committee; you mean the order of the executive committee?—A. Yes, sir; the order. It's a resolution, the resolution of the executive committee, and the vote of the directors.

Q. The vote of the directors on that resolution?—A. No; the vote of the directors. I examined all these papers.

Q. Just tell us what you examined and found that produced a change in your mind. I don't want to know anything except those which operated upon your mind.—

A. No other papers than those I have mentioned.

Q. Then there are no other papers than this letter which I hold in my hand, and that order of the executive committee of the 16th of December, 1871. Is there anything else?—A. No.

Q. Then those are the only two papers?—A. Yes, sir. Now, if you will let me go on—

Q. Certainly, I will.—A. The motion of Mr. Harrison naturally led me to investigate this matter further and see if I was right; and I inquired, I am quite sure, of members of the board with reference to it.

Q. State what members.—A. I cannot recall distinctly; and I was satisfied from information that I obtained thus that this was a transaction of Colonel Scott's.

Q. Now, state what information you did obtain from the members of the board with whom you talked.—A. I have stated it as distinctly as I can.

Q. My dear sir, I have not heard it at all, if you have stated any. You said you talked with them?—A. Yes, sir.

Q. But I want to know what information in that talk you obtained?—A. They said it was a transaction of Colonel Scott's.

Q. Who informed you that it was a transaction of Colonel Scott's?—A. I won't undertake to swear positively who the man was.

Q. State as near as you can, as a matter of memory, who it was in this board of directors that gave you that information?—A. Would you like to have me weigh the probabilities in the matter?

Q. I want you to state that from your own memory.—A. Judging from what I know of the man, I was most likely to have conversed with Oakes Ames in reference to it.

Q. He was one of the executive committee, I believe, was not he?—A. No, sir; I think not; I am not sure. [Referring to a book.] Yes, sir; he was.

Q. One of the executive committee?—A. Yes, sir; I had the other executive committee in my mind.

Q. Can you state any other member of the executive committee or the board with whom you probably talked?—A. Excuse me. He was not a member of the executive committee that passed the order. He was a member of the executive committee elected March 6, 1872, and this action of the board of directors was September 11, 1872. At the time that I talked with him he was a member of the board of directors.

Q. But he was not a member of the board at the time of this order of the executive committee, was he, the 16th of December, 1871?—A. I think not.

Q. Why did you talk with Ames, who was not one of the parties who had made the order, when others were accessible who did make the order?—A. I don't know.

Q. He was not one of the parties to the transaction, because he came into the board afterward.—A. That is true.

Q. Why did you talk with him, who had nothing to do with the transaction, and base your opinion upon the conversation with him, when there were others who were members of the board?—A. My long acquaintance with Mr. Ames would justify me in conversing with him about it.

Q. Yes; but when you talk with a gentleman for information on a specific matter, the probability is that a man ought to go to those who were parties to that matter rather than to a man who was not a party.—A. Here is a list of directors. The only gentle-

man present at that meeting, according to the records, who was at the New York meeting of the executive committee in 1871 was John Duff, then vice-president.

Q. Did you talk with him?—A. No, sir; I don't think I did.

Q. So that the only person accessible was John Duff?—A. Yes, sir.

Q. He was a party to the transaction as a member of the executive committee, and was a party with whom you didn't talk?—A. I do not think I did.

Q. And you got no information from him as to the peculiar circumstances attending this case, which might or might not have made this order of the executive committee proper?—A. No, sir; I don't think I had any information from Mr. Duff at all.

Q. Did you ever get any information from any of the members of that executive committee who were present at the meeting of this executive committee at the time the order was made?

The WITNESS. Up to this period?

Q. Yes.—A. No, sir; I think not.

Q. Then this talk with Mr. Ames, and this letter of Morton, Bliss & Co., and the order of the executive committee, constituted the information upon which you changed your opinion expressed to Mr. Harrison?—A. Yes, sir; that is substantially so.

Q. You were informed of the adoption of this order by the executive committee a few days after its passage?—A. Yes, sir.

Q. It passed December 16, 1871?—A. Yes, sir.

Q. Then when you had this conversation with Mr. Harrison you had known of this order from December, 1871, to September, 1872?—A. Yes, sir.

Q. Then you had a full knowledge of the existence of this order when you had the talk with Mr. Harrison?—A. Yes, sir.

Q. Then it was not this order that changed your opinion?—A. No, sir; not that alone.

Q. How could this have had any influence when you had known of it for nine months?—A. Well, that, coupled with the letter of Morton, Bliss & Co., which showed that the bonds were to be received of Mr. Carnegie; then information that I received verbally that the transaction was Colonel Scott's transaction; and knowing the intimate relations between Mr. Carnegie and Mr. Scott, I think it was perfectly natural that I should come to that conclusion.

Q. Then it was the information that the bonds came from Mr. Carnegie, or were to come from Mr. Carnegie?—A. Yes, sir; the letter so states.

Q. Mr. Carnegie was one of the executive committee?—A. Yes, sir.

Q. I am not a railroad man, and therefore my ignorance must be at least winked at; but I do not understand how the coming of these bonds from a member of the executive committee could have exculpated in your mind Mr. Blaine from the suspicion which you entertained before knowing that fact.—A. The fact that they came from Mr. Carnegie was perfectly consistent with the statement that it was Mr. Scott's transaction.

Q. As I understand this order, the executive committee of the Union Pacific ordered that Morton, Bliss & Co. were to draw on the treasurer of that company for \$64,000.—A. Yes, sir.

Q. And the company was to deposit with Morton, Bliss & Co. the seventy-five bonds as collateral?—A. No, sir; Mr. Carnegie was to deposit with Morton, Bliss & Co. seventy-five bonds.

Q. I am talking about the order, "Ordered, that Morton, Bliss & Co. be authorized to draw on the treasurer of the Union Pacific Railroad Company for the sum of \$64,000, payable forty days from this date, and hold as collateral security for the company."—A. Morton, Bliss & Co. were to hold as collateral security for the company.

Q. I am talking now about this order, and the construction of the order. The legal and natural construction of the order is, that this company was to accept the draft of Morton, Bliss & Co., for \$64,000 payable in 40 days, and to give security that that draft would be paid at maturity, by these 75 bonds. That is the construction of the order, if I understand it.—A. The 75 bonds were to be delivered to them by Andrew Carnegie.

Q. It don't say so. I am talking about the order.—A. It don't say so in the order.

Q. According to the order, the company was to accept this draft and secure the payment of the draft by the deposit of the 75 bonds?—A. That perhaps would be a reasonable construction.

Q. Wouldn't it have been just as reasonable a conclusion to say that Carnegie, who gave these bonds over to Morton, Bliss & Co., was acting for the Union Pacific, he being a member of the executive committee who passed that order?—A. No, sir; if it was in the power of the Union Pacific to deliver these bonds, I should suppose they would naturally be in the hands of the treasurer, or in his knowledge.

Q. Where were they?—A. I do not know, sir.

Q. When did you first see these bonds?—A. Not until the draft was paid.

Q. You never had seen them before?—A. Never.

Q. Turn to your books and show us the entry where that \$64,000 was paid, if you

please—the payment of that draft.—A. I have not got the books here, but I have got a copy of the entry.

Q. I should suppose that those trunks that you have there had every book that the company ever did have.—A. If you should see them all I am afraid you would be frightened. A subpoena was served upon me the 4th day of May, as near as I can remember, requesting me to bring all the books and memoranda relating to the lost bonds of the Union Pacific Railroad Company used last summer in New York. I think on the Monday following I received a telegram from the Sergeant-at-Arms of the House notifying me not to come to Washington until further notice. On Saturday last, as I was on my way to my home in New Hampshire, I received a telegram from him to be here on Monday morning at 10 o'clock.

By Mr. LAWRENCE:

Q. To-day?—A. To-day. Having a subpoena I thought it my duty to bring the books along that were called for in that, that being the only paper that has been served upon me.

By Mr. HUNTON:

Q. This is a copy?—A. This is a copy of the entry on the books of the company. The copy is as follows:

"BOSTON, Dec. 26th, 1871.

"Little Rock & Ft. Smith R. R. bonds.

"To Morton, Bliss & Co., for 75 land-grant 7 per cent. bonds of Little Rock and Fort Smith Railroad Company, Nos. 498-568, dated June 20, 1870, payable April 1, 1900.

"Coupons payable April and October. October, 1871, coupon attached, received by Morton, Bliss & Co., as collateral for draft on this company December 16, less balance of exchange loan remitted by Morton, Bliss & Co. per their account December 19, 1871.

Draft .....	\$64,000 00
Less remittance .....	188 69

63,811 31

Q. How did you pay this draft?—A. Through a bank in Boston, I presume.

Q. Upon what paper or authority did the bank in Boston pay this \$64,000?—A. I paid it. The check of the company paid it.

Q. You gave a check?—A. I gave a check, I have no doubt. I have not looked upon the transaction, but I have no doubt I did.

Q. You have got the check which was paid, if it was by check?—A. Yes, sir.

Q. Explain what this means: "Less remittance \$188.69?"—A. I only know that they returned that amount of money.

Q. Why; on what account?—A. That is more than I can tell you.

Q. You are the treasurer of the company?—A. I am the treasurer of the company.

Q. You pay a large sum for the company, and get back a certain amount, and don't know upon what ground it was remitted—on what account?—A. I do not remember. I will furnish you with everything there is on the books, and the correspondence.

Q. I want to know what your books state.—A. I doubt if they explain it very fully; I do not think they do.

Q. Maybe I can explain it for you, or put you upon the way of explaining it.—A. I should be happy to have you do so.

Q. It says here "Less balance of exchange loan remitted by Morton, Bliss & Co." Now, what did they mean by that exchange loan?—A. I do not know.

Q. Who made this entry?—A. The book-keeper.

Q. Who was the book-keeper?—A. Mr. Fisher.

Q. Made under your direction?—A. No special direction from me; no, sir.

Q. How did he get this entry?—A. From the papers and the statement that was sent.

Q. The papers came to you?—A. Yes, sir; and I turned them over to the book-keeper, and he made up the entry.

Q. You directed how the entry was to be made?—A. No, sir; the book-keeper was competent to make these entries.

Q. You took this memorandum from the books, but cannot explain it?—A. I cannot with the information I have now.

Q. I would be glad if you would explain it.—A. I will make my best efforts to explain it. There is nothing that I would not be very happy to explain about it, if I knew. I will give you all the information that I have. I will furnish you with all the evidence possible from our books and correspondence.

Q. Has there been any effort on your part, or on the part of the company, to investigate this \$64,000 transaction other than that you have already spoken of?—A. I never heard of any special effort—no formal effort, certainly.

Q. Was there any informal effort?—A. I do not know anything more than that

it has been suggested by the gentlemen who have testified here this morning that they have made some investigation. I presume other directors did likewise.

Q. No; I do not recollect that they made any investigation; if they said they made any, it has escaped my memory.—A. Well, I don't know of any investigation.

Q. You know of no investigation that has been made?—A. No, sir.

Q. And when you arrested the motion of Mr. Harrison upon the ground that you thought it might involve Mr. Blaine, and you subsequently, you say, changed your opinion, did you inform Mr. Harrison of that change of opinion?—A. I do not remember.

Q. If the opinion you held then was that it would involve Mr. Blaine and that opinion prevented investigation, wasn't it your duty, as an officer of the road, to remove that impression from Mr. Harrison's mind, that the investigation might go on?—A. Possibly; I do not know but what I did inform him; I do not undertake to say whether I did or did not inform Mr. Harrison.

Q. You cannot say you ever did?—A. No; but I ought perhaps to say, in justice to myself, that the investigation could be made by any member of the board, without any vote. A vote would not add anything to the power to investigate, particularly. The papers and books of the company have been open, and are open to all the directors.

Q. But it would add a great deal to the power to act after the investigation was had. There is a great difference between an unauthorized and an authorized investigation. Tell us why you wanted to stop this investigation on Mr. Blaine's account when you thought it might involve him.—A. I can give you no other statement than what I have already given you. I have said all I can say.

Q. I will give you the reason of my question. I want to know whether your motive was personal or political.—A. I do not think I could possibly state to you any more explicitly my views.

Q. I will tell you further. You seemed anxious at that moment to protect Mr. Blaine from an investigation that might involve him. Now, the object of my inquiry is to know why you wanted to protect him especially, and whether that motive to protect him was political or personal?—A. Mr. Blaine has for many years been a personal friend of mine. But you do not state the full reason why I opposed the investigation. You only state one branch of it.

Q. You can state the whole of it.—A. I have done that twice.

Q. I state as one reason, then, why you did not wish this investigation to go on, that it might involve Mr. Blaine, and then ask the question whether your motive for that was political or personal toward Mr. Blaine?—A. We are personal and political friends, both.

Q. The motive was both personal and political then, was it?—A. So far as any idea of Mr. Blaine was concerned.

Q. Suppose you had been in possession of information at that moment when Mr. Harrison made this motion, which would involve any other person than Mr. Blaine, would you have arrested the putting of the motion?—A. Well, I do not know. That is very difficult for me to say what I would have done.

Q. It depends upon who he was?—A. Somewhat.

Q. You would have protected some people, and some people you would not have protected. Am I so to understand?—A. Well, I think I should hardly have been in favor of the investigation, any way.

Q. Then you were opposed out and out to any investigation?—A. No, sir; I was not.

Q. You say you can hardly say that you would not have interposed?—A. In that formal matter I probably should have made the same suggestion. I might have. I do not say that I should have done it.

Q. My object in the questions I am putting is, whether you would have opposed an investigation, no matter who might have been involved other than Mr. Blaine.—A. That is a very difficult question for me to answer, sir.

Q. You can see where I am drifting.—A. Yes, I see where you are drifting.

Q. And that is to get at the motive which induced you to get a withdrawal of a motion that looked to an investigation of a transaction which you thought was very suspicious on its face and might be scandalous.—A. Whatever remark I made to Mr. Harrison was an impulsive remark, made without stopping to consider carefully the matter.

Q. Have you stated where those bonds are now?—A. The bonds have been exchanged under some new arrangement that I cannot explain without the documents, and the company has the proceeds—the results.

Q. What did the company get for the proceeds?—A. They got stock and other bonds.

Q. From the Little Rock and Fort Smith Railroad?—A. Yes, sir.

Q. State what bonds and what stock.—A. The Union Pacific Railroad now owns in Little Rock and Fort Smith Railroad securities, \$5,548.99 of first-mortgage bonds.

Q. You mean \$5,500?—A. Yes, sir; in bonds; \$38,986.50 capital stock; \$4,572.08 in receipt of E. Atkins, trustee, including interest, making \$5,534.75. That is what they hold in place of the original bonds.

Q. Were those bonds and that stock derived by the company in exchange for the 75 bonds?—A. Yes, sir.

Q. Why was the exchange made; why were these old bonds canceled and those new bonds and that stock issued in their stead?—A. The parties there in Boston took hold and furnished money to complete the road, and they made some new arrangement by which the old securities were to be surrendered and new ones issued.

Q. Is not that the agreement there?—A. No, sir; this is not the agreement. I could not give you the details of the agreement under which these were surrendered.

Q. State to the committee what is the present value of those bonds and that stock.—A. I can't tell you; it is impossible for me to inform you.

Q. Give us an approximate idea of it.—A. I have not the slightest means of information; I don't know.

Q. What are they worth on the market; what are their quotations?—A. I don't know whether there are any sales at all. I have not seen any, I believe.

Q. Have there been any sales made in the last 12 months?—A. In the market?

Q. Yes.—A. I don't know; I presume there may have been, but I have not kept track of them at all.

Q. Would the company have held these bonds if there had been any market-value for them? Are they worth anything in market? that is the question.—A. It is impossible for me to say what they are worth. I presume they have considerable value.

Q. Is there any interest paid on these bonds?—A. Not that I am aware of.

Q. How long have you had them?—A. These new bonds only a short time. The transaction took place, I think, some time in July last.

Q. When were these bonds issued by the company? Were they bonds that had theretofore been issued, or issued at that time?—A. These were new bonds.

Q. Issued at the time?—A. Yes, sir.

Q. In July last?—A. Yes, sir. I was mistaken; the coupons were paid on the first of last January.

Q. I want to see your books where that entry is made?—A. Cash entry?

Q. Yes, sir.—A. The books are not here. There is no doubt about the fact.

Q. I don't mean to imply any doubt by asking for the books; I want to see the entries.—A. I should be very glad to have you.

Q. Can you state to the committee whether these bonds are worth anything on the market or not?—A. I think they must be worth something; they paid their interest the first of January.

Q. You are a railroad man and deal in railroad stocks, I have no doubt?—A. Very small, indeed; I haven't got money enough to deal very largely.

Q. State, as a railroad man, and a man who occasionally deals in bonds then, what you supposed to be the value of these bonds.—A. In the first place, I don't know anything about the road. I have nothing on which to base a judgment as to the value of these bonds. I have heard various parties talk with reference to them, and I think they regard them as promising, but what they are really worth I don't know.

Q. What do you regard the stock of the company worth?—A. I don't know.

Q. Is it worth anything?—A. I don't know.

Q. Did they ever have any dividend?—A. It was only issued last July.

Q. New stock?—A. New stock.

Q. The old stock canceled and the new in the place of it, or is this what they call watering the stock?—A. I presume that stock was canceled. I am not familiar with the operation of the road at all.

Q. I am just seeing what you do know.—A. That is next to nothing.

Q. According to this statement of yours, the value of the securities that you took from the Little Rock and Fort Smith Railroad Company in lieu of the seventy-five bonds was \$33,729.95?—A. That is what they stand on the books. What fixes that value I don't know, but I will send a statement.

Q. Then the Union Pacific Railroad received in July, 1875, stocks, bonds, &c., of the Little Rock and Fort Smith Railroad Company valued at \$33,729.95, according to your statement, for seventy-five bonds of the same company for which they paid in 1871 \$64,000.—A. Yes, sir.

Q. Now, explain, if you please, what you mean here by the "receipt of E. Atkins, trustee."—A. I don't know. I am unable to say now, but I will furnish an explanation hereafter as a part of my testimony.

Q. Does the Union Pacific Railroad Company at this time own any other stocks or bonds or liabilities of the Little Rock and Fort Smith Railroad Company?—A. Not that I am aware of.

Q. Could they own them and you not be aware of it?—A. I think not.

Q. Did they ever own any of these bonds or obligations or stock of this Little Rock and Fort Smith Railroad Company other than the seventy-five bonds you have spoken of?—A. No, sir.

Q. I believe you have said you would make in your statement that you would furnish us a full explanation of why this arrangement was entered into in lieu of the seventy-five bonds.—A. Yes, sir.

Q. Was there not a suit out in Arkansas about all these matters?—A. I don't know sir; I will furnish a statement.

By Mr. LAWRENCE:

Q. Where was your residence in 1872?—A. Concord, N. H.

Q. Where is it now?—A. The same place.

Q. To what extent were you familiar with the politics of Maine?—A. About the extent that a good earnest republican would know about politics in Maine.

By Mr. FRYE:

Q. It was an adjoining State?—A. Yes, sir; I lived in a neighboring State, and was more or less familiar with the politics of the State, only in a general way.

By Mr. LAWRENCE:

Q. Is there any possibility of your being mistaken as to the time of the election in Maine?—A. I think not.

Q. What was the character of the contest that year—that is, was it exciting or otherwise?—A. My recollection is that the campaign in 1872 was rather a brisk campaign in Maine; what would be termed so.

Q. This meeting of the executive committee was on the 11th of September?—A. Yes, sir.

Q. Was it possible at that date that you could have been ignorant of the fact that the election had already been held?—A. No, sir; I took too much interest in the result in Maine that year to have overlooked that fact.

Q. Did you hold some position on the national republican committee?—A. No, sir.

Q. At any time?—A. No; I was not on the national republican committee.

Q. You were on the State committee, then?—A. I was not on the national committee; I was a member of the republican committee of New Hampshire.

Q. You said there was a rumor that Blaine had some connection with these bonds; was that a rumor which you derived from some individual, or general newspaper statement, or general rumor of that sort?—A. I don't know from what source I did derive it; it is impossible for me to tell.

By Mr. BLAINE:

Q. Has any circumstance happened within your observation since that day in any way whatever—I mean the question to be very comprehensive—that led you to suspect I ever had any interest in these bonds?—A. Since that September meeting?

Q. Yes.—A. Not any whatever.

Q. Then, when you were satisfied that I was not interested in them, you did not desire an investigation afterward when you found I was not?—A. No, sir.

Q. Then, the fact of that report that my name was mixed up with it was not your only motive for not desiring an investigation?—A. I have stated repeatedly it was not my only motive.

By Mr. LAWRENCE:

Q. Did you have any information or knowledge as to who was the owner of the bonds?—A. No, sir; all I heard was that it was a transaction of Colonel Scott's.

Q. You mean all you heard after your interview with Harrison?—A. Yes, sir; I do not say that is all, but that substantially.

By Mr. BLAINE:

Q. Did Mr. Harrison ever renew to you his request for an investigation?—A. No, sir; I have no recollection that he ever did.

By Mr. HUNTON:

Q. You stated something a while ago about Mr. Ames in connection with those bonds, and I have been troubled to recall what you did say. What did you say in regard to Oakes Ames in connection with these bonds?—A. I said that most probably I talked with him in regard to the matter, and learned from him what I have stated.

By Mr. LAWRENCE:

Q. After Mr. Harrison made this first motion, which was withdrawn at your instance, did he ever subsequently advise or ask for any investigation?—A. Not that I am aware of.

By Mr. HUNTON:

Q. Did Oakes Ames ever have any connection with these bonds that you are aware of?—A. Not that I know of.

Q. You stated a while ago that you were satisfied that the election was over in Maine at the date of this meeting in September, 1872?—A. Yes, sir.

Q. Wasn't it understood that Mr. Blaine, if elected, was to be renominated or be a candidate for Speaker of the House? Had he been Speaker of the previous House?—A. He had been Speaker of the previous House, I think.

Q. Was it understood that he was to be Speaker of the House then, if the republicans carried the House, and he was elected?—A. I should judge that would be the general expectation. I knew no reason why he should not be, certainly.

WASHINGTON, D. C., May 15, 1876.

JAMES F. WILSON sworn and examined.

By Mr. HUNTON :

Question. State your full name and residence.—Answer. James F. Wilson ; Fairfield Iowa.

Q. Are you, and, if so, how long have you been, a Government director of the Union Pacific Railroad ?—A. I was first appointed a Government director of the Union Pacific Railroad Company in the summer of 1869 ; the precise date I cannot tell. I have been continued by annual re-appointment ever since, and am still a Government director.

Q. Did you know, or do you know, as Government director, of the possession by the Union Pacific Railroad Company, of certain bonds of the Little Rock and Fort Smith Railroad Company ?—A. I heard that there were such bonds there. My knowledge depends upon the record. I have seen the entry in the proceedings of the executive committee with reference to the transaction with Morton, Bliss & Company, concerning those bonds.

Q. That is the order of December 10, 1871 ?—A. Yes, sir.

Q. Was that the first information you had of the possession by the Union Pacific of those bonds ?—A. It was.

Q. Did you ever ascertain how the Union Pacific Railroad Company came to possess these bonds ?—A. Not definitely.

Q. Did you indefinitely ?—A. Yes, sir ; I ascertained by hearsay that the bonds came into the possession of the Union Pacific Railroad through Col. Thomas A. Scott.

Q. What relation did Thomas A. Scott bear to the Union Pacific Railroad at that time ?—A. Colonel Scott was president of the Union Pacific Railroad, I think, during the year 1871, but as to whether the bonds came into the possession of the company at that time I am not prepared to state, because the first date I have to go by with reference to knowledge is the entry in the executive committee record.

Q. State the precise time during which Colonel Scott was president of the Union Pacific Railroad ?—A. My impression is that he was elected at the annual meeting in March, 1871, and continued for one year.

Q. From March, 1871, to March, 1872, then, he was president ?—A. Yes, sir.

Q. Were you present at the meeting of the directors of that company when Mr. Harrison introduced a resolution to investigate the circumstances under which the Union Pacific became possessed of these Little Rock & Fort Smith bonds ?—A. I was present at the meeting at which Mr. Harrison says he introduced a resolution, but I have no knowledge of the introduction, or the proposed introduction, except what Mr. Harrison has told me.

Q. Can you state that no such resolution was offered ?—A. No, sir ; because I would not be willing to swear to a negative. I have no knowledge of his offering any resolution of that character.

Q. Did you ever hear that he had offered such a resolution, afterward ?—A. Mr. Harrison told me himself.

Q. How long after this meeting did he tell you this ?—A. I think it must have been about the time.

Q. Did he tell you the circumstances under which he withdrew that resolution ?—A. Yes, sir ; substantially as he has stated it here this morning.

Q. He told you, then, that he withdrew that resolution to investigate that matter, because he was informed by Mr. Rollins it would implicate Mr. Blaine ?—A. Whether Mr. Harrison stated that it implicated Mr. Blaine, I am not prepared to state, although, from the conversation had, I came to the belief that Mr. Blaine was the person meant ; but whether Mr. Harrison at that time stated that in terms, I am not prepared to say.

Q. You were informed in some shape or manner that Mr. Blaine was the gentleman meant who would be implicated if this investigation took place ?—A. Yes, sir ; and that impression came from a conversation I had with Mr. Harrison.

Q. Did you ever have any conversation with Mr. Rollins ?—A. I did, sir.

Q. At the time ?—A. About that time, very soon after, before leaving Boston.

Q. What did you say to Mr. Rollins in that conversation ?—A. I stated to Mr. Rollins what Mr. Harrison had said to me.

Q. What did Mr. Rollins reply ?—A. Mr. Rollins said that it was a mistake ; if he used Mr. Blaine's name he had no right to do so ; that he had not information sufficient upon which to base a charge against Mr. Blaine of that character. That was substantially what he said.

Q. Did he say that he had made any investigation of the matter after his request to Mr. Harrison to withdraw the resolution ?—A. No, sir.

Q. Had he had any time to make any investigation ?—A. He had time to make inquiry of members of the board of directors, because there were members about the office, or he may have had time to examine his records. It was some time after the conversation between me and Mr. Harrison, but before I left Boston.

Q. It was within a few days after you first heard it ?—A. Yes, sir.

Q. Did you ever mention this matter to Mr. Blaine?—A. I did, sir.

Q. State what occurred.—A. I mentioned the matter to Mr. Blaine; I stated to him that I had understood that the Little Rock and Fort Smith bonds among the assets of the Union Pacific Railroad Company were in some way connected with him.

By Mr. LAWRENCE :

Q. When was that?—A. It was within a few months after I had the conversation with Mr. Harrison.

By Mr. HUNTON :

Q. Within a few months after September, 1873?—A. Yes, sir. I cannot state the precise time. Mr. Blaine asserted that he had no interest in these bonds; that no one could be more surprised than he that any such report should connect his name with any bonds of the Little Rock and Fort Smith Company, in possession of the Union Pacific Railroad Company; that he never had any interest in those bonds whatever. That was substantially the statement.

Q. Where did this interview between you and Mr. Blaine take place?—A. It was here in Washington.

Q. Whereabouts?—A. I am not prepared to say whether it was here at the House. Whenever I came to Washington I always came to the House, and generally called on the Speaker; but whether it was here, or at his house, I am not now prepared to say. At all events, it was here in Washington City.

Q. Did Mr. Blaine, in that interview with you, deny that he had ever had possession of any bonds of the Little Rock and Fort Smith Railroad Company?—A. He denied that he had ever had possession of any bonds of the Little Rock and Fort Smith Railroad Company, except those for which he subscribed and paid and held as his own property.

Q. Did he make a specific allusion, in this conversation, to these seventy-five bonds that were the subject of conversation between Mr. Harrison and Mr. Rollins?—A. Not in that conversation, beyond what I have stated, that he said that he never had had any interest in them, nor anything to do with those bonds.

Q. Did he tell you he had any interest in these seventy-five bonds?—A. My impression is that the party to whom those bonds belonged, or had belonged, was a party by the name of Caldwell.

Q. Who was Caldwell?—A. That I am not able to state, sir; he is a stranger to me.

Q. Was Caldwell the president at one time of one of those Pacific railroads?—A. I have no personal knowledge of it. I have understood that Mr. Caldwell was connected with the Little Rock and Fort Smith Railroad, whether as president or not I do not know. I understood he was connected with that and with the construction of the road.

Q. The Fort Smith and Little Rock Railroad?—A. Yes, sir; or the Little Rock and Fort Smith.

Q. Did Mr. Blaine say to you in this conversation that these bonds, 75 in number, of the Fort Smith and Little Rock Railroad Company were held by him for one of his constituents?—A. O, no, sir.

Q. Did he state that he held any bonds for constituents?—A. O, no, sir.

Q. Did he state that, he held these 75 bonds for anybody?—A. No, sir; on the contrary, he said he never had anything to do with these 75 bonds.

Q. Did you ever make any statement of what occurred between you and Mr. Blaine to any one else?—A. O, yes, sir; I have spoken of it to several persons.

Q. Did you have a talk about this matter of the interview between you and Mr. Blaine with Mr. Horace White, of the Chicago Tribune?—A. I did, sir.

Q. Do you recollect the conversation between you and Mr. White?—A. I think I could give it substantially.

Q. Please do so.—A. I related to Mr. White the substance of what I have already stated in regard to these bonds, and, further, that Mr. Blaine had said to me that he could not imagine how he could be connected in any way with the negotiation of these bonds unless the impression had grown out of the fact of a negotiation in connection with the construction of that road, which had no relation to these bonds, but which did relate to the affairs of that company after it got into difficulty between the company and other parties. I do not now remember the names of others, except Colonel Scott. Colonel Scott was mentioned as one of the parties connected with that negotiation, but that relates, as I understand, to a different subject entirely.

Q. You did not tell Mr. Horace White, then, that Mr. Blaine told you that he held these bonds for a constituent?—A. No, not these bonds; O, no, sir.

Q. Did you tell him that Mr. Blaine held any of the bonds of that company for his constituents?—A. No, sir; because I should have done great injustice to Mr. Blaine if I had, for Mr. Blaine never said so to me. It was a casual conversation I had with Mr. White in the Tribune office at Chicago; and if I gave Mr. White any such impression as that it was certainly a matter of injustice to Mr. Blaine, for it related to the other

matter entirely. I do not think Mr. White would willingly misrepresent what was said to him.

Q. Did you ever investigate this matter of the possession of the 75 bonds?—A. I investigated it thus far: I, as I have stated, inquired of Mr. Rollins in regard to this transaction. I, as I have also stated, thought it was proper, inasmuch as Mr. Blaine's name had been connected with that transaction, to see, if he was connected, what explanation there was of it; and with that view I went to him and mentioned the matter to him, and I got from him substantially the explanation which I have stated.

Q. From Mr. Rollins?—A. No, sir; I am now speaking of Mr. Blaine.

By Mr. LAWRENCE:

Q. That he had nothing to do with these bonds?—A. He had nothing to do with these bonds at all. That these bonds, I understand, passed from Mr. Caldwell. I have seen this statement in the newspapers in regard to what I may have said to Mr. White, but that is a confusion of the two transactions.

By Mr. HUNTON:

Q. What two transactions do you refer to?—A. I speak now of the negotiations which were had between parties interested in the construction of that road, and other parties who I have since understood were connected with what was known as the Southern Improvement Company; I think Mr. Scott being one of them.

Q. How was Mr. Blaine involved in this confusion in this way?—A. While that negotiation was going on, as I understand, Mr. Blaine had been requested when he was coming down, either to New York or Washington, to speak to these parties to aid that negotiation; that was all that he had to do with that.

Q. Aid what parties in that negotiation?—A. As I understand, it was the so-called Southern Improvement Company.

Q. To aid that company in what negotiations?—A. To aid the negotiations that were going on between the parties interested in the Little Rock and Fort Smith Company and that company.

Q. This Southern Improvement Company?—A. Yes, sir; but of the details, of course, I know nothing. That is the only way that I can account for this report with reference to my interview with Mr. White, because Mr. Blaine insisted always to me that he never had had anything to do with these \$75,000 of bonds that passed into the hands of the Union Pacific Railroad Company.

Q. Was that all the investigation you ever gave the subject?—A. I have talked with parties about it after.

Q. Who?—A. I think I have talked with Mr. Dillon, who has been for two years the president of the company.

Q. When did you talk with Mr. Dillon?—A. I cannot state dates, but I have frequently asked about this matter and the condition of it, and why those bonds were there.

Q. What was the explanation?—A. The only explanation that I have ever got was that they were put in there in the arrangement between the company and Mr. Scott.

Q. Let us hear what that arrangement was.—A. I cannot give you the details, but during the time that Mr. Scott, as I understand, was president of the company, this negotiation with these bonds was made. I suppose Mr. Scott can explain that fully, but I would not undertake to do it; and that they have remained there because of an unadjusted difference between the company and Mr. Scott, Mr. Scott never having been paid any salary for the time that he was president nor for the services that he performed, and that this matter was still in an unadjusted state.

Q. And is to-day in an unadjusted state?—A. So far as I know, sir.

Q. Then the investigation that you made was to have a conversation with Mr. Blaine and with Mr. Dillon?—A. Yes, sir; and I think with others.

Q. What others?—A. I would not undertake to state who, because I do not recall at this time who, but with others connected with the company.

Q. Can you recall anything that was told you more specifically than you have detailed in regard to this transaction?—A. No, sir; I don't recall anything beyond the general statement, unless my attention was called to it by a specific question.

Q. Then, the investigation that you had about this matter consisted of your talk with Mr. Blaine and with Mr. Dillon, and perhaps with others?—A. Yes, sir; my investigation in regard to the bonds in the first instance was, and the first point to satisfy myself was, whether this report in regard to the bonds having gone in there through Mr. Blaine was true. I wanted to ascertain that.

Q. You became satisfied on that point by your talk with Mr. Blaine?—A. Yes, sir, I did, and what Mr. Rollins told me subsequently, that he had no authority for stating that the bonds had come through Mr. Blaine.

By Mr. LAWRENCE:

Q. State if you also examined the books of the company?—A. O, yes, sir.

Q. To see whether they confirmed your view of it?—A. There is nothing on the books that I am aware of in regard to the bonds except this resolution of the executive committee.

By Mr. HUNTON:

Q. Do not the books of the company show all the money transactions of that company?—A. I presume so, sir.

Q. What was the entry when this \$64,000 was paid?—A. I am not prepared to state. I presume that the treasurer's books will show what that was.

Q. Do the Government directors never examine the books of the company?—A. Only with regard to any specific subject to which their attention may be drawn.

Q. Then, this transaction on your part, in regard to this report that you had heard about Mr. Blaine and these bonds, was confined to a talk with Mr. Blaine, Mr. Dillon, and, perhaps, with others?—A. Yes, sir. I had no power to pursue any investigation.

Q. And that investigation that you allude to in that letter to the Chicago Tribune of the 27th of April?—A. That is simply an investigation to satisfy myself whether that report was true.

Q. To satisfy you as an individual or as a Government director?—A. As a Government director as well as an individual.

Q. As a Government director, after having a charge of that sort preferred by one of the directors, and withdrawn at the instance of the treasurer because the investigation would implicate a high official, you became satisfied upon mere conversation, and did not take any steps as Government director to investigate this matter officially?—A. I had no power to investigate, beyond the method of conversation.

Q. Could you not as a Government director institute an investigation?—A. I don't know how.

Q. Is there no mode by which a board of directors can investigate the transactions of a company?—A. I suppose, of course, we have access to all of the books and records and papers of the company, but I never found anything among the books or records except this entry of the executive committee.

Q. Did you ever look to find or inquire whether there was any, and find that there was none?—A. I was told that that was the only entry.

Q. Then, you found that there was a transaction involving \$64,000 of money carried on by this company, and no entry made upon its books save this order?—A. O, no, sir. I do not wish to be understood as making that statement.

Q. I beg your pardon, sir; I so understood you. You can make whatever statement you wish to make.—A. I stated I presumed the entry would be found upon the books of the treasurer, as I have no doubt; and I understood Mr. Rollins, in reply to a question while Mr. Harrison was being examined, to state that the books would show that entry.

Q. You never examined the books to see?—A. No, sir; I did not.

Q. You never undertook to trace back these bonds to find out where they came from?—A. Yes, sir; I undertook to do that, and the result of it was being satisfied that they came from Colonel Scott.

Q. Had Colonel Scott a right to take money of the company to pay for the bonds that he held?—A. Colonel Scott certainly had no right to take money of the company to pay for bonds that he held. There might have been an arrangement between Colonel Scott and the company, by which he should receive money on those bonds, and that matter as I say, as I understand, is an unadjusted one between Colonel Scott and the company to-day.

Q. Then was there an understanding between the company and Colonel Scott that he was to have the money on these bonds?—A. I am not able to state that.

Q. You represented the company in part. Was there any understanding to which you were privy?—A. No, sir.

Q. Could there have been an understanding except through the board of directors?—A. Yes, sir; there might have been an understanding with the executive committee, I presume, or in many transactions with the committee on finance.

Q. Have the executive committee or the committee on finance power to bind a company without authority from the board of directors?—A. Not without authority from the board of directors, but the board of directors have power to confer all of their power upon the executive committee.

Q. Did they confer all of their power?—A. That is done every year, sir. A resolution is passed that in the absence of the board the executive committee shall possess the powers of the board.

Q. Can you turn to one of those resolutions?—A. Mr. Rollins is more familiar with the record than I am.

Mr. HUNTON. (To Mr. Rollins.) Please turn to the one just preceding this transaction.

Mr. ROLLINS read the following extract from the book:

"March 9, 1871. *Resolved*, That the executive committee, in the absence of the

board, is hereby empowered to do and perform all acts that this board is authorized to do under the charter and by-laws of the company."

Q. Who constituted the executive board of this company for that year?—A. I am not able to state from memory.

The following names appear upon the book as constituting the executive committee: Thomas A. Scott, John Duff, Andrew Carnegie, Sidney Dillon, George M. Pullman C. S. Bushnell, Government Director James F. Wilson.

Q. How many of these executive committee were directors in the company; all of them?—A. All of them.

Q. You appear to have been one of the executive committee for that year.—A. Yes, sir.

Q. As a member of the executive committee, were you ever consulted about this transaction?—A. No, sir. I will state that under a by-law a Government director is required to be placed upon each one of the committees. The custom has been, with reference to the executive committee, to have a regular meeting after the appointment of the committee, and then it is kept alive by adjournments from time to time. My residence being some 1,200 miles away from the place of the sitting of the committee, I have been able to attend very few of the meetings.

Q. How many of the meetings did you attend in that year?—A. I am not prepared to say, but I presume not more than the meetings occurring about the time of the meetings of the board, which are quarterly.

Q. Did you attend any meeting about the date of this order, December 16, 1871?—A. If a meeting was held about that time, after the meeting of the board, I most likely was present.

Q. The records of the executive committee show under date of December 16, 1871, the following names as members: Thomas A. Scott, John Duff, C. S. Bushnell, A. Carnegie. Where were you at that time?—A. I presume I was at home, in Iowa.

Q. Do you know anything in regard to Mr. Blaine as a holder of the bonds of the Little Rock and Fort Smith Railroad Company?—A. I do not, sir. I know nothing in regard to that except the conversation that I have heard and the statement which Mr. Blaine made in the House of Representatives, which I read in the Record. Before leaving the subject of the bonds, as I have already stated, I understand that to be yet an open question between Colonel Scott and the company.

Q. Let us hear how an open question.—A. That the adjustment of the compensation for services to Mr. Scott has not yet been determined, and that that involves the \$75,000 of bonds as well as the salary and other compensation for his services, and that this money which he received was more in the nature of a loan than a payment. That I understand to be the position of the company.

Q. How do you understand it?—A. I have understood that from the conversation that I have had with parties that I have referred to in regard to this transaction.

Q. You do not know anything of it officially as a Government director?—A. No, sir. I have made the inquiries, of course, acting as a Government director, and that is the understanding I have; and my idea of it has been all the time that when that subject is brought to the point of a definite settlement, is the time for the Government directors to act in regard to whether the company shall keep those bonds, or whether the amount shall be repaid after deducting such sum as shall be determined to be due Colonel Scott for his services.

Q. State why that issue has not been reached.—A. I am not prepared to say that, except I have understood the negotiations between the colonel and the company never have reached a conclusion.

Q. Between what portion of the company and the colonel?—A. I presume it is the active power of the board, the executive officer; the president, I presume.

Q. The executive committee or the executive officer?—A. The executive officer, as the negotiation would naturally be conducted, ordinarily.

Q. And that is Mr. Sidney Dillon?—A. That is Mr. Sidney Dillon.

Q. Has the president of the company any right to make such a negotiation without authority from the board?—A. The settlement, I presume, would have to be passed upon by the board when made.

Q. Has he ever reported to the board anything about the negotiations?—A. Not formally to the board, I think. The matter has been talked of at meetings of the board, but not, that I am aware of, with any formal proposition for the board to act on.

Q. Was any action taken by the board in regard to it?—A. No, sir; no formal action that I am aware of. The matter has drifted in the course of negotiation.

Q. Where are those seventy-five bonds now?—A. I am not prepared to state that, sir.

Q. Do you know whether your company holds them or not?—A. I do not. I presume they are still in the hands of the company.

Q. Could they have gone out of the hands of the company without your knowing it?—A. Yes, sir; I presume they might. If they had gone without some entry upon the books, they would have gone irregularly, of course.

Q. It would have been irregular to have disposed of them without any action of the

board of directors, wouldn't it?—A. Yes, or the executive committee. I have understood, as Mr. Harrison says, that there was an arrangement by which Mr. Ames was to take those bonds.

Mr. HARRISON. I gave that as a rumor, not authentic.

The WITNESS. I have heard that same rumor, that there was an arrangement of that kind, but I think it never was effected.

Q. Why was Mr. Ames to take those bonds?—A. I don't know, sir.

Q. You heard a rumor that he was to take them, but did not know on what terms, or what consideration, or anything about it?—A. No, sir; because I understood it had not been perfected.

Q. You understood it was pending?—A. Yes, sir.

Q. You did not inquire, while you heard this negotiation was pending, upon what terms Mr. Ames was to take those bonds. You heard there was a negotiation pending, but did you inquire upon what terms he was to take them, if he did take them?—A. Yes, I think I inquired, but the amount that was to be paid for them I cannot state now.

Q. What was the value of the Fort Smith and Little Rock Railroad bonds in December, 1871?—A. I am not able to state that.

Q. Can you approximate it?—A. I cannot.

Q. Were they worth anything?—A. I am not able to state, for I don't know what the value of the bonds was. Railway securities at that time were generally in demand, and especially those that were backed by land-grants. But whether this company was in a condition to have its bonds worth much or little, I am not prepared to say.

By Mr. LAWRENCE:

Q. The money for these seventy-five bonds, if I understand it, went to Morton, Bliss & Co., didn't it?—A. Morton, Bliss & Co., by the resolution, were authorized to draw on the company. Let me get that resolution. It is to draw on the treasurer of the company—

Q. For \$64,000?—A. For \$64,000, I think.

Q. You have spoken of the money as going to Colonel Scott.—A. I have understood that that money went to Colonel Scott's benefit. Whether I am correct about that I don't know, but I presume the colonel can tell.

Q. From whom did you learn that?—A. That was by conversation in the office. I would not undertake to state what particular person.

By Mr. BLAINE:

Q. Do you know anything about the attempt to remove the Government directors in the spring of 1873?—A. I understood that the President had concluded not to remove the Government directors, but to appoint a new set in March, 1873.

Q. Did you ever have occasion to know anything about any influences that were supposed to prevent it?—A. Yes, sir; because I took some interest myself in that. I supposed at the time that the resolution of the President was come to on account of the investigations that were pursued relative to the company and the Credit Mobilier during the session of Congress in the winter of 1872-73; and, having been a Government director, I thought that, to be changed just at that time would seem like a reflection upon the members of the board, and I therefore took some interest in preventing that change from being made; but that was the only reason, as I understood it, that the change was contemplated, owing to the feeling in the country growing out of the investigations of that winter. I felt especially interested in that myself, because of an utterly unfounded statement that went into the testimony affecting myself, which appeared unfounded by the subsequent testimony taken, and also the report of the committee concerning a certain check of \$19,000; and those reports go over the country frequently not overtaken by any denial or explanation, and it seemed to me that it would be a reflection on me to have a change made at that time, and I took a great interest to prevent it.

Q. Do you know of any persons who interposed and represented the hardship that it would be to the Government directors to be removed under those circumstances?—A. Yes, sir; I spoke to Senator Allison and requested him to see the President.

By Mr. HUNTON:

Q. What President do you mean?—A. President Grant. Mr. Allison afterward told me that he met Mr. Blaine at the White House, when he had that interview, and that Mr. Blaine also represented to the President the hardship it would be under the circumstances to make a removal of the Government directors at that time.

Q. You said a while ago that the President, you heard, was disposed to change the board, on account of the Credit Mobilier investigation?—A. I stated that that was my understanding, that the President came to that resolution, on account of the excitement occasioned by that investigation.

Q. Do you mean the president of the road or the President of the United States?—A. The President of the United States.

Q. What connection had the board with the Credit Mobilier investigation which could have induced the President to change the board at that time, or to determine to change the board at that time?—A. I cannot say what operated upon the mind of the President—what was the immediate inducement to that resolution of his. I could only make a guess as to what it was; and that was a desire, under the feeling of the country at that time, to put a new set of men in in connection with the board of directors, on behalf of the Government.

Q. Were you a Government director at the time the Credit Mobilier transaction took place?—A. No, sir; that was before. That was during the construction of the road.

By Mr. LAWRENCE:

Q. You were a director during the time of the Credit Mobilier investigation?—A. Yes, sir, during that time.

By Mr. HUNTON:

Q. But the investigation, of course, was into transactions that occurred before you were Government director?—A. Yes, sir, all of the operations of the Credit Mobilier were prior to the completion of the road. I was not appointed until after the completion of the road.

Q. Then how could the investigation of these transactions, which occurred before your appointment as Government director, have been any cause for your removal, or the failure to reappoint you?—A. I do not think it was any cause. That was one reason why I desired to resist the removal, or the appointment of some one in my place.

Q. Did you ever have any conversation with Secretary Delano in regard to it?—A. I did have a conversation with Secretary Delano in regard to it, and he told me that that was the conclusion of the President.

Q. That was the conclusion?—A. To appoint a new set of Government directors.

Q. For what cause?—A. I don't know that he stated any particular cause.

Q. Secretary Delano only told you that the President had concluded to appoint a new set of directors?—A. Yes, sir. That being the conclusion, I had no further cause to talk with Secretary Delano; I had to go to the one having the appointing power, the President of the United States.

Q. This conclusion of the President, as you understood it, to appoint a new board, was in March, 1873?—A. Yes, sir.

Q. It was in a few months after this talk between Harrison and Rollins and yourself?—A. Yes, sir.

Q. That occurred in September, and this was the following March?—A. Yes, sir; I think my understanding was that the position of the President was based upon the excited feeling of the country in regard to the company and the Credit Mobilier growing out of that investigation.

By Mr. LAWRENCE:

Q. Had you any knowledge or information upon which to form any belief that the desire to change the directors grew out of anything but the Credit Mobilier investigation?—A. I had not.

WASHINGTON, D. C., May 15, 1876.

JOSEPH H. MILLARD sworn and examined.

By Mr. HUNTON:

Question. State your name and residence.—Answer. Joseph H. Millard. I reside at Omaha, Nebr.

Q. Are you, or have you ever been, a Government director of the Union Pacific Railroad Company?—A. Yes, sir; I am director.

Q. How long have you been?—A. I have been a Government director about four years, a little over four years; I was appointed in March, 1872.

Q. Were you present at a conversation between Mr. John C. S. Harrison and Mr. E. H. Rollins in regard to some bonds of the Little Rock and Fort Smith Railroad Company in the possession of the Union Pacific Railroad Company?—A. I presume so. I presume it is the conversation that you allude to that I was present at.

Q. State the conversation.—A. My recollection is that Mr. Harrison and I called into the office of Mr. Rollins, as we always do when we are in Boston, and while there Mr. Harrison and Mr. Rollins were talking in regard to these particular bonds, and Mr. Harrison desired from Mr. Rollins to know what there was about that, and Mr. Rollins said that there was something in regard to it which if he should make known might create trouble with some parties prominent in political circles. I did not understand Mr. Rollins to name any one especially, but Mr. Harrison mentioned Mr. Blaine's name, but I do not think Mr. Rollins did at the time. My understanding was that that was the person that he was alluding to. That was about the conversation.

Q. The conversation was in regard to the seventy-five bonds of the Fort Smith and Little Rock Railroad Company?—A. I so understood it; yes, sir.

Q. In the possession of the Union Pacific Railroad Company?—A. I think they were at that time. This transaction seems to have been about a year before I was a Government director.

Q. In this conversation did or did not Mr. Harrison state the conversation that he had mentioned to you previously, as having taken place between you and Mr. Rollins?—A. I don't think he did; I couldn't say.

Q. Just state what occurred when Mr. Harrison went in with you to see Mr. Rollins.—A. It is just about as I have stated, as near as my recollection goes, that while there Mr. Harrison called Mr. Rollins's attention to this matter, and Mr. Rollins stated it about as I have stated it, as near as I can recollect.

Q. Mr. Harrison said that Mr. Rollins had said it would involve Mr. Blaine?—A. Yes, sir; and Mr. Rollins said that it would involve a gentleman high in political circles; that is about my recollection.

Q. He did not say whether or not it was Mr. Blaine, as Mr. Harrison stated?—A. I don't recollect Mr. Rollins saying so.

Q. When Mr. Harrison stated that it would involve Mr. Blaine did Mr. Rollins correct the statement as to Mr. Blaine?—A. My recollection is not clear on that, but my understanding was that Mr. Blaine was meant.

Q. That he was the man meant?—A. That was my understanding.

By Mr. HARRISON:

Q. Didn't I say that I brought you there for that special purpose, to hear Rollins's statement, and when we got out in the hall I said to you, "Now, Mr. Millard, you stick a pin right in what Mr. Rollins stated, that this would involve Mr. Blaine."—A. I don't recollect that; it may have been stated.

Mr. HARRISON. I recollect that very distinctly.

By Mr. HUNTON:

Q. Do you know anything about these seventy-five bonds of the Fort Smith and Little Rock Railroad?—A. I do not, except as appears upon the record. I examined the record after knowing about this, hearing of it, and all I know is what the record shows.

Q. Did you ever attempt to get an investigation of this matter?—A. No, sir; I never did.

Q. Were you at that time Government director?—A. Yes, sir; at this time that I speak of.

Q. At the time of the interview?—A. Yes, sir. I will state in regard to the question asked me previously that the following day I was in the office of Mr. Harrison.

Mr. HARRISON. That is the time I refer to.

The WITNESS. The day after you and I were there I called into Mr. Rollins's office, and he and I were alone, and I asked him in regard to this matter, and Mr. Rollins at that time and on several occasions since has assured me that he was entirely mistaken in what he said the day I was in there with Mr. Harrison, and for that reason I supposed that it was a transaction which was for the benefit of the company at the time, and Mr. Rollins assured me that there was nothing wrong in the transaction so far as the Union Pacific Company was concerned, and I never did investigate it, as I say, further.

Q. How did he explain to you that there was nothing wrong?—A. He never explained it to me.

Q. Didn't you ask him?—A. No, sir; I did not; I just took his assurance in regard to the matter.

Q. Did he ever explain to you, then, why he was so unwilling to have it investigated?—A. I was not aware of any unwillingness; I was not present at the time Mr. Harrison speaks of.

Q. Still, you were informed of it by Mr. Harrison in the presence of Mr. Rollins?—A. Yes; but he never explained it to me.

Q. And you never asked him for an explanation?—A. No, sir; any further than his assurance that it was all right.

By Mr. BLAINE:

Q. Did Mr. Harrison ever afterward in the Government board of directors ask to have an investigation?—A. Not to my recollection.

By Mr. HUNTON:

Q. Do you know anything about the ownership by Mr. Blaine of any bonds of the Little Rock and Fort Smith Railroad Company?—A. I do not, sir.

Q. Do you know anything of this payment of this draft, mentioned in the order of the executive committee of the 16th of September, 1871?—A. No, sir.

Q. The order is: "Ordered that Morton, Bliss & Co. are authorized to draw on the

treasurer of the Union Pacific Railroad Company for \$64,000, payable at forty days from date, and hold as collateral security for the company seventy-five land-grant bonds of the Little Rock and Fort Smith Railroad Company, for \$1,000 each."

Q. I was not director at the time, and I was not for some six months afterward.

Q. Did you never learn how Morton, Bliss & Co. became authorized to draw on the Union Pacific Road for that amount of money?—A. No, sir; I never did.

Q. Was your attention ever called to this order of the executive committee?—A. No, sir; except at the time I speak of, when Mr. Harrison and I were in Mr. Rollins's office with him.

Q. You state that the morning after this conversation between Mr. Rollins and Mr. Harrison you saw Mr. Rollins again. Who was present at that interview besides you and Rollins?—A. I think there was no one in the office except Mr. Rollins and myself.

Q. In that interview, Mr. Rollins told you he was mistaken, and that that matter did not involve Mr. Blaine?—A. Yes, sir; he said that there was nothing to it.

Q. Did you ask him any further questions about it?—A. I don't recollect of asking him anything further. Mr. Rollins was not as communicative as he might be on some other subjects that day.

Q. What impression did the communication that was made to you by Mr. Harrison, and confirmed by Mr. Rollins on this first day, make in regard to the matter?—A. I thought at that time there was something in it and that it must mean something.

Q. What do you mean by "must mean something"?—A. That it must have affected Mr. Blaine.

Q. Affected him how?—A. That he had had a transaction with the company which seemed to be not regular.

Q. And when Mr. Rollins told you that he was mistaken the next day you made no further inquiry?—A. I did not; I left for home about that time.

Q. The impression that was made the day before was all removed by the simple declaration?—A. Not entirely. I have talked with Mr. Rollins on several occasions since, and he has stated the same thing to me each time.

Q. Has he ever stated to you how his first impression arose and how it was cleared up?—A. I don't think he ever has.

Q. Did you never ask him?—A. I don't recollect ever asking him.

Q. Do you know anything else in connection with this matter?—A. No, sir.

Q. You were appointed Government director after this interview?—A. No, sir; not after the interview. I was a Government director at the time of the interview; I was not a Government director at the time the company took these bonds. These bonds were taken in 1871, and I was appointed Government director in March, 1872. I know nothing about the transaction.

Q. Did you know of any effort on the part of anybody to have you removed as Government director after you became apprised of this declaration of Mr. Rollins?—A. I understood there was a move on the part of the Secretary of the Interior to change the Government board after the Credit Mobilier investigation. I never understood that it had any reference to this matter.

Q. Did you know what matter it had reference to?—A. No; I never knew, except that it was thought advisable, after that examination, to make an entire change of the Government board. I was so informed by a gentleman who got his information direct from the Secretary of the Interior.

Q. Why was that determination on the part of the Secretary changed?—A. I never knew; I never knew why he had the notion of removing us until after we were all re-appointed. Yes, I did know that before we were re-appointed, but it was something that I never knew any reason for. I never knew why it was proposed to remove us, except that it was stated that it was on account of the Credit Mobilier investigation going on.

Q. Had that investigation in Congress taken place before this talk about removing the Government directors?—A. I think it had; I think it was during that winter that the investigation was had.

Q. When was it that it was first proposed to remove the Government directors?—A. The first that I knew about it was about ten or twelve days before we were re-appointed. I think the Government directors are appointed usually about the 9th or 10th of March.

By Mr. LAWRENCE:

Q. Did not Senator Hitchcock get such a letter as Morton had?—A. I think he had such a letter. Mr. Hitchcock said to me that the reasons were on account of this investigation that was going on here at that time. I never knew before that it had any reference to this matter.

By Mr. HUNTON:

Q. What was there in the Credit Mobilier investigation which made it proper and necessary to change the Government directors?—A. I don't know; I had not been a Government director but a short time then.

Q. Were you a director at the time these Credit Mobilier transactions took place?—  
A. No, sir.

Q. Was Mr. Harrison a Government director at the time these Credit Mobilier transactions took place?—A. My impression is he was not. I don't know, but I think not.

Q. Then the desire on the part of the Secretary of the Interior to change the board, so far as you and Mr. Harrison were concerned, could not have had any reference to the Credit Mobilier investigation?—A. That is what we thought, and we explained that matter to the Secretary. I went, I know, and explained the matter to the Secretary myself, with the Senator, and my understanding was that that was one reason why we were re-appointed.

Q. Who were appointed in March, 1872, on behalf of the Government?—A. I think we were all re-appointed, Wilson, Price, and myself; the same Government board that had been in were re-appointed.

Q. How long had the different members of that board of Government directors been in the board?—A. I couldn't say; I think Mr. Wilson and Mr. Price had been Government directors four or five years, perhaps; I couldn't say, positively. I had been a director a year; I think Mr. Harrison, perhaps, two years.

WASHINGTON, D. C., May 15, 1876.

THOMAS A. SCOTT sworn and examined.

By Mr. HUNTON:

Question. Were you ever connected with the Union Pacific Railroad?—Answer. I was president of the Union Pacific Railroad Company from the 7th of March, 1871, to the 6th of March, 1872.

Q. Where was the domicile of the company during that period?—A. Boston was the chief office. The company had offices at Omaha and various other localities. We generally held our business meetings in New York, it being more convenient for the majority of the directors to meet in New York than in Boston, especially the executive committee, who had, in general terms, the management of the business of the company during the time intervening between the several quarterly meetings of the board of directors.

Q. Do you know anything about the bonds of the Little Rock and Fort Smith Railroad Company, which came into the possession of the Union Pacific Railroad Company?—A. Yes, I owned them.

Q. Did they ever come into the possession and ownership of the Union Pacific Railroad Company?—A. They went directly into the ownership of the Union Pacific Railroad Company.

Q. From whom?—A. They went through Mr. Andrew Carnegie to the Union Pacific Railroad Company.

Q. From whom did Mr. Andrew Carnegie get them?—A. He got them from me through my secretary.

Q. State from whom you obtained them.—A. I bought the bonds about a year and four months previous to that time. I bought a number of those bonds (in connection with some transactions I had in the South) from the associated gentlemen who were then engaged in trying to construct the road.

Q. I am speaking now of the seventy-five bonds in question?—A. Yes, those particular seventy-five bonds I bought, I should think, about a year and four or six months previous to the time I sold them to the Union Pacific Railroad Company.

Q. From whom did you buy them?—A. From the associates who were endeavoring to build that road under a regular organization. Josiah Caldwell especially was the man with whom I negotiated, and from whom I bought the bonds.

Q. You bought these seventy-five bonds from Josiah Caldwell?—A. I did, sir.

Q. Who was he?—A. A gentleman engaged in the building of that line.

Q. Was he its president?—A. I am not sure whether he was the president of the company, or not. He was the leading man in the construction of the road, and lived in Boston.

Q. Where is he now?—A. I have not the slightest idea, sir. I have not seen Mr. Caldwell for several years.

Q. You do not know, either from your own knowledge, or by reputation, where he is now?—A. No. I have understood that about the time of the panic, in 1873, he went to Europe with his family, having failed in carrying to completion the Little Rock and Fort Smith line and perhaps other enterprises of his in the West, and I have understood that he was in Europe, and is there yet; but, of my own knowledge, I know nothing whatever about him.

Q. State the consideration that you gave Mr. Caldwell for the seventy-five bonds.—

A. I gave him eighty cents on the dollar.

Q. In what way did you pay him?—A. I paid him in money.

Q. Currency, or check, or draft?—A. Currency, I presume. I cannot tell you who I paid it, exactly, whether in currency, or check, or draft, but that simply I agreed to buy them from him, and bought them and paid for them.

Q. When was that purchase from Mr. Caldwell?—A. In the beginning, I think, of 1870, perhaps more than a year before I had anything to do with the Union Pacific Railroad.

Q. You gave him eighty cents on the dollar?—A. I did, sir; that was the consideration price.

Q. You gave him \$60,000 for seventy-five bonds?—A. Yes. I gave him more than that for an increased number of bonds.

Q. You then sold these bonds to Mr. Carnegie?—A. No, sir; I did not. I handed them to Mr. Carnegie, and Mr. Carnegie handed them to Morton, Bliss & Co., who were authorized by the board to make their draft on the treasury of the Union Pacific Railroad Company and take these bonds. I held the reserved right to redeem these bonds afterward, if I should see proper; and I believed that the bonds, if the road were completed and in good condition, would be worth more money than eighty cents on the dollar; and I see no reason why these bonds should not be as good as the land-grant bonds of the Union Pacific Railroad Company, which are selling, I believe, to-day, at 102.

Q. You let Mr. Carnegie have these bonds, and he disposed of them in what way?—A. He handed them to Morton, Bliss & Co., who turned them over to the treasurer of the Union Pacific Railroad Company on the payment of the draft.

Q. For what purpose did he hand them to Morton, Bliss & Co.?—A. In exchange for the money.

Q. Morton, Bliss & Co. gave the money for them?—A. Yes.

Q. Had you any agency in that transaction between Mr. Carnegie and Morton, Bliss & Co.?—A. Nothing but giving him the bonds, and getting the money from him, which was a pretty direct agency.

Q. They were deposited by Mr. Carnegie, were they?—A. They were handed over by Mr. Carnegie for me.

Q. To Morton, Bliss & Co.?—A. To Morton, Bliss & Co.

Q. Was it a sale to Morton, Bliss & Co.?—A. No, sir.

Q. Or a deposit for a loan?—A. It was handing over to Morton, Bliss & Co., to transfer to the Union Pacific Railroad Company, those bonds in consideration of their paying the draft of Morton, Bliss & Co.,

Q. Did they go into the hands of Morton, Bliss & Co. with that understanding?—A. They did undoubtedly.

Q. Was there any understanding at that time that the Union Pacific Railroad Company would receive them?—A. Yes; it was distinctly understood that they would receive these eighty bonds, and I should receive the \$64,000, or whatever the amount of the claim was, which turned out to be some little less than \$64,000.

Q. What do you mean by "the claim"?—A. Three or four months before this time, Mr. Carnegie, at my request and for my benefit, had borrowed from Morton, Bliss & Co. \$60,000 on some foreign exchange, and gave his own bonds to the extent of \$100,000 as collateral security for the loan. He gave me the money, and it was in repayment of that money that I made this sale to the Union Pacific Railroad Company. I had, during the two years previous to that, become the owner of a very large amount of stock and bonds in southern roads, running from Richmond south clear down into Tennessee, and I had a good deal of money invested in these securities, and I have yet. On the occasion referred to I wanted money very much. I had been in the presidency of the Union Pacific Railroad there for about nine months. I had been solicited twice to take the presidency of that road. It was low in credit; its stock was selling at from \$8 to \$12 a share; its income bonds were selling at from \$30 to \$40; its land-grant bonds at from \$35 to \$45; and it wanted a re-organization. They wanted new directors, and desired me to take the head of the company. After a conference with the president of our own company and a number of gentlemen with whom I was intimately associated, I finally agreed to accept the presidency of that company. After I accepted it, and previous to the time at which I sold those bonds to that company, the company's stock had run up over 250 per cent. above the price at which it stood when I took the road; its income bonds had appreciated to \$65 and \$75, and as much as \$80, and its land-grant bonds had gone up to \$80 and \$82, and there is about where they were standing.

The company owed me a very considerable compensation for the services I had rendered them. I was a little embarrassed myself for want of money, and I, through my friends, said that the time had come when they ought to do something that would be liberal and proper for me. Previous to that time, they had been paying a salary of \$8,000 a year to Mr. Ames and the other gentlemen who had preceded me. I did not think \$8,000 a year was any compensation at all for the services I had rendered that company, and I do not think so now; but rather than alter it we agreed upon this plan: I wanted money

just then more than I wanted salary. I owed this \$60,000, with some accumulations upon it, and I wanted to pay it, and they finally arranged that they would buy the securities which I had on hand; and I was to have the option, if I chose, to redeem these bonds, and take them back at any time, which I undoubtedly would have done if the road had been completed, for the bonds would have been worth a great deal more money. Having agreed to buy the bonds, the price was fixed, and an order was made, through Morton, Bliss & Co., on the treasurer of the company. I handed the bonds, through my secretary, to Mr. Carnegie, who handed them to Morton, Bliss & Co. Their draft was sent to Boston; it was accepted; and when it matured it was paid, and the bonds were delivered, and went into the possession of the company in that direct way and in no other.

Q. You said your salary as president of the Union Pacific Railroad was \$8,000 a year?—A. That was the salary given by the company to its previous executive officer.

Q. And that was the salary to you?—A. It has never been paid to me at all. I think they owe me that \$8,000 yet with interest. This was a matter outside the question of salary, and not intended to disturb it.

Q. You stated that you had an arrangement with a number of gentlemen that these bonds were to be taken by the Union Pacific Railroad Company at a specific price?—A. No, sir; I stated that the executive committee agreed to take the eighty bonds for the amount of the claim I refer to, which then stood at about \$63,000 or \$64,000.

Q. What claim stood?—A. A claim that Mr. Carnegie owed for my benefit to Morton, Bliss & Co.

Q. My question is what the Union Pacific Railroad owed to you?—A. They owed me nothing, except for the services I had rendered their company.

Q. They agreed to take these bonds from you?—A. They did.

Q. Through Mr. Carnegie?—A. Yes.

Q. And they agreed to pay Morton, Bliss & Co. for you \$64,000?—A. They agreed to pay just the amount of that draft.

Q. For these seventy-five bonds?—A. That is it, sir.

Q. What were these bonds worth at that time?—A. I thought that if that road went on, and was completed, the bonds would be worth from 80 to 90 cents on the dollar of their face and perhaps reach par.

Q. The question is, what they were worth at that time on the market?—A. I do not know that there ever was a market formed for the bonds at all.

Q. Were they not sold at all in the market?—A. Not that I know of. I bought my bonds, as I supposed everybody else did theirs, through the organization for the construction of the road.

Q. You cannot give the market-value of the bonds at the period of this transaction?—A. If I had gone into the market I suppose I could not have sold them for over 50 or 60 cents, which I did not want to do.

Q. What could you have sold them for?—A. I do not know; I did not make the effort. All I wanted to do was to pay my debts.

Q. Had you any contract with the executive committee of the Union Pacific Railroad about the entry of that order of the 16th December, 1871?—A. None in the world.

Q. Was that the first negotiation between you and the executive committee of that road?—A. There was no negotiation about it at all. It was an understood thing that I was there as the president of the company. The company was getting into a better condition every day; it was then worth to its owners, whoever they might be, about 250 per cent. more than when I took hold of the road.

Q. You are speaking of the Union Pacific now?—A. Yes.

Q. But I am speaking now of their arrangement to take these bonds, which you say might have brought 50 or 60 cents on the dollar, and paying you \$64,000, which was about how much per cent.?—A. About 80 per cent. and interest on the bonds.

Q. They agreed to take these bonds from you at a price considerably in excess of their market-value?—A. It is very likely, and perhaps certain, that that is more than they would have brought in the market, but I had rendered the company a service for which there was no market-value.

Q. What was the difference between what they agreed to pay to Morton, Bliss & Co. for you, and the market-value of those bonds at the time of that transaction?—A. As I have stated before, I do not know. I do not know that there was a market-value for the bonds; but so well satisfied was I about the value of the bonds that I held the reserved right to recoup those bonds, believing that the gentlemen then in charge would build their road, and if they built their road and completed it, and secured their lands, my judgment was that those bonds were as good as the land-grant bonds of the Union Pacific Railroad. I thought so then, and I think so at this moment.

Q. Putting these bonds at 55 cents on the dollar as the market-value at the time, it would make the value of the seventy-five bonds \$41,250, would it not?—A. Yes.

Q. And the executive committee of the Union Pacific Railroad Company agreed to give you for those bonds \$64,000?—A. Yes, and did it.

Q. That was \$22,750 more than the market-value of the securities?—A. Yes, as I had rendered them a service worth more than double the par value of the bonds.

Q. There was no contract between you and the company, however, for any specific sum?—A. No, sir; I took the presidency of that road with the understanding that they would do whatever was right by me if I made a success of it.

Q. The salary of the president prior to your entering upon the duties of your office had been \$8,000?—A. Yes.

Q. There was no contract between you and the company to raise the salary of the president?—A. None.

Q. Who were the executive committee with whom you made this negotiation?—A. I do not recollect who all the members of the committee were; their names were read over here to-day from the minutes of the company.

Q. The list, as then read, was correct, was it?—A. That was correct, sir.

Q. By this arrangement with the company you said you paid a debt?—A. I paid a debt of my own.

Q. A debt of \$64,000 to Morton, Bliss & Co.?—A. Yes; a debt that was contracted through Mr. Carnegie for my benefit.

Q. Did you give your note to Morton, Bliss & Co. for this \$64,000?—A. No, sir.

Q. You gave no obligation of any kind?—A. None in the world.

Q. Had anybody any connection with this transaction other than yourself?—A. None at all; it was done directly for my benefit, and as a partial consideration for what I had done for the company.

Q. You stated that you got these bonds from Mr. Josiah Caldwell?—A. Yes; I got them from Josiah Caldwell, representing associates.

Q. Was he the owner, individually, of these bonds, or was he disposing of them for the company?—A. My impression was that he was disposing of them for the company for the purpose of building and completing the road.

Q. They came directly from his hands to yours?—A. They did, sir.

Q. And they went directly from your hands to Mr. Carnegie's?—A. They did, sir, through my secretary.

Q. Do you know whether there was any intermediary between Mr. Carnegie and Morton, Bliss & Co.?—A. I know there was not. Mr. Carnegie handed them over to Morton, Bliss & Co., and I presume they sent them to the treasurer of the Union Pacific Company at Boston, the moment their draft was accepted, which would be the usual course of business. I have no doubt they sent these bonds there as the result to the company for the acceptance of their draft.

Q. When you went to the executive committee of the Union Pacific Company to get this order for the acceptance of the draft, was the Union Pacific Railroad Company in a condition to invest in the bonds of other companies?—A. I think the company was then (being worth 200 or 300 per cent. more than when I took hold of it) able to pay a just debt.

Q. That is not my question. Was it in a pecuniary condition at that time to invest in securities of other roads?—A. Where they were taken, sir, as these were taken, as a consideration for services rendered to it, yes.

Q. I did not say "for services rendered to it;" my question was whether that company was at that time in a pecuniary condition to invest in the securities of other roads?—A. I wish you to understand, Mr. Chairman, that these bonds were taken from me as a consideration for services rendered; and I wish you to understand that the Union Pacific Railroad Company at that day, in my judgment, was able to pay just such a thing.

Q. And I wish you to understand, if you please, that while I understand your answer fully, I have been asking you a question to which I have received no answer, namely, was the Union Pacific Railroad, at the time of this transaction, in a pecuniary condition which authorized or justified an investment in the bonds of the Little Rock and Fort Smith Railroad Company?—A. I do not think the company would have entertained a proposition to purchase bonds of the Fort Smith or any other railroad company, were it not coupled with the consideration of value furnished to the company through other sources.

MR. HUNTON. You cannot fail to observe (and I do not wish to be at all captious) that that is no answer to my question.

THE WITNESS. I do not see that, sir; it seems to me that that answers the question. I say that under no circumstances, in my judgment, would the Union Pacific Railroad Company in its then condition have entertained the purchase of bonds of that or any other company, had it not been coupled with the consideration of value furnished to the company through other sources.

MR. HUNTON. Yes, but that is merely an opinion of yours that that company would not have entertained such a proposition.

THE WITNESS. That is my judgment.

MR. HUNTON. You, as president of the company, were in a position to judge of its pecuniary condition, and you knew its pecuniary condition. My question, therefore,

is properly addressed to you, was that company in a pecuniary condition at the time such as to justify an investment by it in those bonds?

The WITNESS. The company had the power and the ability to have bought half a million of bonds of anybody, if you simply come to the question of the financial power of the company.

Mr. HUNTON. I have not said a word about "financial power."

The WITNESS. They were in a condition to do it.

Q. Then this company had more money than was necessary for its immediate use at the period of this transaction?—A. I would not like to say that, sir.

Mr. HUNTON. That is what I understand by a pecuniary condition that authorizes an investment in securities.

The WITNESS. Then permit me to say, sir, that you do not understand very well the relations existing among railroad companies, because they very frequently buy and exchange, and make transactions of that sort, which, if it came down to the absolute question of having surplus money in the treasury, they might not be able to make. They may find it to their advantage to make a certain transaction, but when they come to inquire whether there is surplus money in the treasury, they find there is not, yet, it being to their interest to make the transaction, they get the money for the purpose.

Q. What made it to their interest to invest this money in these bonds?—A. Simply because they were desirous to do what was an equitable thing toward me.

Q. Did they put it on that ground when making that order?—A. It was well understood that the bonds were mine, and that that was the nature of the whole transaction.

Q. Was it done upon the ground that it was to render equitable justice to you?—A. No, sir.

Q. Then upon what ground was it put by the executive committee who made that order?—A. There was simply an order to the treasurer to buy these bonds.

Q. But there must have been a motive in buying these bonds?—A. There was; their motive was to take them from me. They knew I had rendered them a service, and they ordered them purchased; they did not display that thing in their books, and I do not think companies generally do display such transactions on their books at length, never expecting, probably, to come under the scrutiny of a very close investigating committee; companies generally do not think it wise to do so. The Union Pacific, however, bought these bonds in that way, and understood thoroughly what it was done for.

Q. I understand that you were member of this executive committee?—A. I was a member *ex officio*.

Q. And chairman of that committee, I suppose?—A. No, sir; I was not chairman.

Q. Was not the president of the company the chairman of that committee?—A. No, sir; he was not.

Q. Then this committee of which you were a member made this transaction in the seventy-five bonds of the Little Rock and Fort Smith Railroad company to oblige you?—A. Partially to oblige me and partially to do, themselves, what they ought to do for me.

Q. Was the Union Pacific Company in December, 1871, hard pressed for money, or had they plenty of money?—A. I guess they were always hard pressed for money, sir.

Q. Were they at that time?—A. I think so, and I think they are to-day. I believe it is very rarely that you can go into the coffers of a railroad company in the country and find that they have a million or two of dollars more than they need. They may actually have it in bank, but they will have obligations, probably, that will absorb the whole of it.

Q. You spoke a while ago of having other railroad bonds of this Little Rock and Fort Smith Company besides the seventy-five?—A. Yes.

Q. How many did you ever own of this company?—A. I do not know exactly how many I did own. Is that a question covered by the resolution under which this committee is acting, as to how many bonds other than those seventy-five I happen to own?

Mr. HUNTON. I thought it was legitimate or I would not have asked it.

Q. How many of these bonds do you own now?—A. None.

Q. What disposition did you make of the other bonds that you did own, besides these seventy-five?—A. I sold some of them and traded some of them off.

Q. When, and where, and at what price?—A. That I could not tell you, sir.

Q. Can you tell where you disposed of any of them?—A. No.

Q. Can you tell the prices which you got for any of them?—A. No; I could not at this moment.

Q. Will you be able to answer the question hereafter?—A. I might. If it is within the scope of the resolution under which you are acting, to know anything about my private business, yes.

Mr. HUNTON. I do not think it is proper, Mr. Scott, to raise this point.

The WITNESS. I only raise it because I understand that I am here to testify on the

question of what was done with the particular seventy-five bonds referred to. I want to tell this committee exactly whom I got those bonds from, exactly whom I gave them to, and exactly what I got for them, and what I did with the money; but outside of that I wish to submit to you for your own judgment and decision, the question whether my private business, outside of the transaction in question, is to be brought under discussion here.

Mr. HUNTON. I do not wish to ask about your private business, and I have not done so; what I do ask is as to those particular bonds of the Fort Smith Railroad. I do not propose to go outside of those.

The WITNESS. I thought the resolution related to these particular *seventy-five* bonds; that is why I mentioned the matter.

Mr. HUNTON. I will read the resolution and I think you will find you are mistaken.

"Whereas it is publicly alleged, and is not denied by the officers of the Union Pacific Railroad Company, that that corporation did, in the year 1871 or 1872, become the owners of certain bonds of the Little Rock and Fort Smith Railroad Company, for which bonds the said Union Pacific Railroad Company paid a consideration largely in excess of their actual or market value, and that the board of directors of said Union Pacific Railroad Company, though urged, have neglected to investigate said transaction: Therefore, be it

"Resolved, That the Committee on the Judiciary be instructed to inquire if any such transaction took place; and, if so, what were the circumstances and inducements thereto; from what person or persons said bonds were obtained, and upon what consideration; and whether the transaction was from corrupt design, or in furtherance of any corrupt object; and that the committee have power to send for persons and papers."

The WITNESS. I think that that refers distinctly to the "certain bonds in the possession of the Union Pacific Railroad Company."

Mr. HUNTON. There are no "seventy-five" bonds specified in that resolution.

The WITNESS. But it says "certain" bonds in the possession of the Union Pacific Railroad Company.

Mr. HUNTON. It is true that the resolution here has been directed to the seventy-five bonds.

The WITNESS. Yes; and that is all that the Union Pacific Railroad Company ever had anything to do with. I know exactly all about those seventy-five bonds. I have endeavored to tell the whole truth about the whole transaction. The bonds belonged to me and were sold to the company at a time when I needed money, and when I was serving that company. I had served them, as I have said before, to an extent worth more to the company than twice the par value of the bonds, and they were services that I would not undertake again for any company similarly situated for a hundred thousand dollars.

Q. Have the company ever agreed that they owed you anything but \$8,000 in salary?—A. They have never paid me that.

Q. Have they ever agreed that they owed you anything but that?—A. Nothing except this: The understanding was that they did not want to change the salary, as they had heretofore paid it, and apart from that question they gave me this as a consideration, or rather as an aid. I thought, when I sold the bonds that they were worth all I got for them, and to me it was a help. I owed some money, and it helped me to pay the debt. They took the bonds, and that is all they ever did for me. They never paid me my \$8,000. I have asked for it twice since that time, and I have no doubt that if you will take up their records you will find that I have asked for it twice.

Q. I have not yet got an answer to my question. When you assumed the presidency of the Union Pacific Railroad Company was there an express understanding between you and the company that you were to receive for your services as president more than the \$8,000?—A. There was no such understanding. The simple understanding was that I was to take hold of that road with a number of my friends; if I could get it cut of the slough that it was in and could get it into better condition and better credit, and get its securities to be of more value, I should have accomplished a good work. I make no bargains with companies that I take hold of. I leave the question of compensation to them. I have been connected with one of the most important railroads in this country, in the future, in my judgment, and I have never raised that question, and they have never paid me any salary; but when they are in a condition I believe they will pay me an ample salary. I have been in business for a good many years, and have had business relations with a great many corporations and people, and I dislike very much to sit down before a legislative committee and spread my private business and my private relations out upon their record as to when and where and from whom I bought a bond or share of stock, and to whom I sold it.

Mr. HUNTON. I wish you to understand also that, in conducting this examination, I do not propose to go outside the line of my duty a hair's breadth, if I know it. I desire to conduct the examination with entire kindness to witnesses.

Q. As understand you, then, you cannot state to the committee what price you got for any other of the bonds of the Little Rock and Fort Smith Railroad, but those seventy-five?—A. No, sir.

Q. Can you approximate the price you received?—A. I cannot. I cannot take up these questions of my private business outside of those seventy-five bonds.

MR. HUNTON. That is not outside of the resolution under which the committee is acting, because by getting at this information we arrive at the market-value of the seventy-five bonds. If you decline to answer the question, that is one thing; if you say you cannot answer it, because you do not remember, that is another.

THE WITNESS. I say this, that I do not remember distinctly about it. I can say to you, in general terms, that I have sold and disposed of these bonds without, in my judgment, making any loss to myself on the original cost of 80 cents on the dollar; but to whom I sold them, and what I traded them for, and how I managed them, are question of detail, which I would rather you would not ask me.

Q. You say you have not sold any of those bonds, other than the seventy-five, for less than 80 cents?—A. In my judgment, I have realized what they first cost me, 80 cents on the dollar.

Q. Have you realized that in money or property?—A. I think some of it in money and some of it in other securities. I have all my life been in the habit of changing and trading securities when it suited my interest to do so.

Q. Can you state to the committee any sale of these Little Rock and Fort Smith Railroad bonds by which you realized 80 cents on the dollar in money?—A. No, sir; I cannot take up that question and state anything in detail; but I give you my best judgment about it. So far as I know my business relations, I have realized in various ways, in money and securities, that which these bonds cost me; but I do not want to lay before the committee the detail of my business outside of the particular transaction in question.

Q. State to the committee whether, in the progress of your negotiations about these seventy-five bonds of the Little Rock and Fort Smith Railroad Company, from the time you became the owner until they were finally disposed of to the Union Pacific Railroad, you directly or indirectly knew Mr. Blaine in the whole transaction?—A. I never did; I never had a transaction with Mr. Blaine, in relation to the Fort Smith bonds, in my life.

Q. Either directly or indirectly?—A. No, sir; I want to say further, that while I was president of the Union Pacific Railroad Company I had no occasion to go to any member of Congress for anything. There never was one line of one law passed in either house, from the time I was made president until I left the service of the company, relating to that company, directly or indirectly; therefore I had no occasion to go to Mr. Blaine or any other member of Congress on any matter relating to the Union Pacific Railroad Company or relating to bonds or anything else.

MR. HUNTON. I must remind you that I have not said a word about Mr. Blaine as member of Congress.

THE WITNESS. You asked me about Mr. Blaine.

MR. HUNTON. Yes; as plain Mr. Blaine, but not as member of Congress.

THE WITNESS. Then I say, "plain Mr. Blaine."

MR. HUNTON. I mean to say, Mr. Blaine whether he was a member of Congress or not.—A. I say, no, sir; I never knew him, directly or indirectly, in any transaction of the kind.

Q. Did he ever get any stock of the Union Pacific Railroad Company?—A. Never, to my knowledge; I never heard of his being a stockholder.

Q. You did not put these bonds with Morton, Bliss & Co., but Mr. Carnegie did?—A. Mr. Carnegie did; yes, sir.

Q. He did that as your agent?—A. He did that as my friend.

Q. He was acting for you?—A. Yes; he had advanced \$100,000 of bonds, which were his own, to borrow \$60,000 for me, and it was in lieu of this that I handed these bonds, through my secretary, to Mr. Carnegie to deliver through Morton, Bliss & Co. to the company, saying: "The company had done me this equity." With the proceeds I paid that debt, for which Mr. Carnegie had pledged, as he told me, \$100,000 of his own bonds as collateral with Morton, Bliss & Co. some three or four months before, and they were thus redeemed to him, and the company, for my benefit, paid.

Q. Mr. Carnegie was one of the executive committee of the Union Pacific Railway?—A. Yes; he was a member of the board.

Q. This transaction, however, was not made by him as a member of that committee, but as your friend?—A. As my friend.

By MR. LAWRENCE:

Q. If I understand you correctly, this sale of these bonds to the Union Pacific Railroad Company was adopted as a mode of compensating you, in part, for your services as president of the company?—A. Yes; for extraordinary services that I had rendered to them.

Q. Assuming that those bonds which you sold the company were worth in the market only 50 or 55 cents on the dollar, and that you sold them at something over 80 cents on the dollar, how would the compensation thus given you compare with the compensation paid for similar services by other railroad companies?

The WITNESS. Do you mean me?

Mr. LAWRENCE. Yes.

A. It is a great deal less than my ordinary salary to-day, from a single company.

Mr. LAWRENCE. I did not mean to inquire about your salary, but how it compared with compensation paid for similar services by other railroad companies.

The WITNESS. It was a payment to me for services to that company, which I think were worth more than double the par value of the bonds. If they had paid me \$150,000, they would not have paid me a very inequitable amount for the services I had rendered that company.

Q. How would the compensation given you in that way compare with the compensation given by the other railroads of the country for similar services?—A. I believe the Reading Railroad pays its president an annual salary of \$30,000. The Philadelphia, Wilmington and Baltimore Railroad, for its main line of 100 miles, and companies controlled by it in Delaware, from \$20,000 to \$24,000; the Erie Co., I think, has paid its president a salary of \$40,000. People who have devoted their lives to railroads and understand the duties attaching to railroads, can command a considerable salary. When it comes to taking a company in such a very low condition as this company was when I took it, and render the services to it that I did, the money resulting from the purchase of these bonds is a very small compensation indeed. I understand to-day that notwithstanding that the Little Rock and Fort Smith Company has gone through the process of re-organization, (which is no uncommon thing in the West and South,) they still value their assets for this item at \$33,000; so that, taking it in its worst form, that would have allowed me a compensation of \$30,000, which I contend was no adequate compensation for the service I rendered the company.

Q. And the reason, if I understand you, for making this compensation in this form, rather than prescribe a fixed sum, was that the directors did not wish to interfere with their prior plan of a salary?—A. Yes, sir; it was very well understood that I was not going to remain permanently with the Union Pacific Railroad Company; that I had other corporations to attend to and other duties to perform, and therefore rather than vary their ordinary and customary salary, which was altogether too low an amount to pay any man who was in active duty, and who was worth anything for details on the line of the road, they simply had a president nominally at Boston whom they paid for office-duties there; a gentleman who was not familiar with the detail of controlling and operating a railroad and its men. They preferred, on this account, to keep the salary at \$5,000 a year, and not disturb that at all, and make me this compensation outside. They never made me any compensation except their purchase of these bonds, and if the road had been completed these bonds would have gone away above 80, and I should have had the right of taking them back again and paying the company what they paid me, and they would then have given me nothing at all except this accommodation when I needed it.

Q. Was this sale in December, 1871?—A. Yes.

Q. At that date, what was the reasonable prospect for the completion of the Little Rock and Fort Smith Railroad?—A. I understood it was very good. If the committee will allow me, I would say that this road was under progress. The Memphis and Little Rock Railroad, which, I suppose, every man in this room knows something about, was then in new hands for the purpose of reconstruction and re-organization. (That was in 1871 and 1872.) They expected to complete the Fort Smith Road, and they had a negotiation with me, looking to the leasing of the entire road, as constructed and reconstructed, to the city of Memphis, there to connect with the Memphis and Charleston Railroad, which we were then negotiating for, to carry a line of travel down through Chattanooga and Knoxville, and form a through line in connection with roads which afterward became the property of the Southern Security Company. The latter company bought the Virginia and Tennessee Company's stock, or a majority of it. They then leased the Memphis and Charleston Railroad. I was the chairman of the company that negotiated with Mr. Caldwell and Mr. Samuel Tate and one or two other gentlemen of Memphis, looking to the final success of their scheme; consolidating the two roads up from Memphis to Fort Smith, and thus forming a great line all the way from Arkansas by way of Virginia to the Atlantic Coast cities. But when the financial frosts of 1873 came around, in the form of a panic, a great many projects that had before that time looked well had to be left unfinished, and have never come to the surface since.

Q. This project turned out disastrously after December, 1871, as I understand?—

A. Yes.

Q. What causes contributed to this?—A. My judgment is that when they came to sell their bonds and negotiate their securities, they had not the financial strength in their party to do it; they failed to get the money requisite, and failing to get their

money they failed to complete their road, so that when the time came for re-organization they could not affect it, and therefore their securities were largely rendered valueless. I could name you many roads to-day that were valuable roads in 1871 whose stock is not now worth a dollar.

Q. Have you any knowledge or information which would connect Mr. Blaine with these \$75,000 of bonds in any way?—A. None in the world.

Q. In what capacity did Mr. Caldwell represent the Little Rock and Fort Smith road?—A. He was the active man connected with the construction of the road, and I always believed that he was the main man in the whole enterprise, and was going on with the work, and raising the money principally through his Boston friends, by disposing of his bonds and other securities. I thought he was a very energetic man.

Q. Was it part of his business to make sales of the bonds? or did he, in fact, make sales of the bonds of the company?—A. It was his business, and I think he did it to a large amount.

Q. From whom did you receive these bonds?—A. Directly from him.

Q. Where at?—A. I guess at my office in Philadelphia.

Q. Where did he generally make the sales of his bonds?—A. He sold them in New York and, I think, in Boston. Mr. Caldwell knew that I was very largely interested with a number of gentlemen from Baltimore and elsewhere south in the purchase of the stock and securities of the various roads, commencing at Richmond and forming what was afterward known as the Southern Railway Security Company, and in which, I am sorry to say, I have over \$400,000 to-day that I would like to sell at 10 cents on the dollar. In carrying out these various enterprises, I thought the South was going to recover promptly her former prosperity; and, if so, these enterprises were going to do well.

Q. What I desire to know is whether Mr. Caldwell, in putting these bonds upon the market, adopted the usual course of going to the financial centers where such bonds were usually sold?—A. I think so.

Q. Have you any knowledge or information of any disposition of bonds outside of the regular way?—A. No.

By Mr. HUNTON:

Q. Look at this Financial Review (hauding a printed paper to witness) and say what the quotations of the Little Rock and Fort Smith Railroad were in 1872.—A. (After looking at the paper,) I do not see that road noticed here, nor do I see the Baltimore and Ohio Road, which is a pretty well known road, nor the Pennsylvania Railroad, nor other corporations that are pretty well known in the country. I think you will find that this is but a partial list. I am not surprised that the Little Rock Road is omitted from it, since those others are. I observe that the Reading Railroad, also, is not shown on this list.

Q. Has the Reading Railroad any bonds upon the market?—A. They have about forty-five or fifty millions of dollars in bonds; I guess the Baltimore and Ohio and the Pennsylvania Railroad also.

Q. On the market now?—A. Yes, sir; that is to say, in the hands of purchasers and out of the hands of the company. I suppose that is what you mean by being "on the market."

Q. I mean offered on the stock-market.—A. Those are bonds owned by individuals, and that is what this list purports to give.

Q. During the time you were president of the Union Pacific Railroad were you president of any other roads?—A. Yes, sir; I was president of some thirteen or fourteen other roads.

Q. Then your time was divided up between those thirteen or fourteen other roads and the Union Pacific?—A. Yes; a little. And it is so to-day; I am president of some fifteen corporations to-day.

By Mr. LAWRENCE:

Q. State what effect upon the value of those services to the Union Pacific Railroad Company there would be by reason of your being president of other railroads.—A. I think that that was the main reason why they selected me, because I was connected with a great many other roads and was pretty well known and had had some little success in life as a railroad-man. I think that that was really what brought them to me—not that I was going to give them all my time, because they knew I could not do that. I knew it was a good enterprise, and that it was below what it ought to be, and I did believe that by giving one or two years to that corporation, as I could do, I would benefit it.

Q. So that they could have the benefit of your services, your experience, and your name?—A. Yes, and they got it, as is evidenced by the fact that in nine months 150 per cent. was added to the value of their stock, their income-bonds and land-grant bonds. I think that that was a service of considerable magnitude, or rather that they used me to their advantage to that extent.

By Mr. HUNTON:

Q. Provided that that result followed from your management of the road?—A. That is a question that I cannot very well discuss, but that certainly was the result after the lapse of that time.

By Mr. BLAINE:

Q. Did I ever write or speak to you on behalf of Mr. Caldwell, to urge you to buy these bonds?—A. You never did. I never had any conference with you about it.

Q. Had you any supposition that I knew at the time that there was anything going on between you and Mr. Caldwell?—A. No, sir; but about a year afterward you said to me, incidentally, "I hear that you are interested in Fort Smith bonds; what do you think is the outcome of the road?" I said to you then, as I would have said to any other gentleman at that time, "I believe they are going to succeed in completing their road, and if they do their securities are good," and I would say so now, if the road were completed.

Q. Did Mr. Caldwell ever intimate to you, in any way, that I had any direct or indirect interest in the bonds that he was selling to you?—A. He never did. He represented to me that they were the bonds of his own construction-party that were going on to complete this road, and I so understood when I bought the bonds and paid for them.

By Mr. HUNTON:

Q. You said that this Union Pacific had \$33,000 and upward of assets, derived from those seventy-five bonds of the Little Rock and Fort Smith Railroad Co.?—A. I merely saw that stated here in evidence to-day.

Q. Did you mean to be understood that that was the value of the assets?—A. I saw from their statement here to-day that they valued the re-organized assets received for those seventy-five bonds on their books as worth thirty-three thousand and some hundred dollars. I do not know anything about it otherwise than that.

Q. I did not understand it in that way; I understood the witness to say that they received them at that price for the seventy-five bonds?—A. No; I understood that these assets, \$33,000, were considered valid on the books of the company and that they represented this \$75,000 of bonds. It is customary, when a company is re-organized and its securities are scaled down, to represent them in that way—at the scaled-down value.

Q. As I understand it, the Little Rock and Fort Smith Railroad Co. is bound to pay \$33,000 instead of \$75,000 for those bonds?—A. No, sir; I understand it that they have securities to the amount of about \$48,000, which they hold the Little Rock for, but that they estimate them on their books as thirty-three thousand and some hundred dollars.

Q. And this valuation was made in last July?—A. Yes, sir, in July last; but I understand that the re-organized company of the Little Rock & Fort Smith sold the stock and made new bonds and new stock, and in scaling down they gave the Union Pacific Railroad Company for their seventy-five bonds, about \$48,000 in securities; that is, \$38,000 or \$39,000 of stock; \$5,500 of first-mortgage bonds, and four thousand and odd dollars of certificates, the nature of which I do not know, but as I run it over in my mind, I believe that \$48,000 of assets were made out of \$75,000.

Q. Do you understand what the expression "Atkins, Trustee," means?—A. I do not know, but I know enough of the Union Pacific Company to believe that "Atkins, Trustee," means that Mr. Atkins, who is their financial director in Boston, had probably a trusteeship coming through this re-organization.

Q. Explain how?—A. I do not know how, but I know Mr. Atkins very well, and he is one of the best men in Boston. If there were a trust to be made through the re-organized company, they could not select a better man. They have probably got him to act as trustee of the Little Rock & Fort Smith in the re-organization of that company, and he has probably given the Union Pacific, for her pro rata proportion of the re-organization, a certificate for undivided amount of assets which is still in his hands. It is not customary for a road when about to be re-organized, to be closed up all at once; it is very difficult to do that. The trustee takes up all the old securities and puts out the new ones. Mr. Atkins, I presume, has given this company so many bonds and so much stock, and he has so much of the assets still in trust for division among the proper parties entitled justly to them, and he distributes as he gets further along in the re-organization of the company, or distribution of assets in his hands. I never knew anything about this particularly until I heard it mentioned here to-day.

Q. You think the main man in the management of this Little Rock and Fort Smith Railroad Company was Josiah Caldwell?—A. Yes, sir; he was one of the most active men I have ever met in my life, and I believe he was the active man of that road. He was full of energy and business, and was a man of enthusiasm in behalf of this enterprise.

By Mr. BLAINE :

Q. Have you any knowledge at all that I was interested in the bonds before you purchased them, or that I was in any way interested in the proceeds after they were taken by the Union Pacific Railroad Company, or any belief to that effect?—A. I have no knowledge of your being connected with them in any way whatever, nor have I any belief in regard to your ever having anything whatever to do with them, so far as my connection with this transaction was concerned. It was as perfectly distinct from Mr. Blaine as it was from that glass [indicating a glass in the room.] Mr. Blaine never had anything to do in any way, directly or indirectly, with the matter—never was interested in it, or connected with it in any manner whatever. I was dealing in this as a railroad man, as I have dealt in many similar things, sometimes to my advantage and sometimes to my disadvantage.

WASHINGTON, D. C., May 16, 1876.

JOHN MCCLURE sworn and examined.

By Mr. HUNTON :

Question. Where do you reside?—Answer. I reside at Little Rock, Arkansas.

Q. Were you ever acquainted with Josiah Caldwell; and if so, had he any connection with the Little Rock and Fort Smith Railroad Company, and what connection?—A. I was acquainted with Josiah Caldwell. He was connected with the construction of the Little Rock and Fort Smith Railroad.

Q. How connected with it?—A. I merely state an impression. The board of directors of the Little Rock and Fort Smith Railroad Company entered into an exhaustive contract, I think, with William P. Dently and a man by the name of Haney, giving to them the first-mortgage bonds, the land-grant bonds, the State-aid bonds, county bonds, and such subscriptions as might be procured along the line of the railway. That contract was afterward assigned to some other parties, and in this assignment Caldwell became a final contractor under this original exhaustive contract. Caldwell assigned his contract, or sublet it, to Warren Fisher, of Boston.

Q. Did you ever hear from Caldwell of the disposition of any of the bonds of that railroad company? and if so, state it.

Mr. LAWRENCE thought the question objectionable as being hearsay.

Mr. BLAINE. With the permission of the committee, I would like to say one word here. I have suffered, no doubt, in the estimation of a great many good people in this country, because of a partial belief that I was interested in the bonds of the Fort Smith Railroad that went to the Union Pacific Railroad Company. That question has been sent to this committee for investigation, and there is nothing else in the resolution to investigate. Now I am entitled to a report upon that subject. I do not want it mingled or commingled with any other thing. The resolution is strictly and absolutely limited to that. Whatever the House, in its discretion, may send to this committee to investigate, otherwise, it is not for me to say, nor for me to object to, but I wish the question now before the committee to be kept unmixed with any other. I want it to stand exactly where the witnesses who have knowledge of it leave it. It is not for me to say whether the question has been exhausted, but I want the witnesses examined on this question to be examined as to this \$64,000 transaction. That is the one topic sent here by the resolution of the House. The Little Rock and Fort Smith Company is simply mentioned because the bonds which were supposed to be corruptly purchased by the Pacific Railroad Company were bonds of that company. As to the other affairs of the Fort Smith Company and its organization they do not seem to me to be within the scope of the inquiry submitted to the committee, and I mention it here, not that I have the least objection to the inquiry, but that the first question may be first settled; and I think I have the right, in the name of justice, to make that demand. I am not willing to let the question drop without the fullest and most impartial investigation, but I do not want any questions brought in here to obscure my acquittal, and I speak confidently of my acquittal, for I am as innocent as the child unborn. I want every fact in this transaction brought out before the American people. If there is anything else to be investigated after that, it will be for the House to so order.

Mr. HUNTON. I understand the force of the objection of Judge Lawrence.

The WITNESS. I do not know a thing about this matter that would be testimony in any court in the world, to the best of my knowledge.

By Mr. LAWRENCE :

Q. Have you any knowledge or information as to the 75 bonds which were sold to the Union Pacific Company, and about which testimony has been taken?—A. No, sir; I never knew even that they were sold to it.

By Mr. HUNTON:

Q. You know nothing about the possession of the Union Pacific Railroad Company of any bonds of the Little Rock and Fort Smith Railroad Company?—A. No, sir; all I know about the possession of any \$75,000 of Fort Smith bonds by the Union Pacific Railroad Company is merely what Mr. Caldwell told me.

Mr. HUNTON. That we do not want you to go into, sir.

Adjourned.

WASHINGTON, D. C., May 17, 1876.

JAMES F. WILSON recalled.

By Mr. HUNTON:

Question. Please state whether, in the conversation alluded to by you in your former examination, you told all that passed between yourself and Mr. Blaine.—Answer. I gave the substance of it.

Q. I would be glad that you repeat it in the exact language used, so far as you can recall it.—A. I informed Mr. Blaine that I had understood from the report which has been testified to by Mr. Harrison that his name was connected with the seventy-five Little Rock and Fort Smith bonds which were in the possession of the Union Pacific Railroad Company. Mr. Blaine expressed surprise that his name should be so connected, and stated that no one could be more surprised than himself at such a report; that he never had had anything to do with those bonds; that he never had any interest in them; that he was not interested in them then, nor had he any prospective interest in them. That was the substance of that portion of the conversation. I asked him whether he had any theory on which to explain the connection of his name with those bonds. He said that he had not, and that he certainly never had been interested in them, nor had anything to do with them. He said that the only thing which he could fix in his mind out of which such a rumor could have originated was the fact that during the pendency of certain negotiations between parties interested in the construction of the Little Rock and Fort Smith Railroad and others, (whom, as I stated in my examination the other day, I afterward understood to be the parties interested in the Southern Improvement Company, Mr. Scott being one of them,) he had been requested to speak to those parties in aid of the negotiation that was pending, and that he had done so, but that he had no interest in any bonds that were pending in that negotiation, nor any interest in connection with the road, except the bonds which he himself had purchased, paying for them as others had paid, and which he still held as his own property.

Q. Did he say anything in that conversation about his having held those bonds, or any other such bonds, for constituents of his or for anybody else?—A. No, sir. In that conversation, Mr. Blaine spoke of parties interested in the construction of that road, and among others he mentioned Mr. Caldwell as one of the parties who had spoken to him.

Q. Spoken to him about what?—A. About speaking to those other parties in aid of the negotiation that was pending. What that particular negotiation was, I do not know, because that was a branch of the subject to which I gave no personal interest.

Q. Was it to speak to those parties in behalf of Caldwell, so as to aid in the negotiation of these bonds?—A. I cannot say that Mr. Blaine said that it was in behalf of Mr. Caldwell, but in behalf of this pending negotiation.

Q. The pending negotiation was a negotiation by Caldwell with the Southern Improvement Company?—A. Yes, sir; but I did not understand Mr. Blaine to intimate that those 75 bonds were involved in the matter at all. On the contrary, I understood him to say that that transaction was one with which he had nothing whatever to do, and that he had no knowledge of them until he heard of his name being connected with them.

Q. Then, he did not say nor intimate anything from which you could infer that he held those 75 bonds for a constituent, or for anybody else?—A. O, no, sir; the impression made on my mind by the emphatic statement of Mr. Blaine was that he had not had anything to do with those bonds.

Q. Either for others or for himself?—A. Yes; and in the same conversation, (conversing about it here refreshes my memory somewhat in regard to it,) Mr. Blaine asserted most positively, that with regard to that subject he was prepared to undergo the most rigid investigation at any time that it should be ordered. The impression made upon my mind was that Mr. Blaine was not connected with that transaction, and I became satisfied that so far as pushing inquiry in that direction was concerned, I had gone as far as it was proper for me to go.

Q. Were you a Government director at the time Mr. Scott was made president of the Union Pacific Railroad Company?—A. I was.

Q. State what the contract was between the company and Mr. Scott.—A. I cannot state what the contract was, if there was one.

Q. Were you present when he was made president?—A. I was present at the annual meeting when he was elected.

Q. And you do not know on what terms he was made president?—A. I do not know of any terms, except that he was elected a member of the board of directors at the stockholders' meeting in March, 1871, and afterward, on the organization of the board, he was elected by the board president of the company. Whether he had any understanding with the directors of the company as to what he was to receive, or as to what he was to do beyond the ordinary discharge of the duties of a president, I do not know. There are a great many negotiations carried on by what we call the stock directors of the Union Pacific Railroad Company, of which the Government directors have but little knowledge.

Q. You are put there by the Government to see that the Government is protected in all its contracts, and do you think that that is right?—A. I have always thought that the Government directors were entitled to know all that was going on, and I must say that there has been a very great improvement in that respect of late.

Q. Did you raise the question in the board that these things were going on without your knowledge, as a Government director?—A. In the early years of my connection with the company as a Government director, I and my associates did complain considerably in regard to not being informed more than we were.

Q. Did you report that fact to the Secretary of the Interior?—A. I do not know whether we ever reported that particular fact; our reports are printed and among the documents of the House.

Q. What salary did the Government directors receive?—A. We received a compensation of \$10 a day when actually employed in the service—\$6 a day for expenses; and the actual traveling-fare paid was returned to us. That we received from the company, not from the Government.

Q. Do you know of any bonds of the Union Pacific Railroad Company, or of any bonds which the Union Pacific Railroad Company controlled, that were paid to Thomas A. Scott for his services as president?—A. I do not.

Q. Do you know of any compensation which the company made to Mr. Scott for his services as president?—A. I do not know.

Q. You cannot tell, then, what salary was agreed upon or paid?—A. No, sir; I do not think there was ever any action taken in regard to fixing Mr. Scott's salary while he was president of the company; nor do I remember any action that has been taken since on the subject. I have understood that the question of compensation was an open one.

Q. Do you know what he has demanded of the company as his compensation?—A. I know that he sent one or two communications to the company with reference to his compensation. I think these communications have not been finally acted upon. I do not now recollect whether in them he stated the amount.

Q. Are those communications on file among the books and papers of the company?—A. I presume they are.

Q. Do you know whether any of the Government directors of the Union Pacific Railroad Company know the terms on which Colonel Scott was made president of that company?—A. I do not.

Q. Was it ever a matter of discussion at the board, or among the Government directors?—A. I have no recollection of such discussion.

Q. Was it ever mentioned to the board, or discussed among the Government directors, what compensation Colonel Scott demanded as president of the company?—A. I have no recollection of any such discussion. When the communications from Colonel Scott were put before the board, there may have been some discussion, but what it was, if any, I am not prepared to state. My impression is that the communications were referred by the board to the executive committee.

Q. You are a member of that executive committee?—A. Yes.

Q. As a member of that executive committee, do you know anything more about the matter than you do as Government director?—A. I do not.

Q. Then I understand you to say that the board of directors, so far as you know, employed Colonel Scott without any contract; and that, so far as you know, he never has been paid any compensation?—A. So far as I know, that statement is correct. The only fact which I know contrary to it is what Mr. Scott himself stated in his testimony here on Monday.

By Mr. LAWRENCE:

Q. Have you stated all the conversation with Mr. Blaine?—A. I think I have, substantially. Our conversation was not a very extensive one. I think I have stated it substantially. As I remarked in my testimony on Monday, I have seen reports concerning that statement alleged to have been made by me to Mr. White, of the Chicago Tribune; but, as I stated then, if Mr. White got a different impression from what



I said here, it was by the confounding of the two branches of the subject, and I should certainly regret very much to have given Mr. White a different impression, because it would have been unjust toward Mr. Blaine. I certainly had no intention of doing so. The conversation with Mr. White was a casual one, without any purpose or expectation on my part that it was going to be published; otherwise, I might have been very careful, if I was not sufficiently careful in the conversation, to have expressed myself clearly. I certainly never intended to convey such an impression in regard to it as I have seen in the newspapers, because that would have been entirely unjust to Mr. Blaine.

Q. Do you know any other fact which you have not stated that would throw any light on the question of the sale of these 75 bonds?—A. I do not.

Q. Or as to their ownership?—A. No, sir.

(Mr. Hutton stated to Mr. Wilson and to Mr. Millard (a former witness) that they might return to their homes, but would not be discharged from the subpoenas, and would be expected to return on notice by telegram if needed.)

WASHINGTON, D. C., May 17, 1876.

L. P. MORTON sworn and examined.

By Mr. HUNTON:

Question. State your residence and occupation.—Answer. I reside in the city of New York; I am a member of the firm of Morton, Bliss & Co., bankers.

Q. How long have you been a member of that firm?—A. Under its present style, the firm has been in existence since 1869, I think.

Q. State whether you recollect a transaction involving 75 one-thousand-dollar bonds of the Fort Smith and Little Rock Railroad Company.—A. (Referring to a memorandum.) I find on examination of our books that in June, 1871, we loaned to Mr. Andrew Carnegie \$60,000 on the security of 67 Union Pacific income-bonds, and of 74 bonds of the Little Rock and Fort Smith Railroad Company. Some changes were made in the collaterals from time to time.

Mr. HUNTON, You had better state the whole transaction.

The WITNESS. On the 11th of July, we exchanged the above collaterals for 100 of the first-mortgage bonds of the Keokuk Bridge Company. On the 20th of November, 1871, we exchanged the Keokuk Bridge bonds for 1,136 shares of the Pennsylvania Railroad stock. On December 21, 1871, we exchanged the latter for an acceptance of the Union Pacific Railroad Company for \$64,000, due January 28, 1872, with 75 Fort Smith and Little Rock bonds as collateral. The original loan was to Carnegie for \$60,000. We received this acceptance in settlement of the loan.

Q. Where were those 74 bonds of the Little Rock and Fort Smith Railroad Company at the time you received this acceptance of a draft on the treasurer of the Union Pacific Railroad Company?—A. According to our record, they had been surrendered to Mr. Carnegie on the 11th of July.

Q. At what period did you draw this draft on the treasury of the Union Pacific Railroad Company?—A. I have not the date here, but it matured on the 28th of January, 1872.

Mr. CARNEGIE. It was a forty-day draft.

Q. You had parted with those 74 bonds some months before you drew this draft on the treasurer of the Union Pacific Railroad Company?—A. We had, as appears from our books.

Q. Did Mr. Carnegie negotiate this loan for himself; if not, for whom did he negotiate it?—A. We understood that he negotiated it for Colonel Scott.

Q. From whom did you so understand?—A. From Mr. Carnegie, at the time of the loan.

Q. Why were those changes in the security for the loan, to which you have alluded, made?—A. I have no recollection.

Q. At whose instance were they made?—A. I have no recollection on the subject.

Q. Did you ever have those 74 bonds after you delivered them to Mr. Carnegie on that occasion in July, 1871?—A. I presume not until we received 75 bonds in December as collateral for the acceptance of the Union Pacific Railroad Company.

Q. Why did Mr. Carnegie hand you those 75 bonds?—A. I do not know why. I suppose he wished us to take the acceptance of all those bonds as collateral in settlement of the loan. That appears to have been the result of the transaction. We took it in settlement, liquidating the account, and paying him the balance due to him in the account—some small balance; \$64,000 was somewhat more than the amount of his indebtedness. That was taken and the amount closed.

Q. So that, from that moment, you became the owners of the seventy-five bonds?—A. No, not the owners. We discounted the acceptance of the Union Pacific Railroad

Company with those bonds as collateral. That acceptance being paid, the bonds went with the acceptance. We took them in settlement of the loan in that way.

Q. At the time these seventy-five bonds were given you, in December, 1871, what conversation took place between you and Mr. Carnegie?—A. I have no recollection on the subject.

Q. Did you ever hold a note or obligation, of any description, of Colonel Scott's as collateral for that loan?—A. I think not.

Q. Can you say that you did not or that you did?—A. I think I can say very safely that we did not. From an examination of the books, the loan was made to Carnegie, as we understood at the time, for the account of Colonel Scott.

Q. Were those seventy-five bonds put into your hands at the time you were informed of the action of the executive committee of the Union Pacific Railroad Company in regard to that loan?—A. I have no special recollection as to the action of the executive committee.

Q. It was stated yesterday that the treasurer of the company received a letter from you inclosing a draft; why did you write that letter to the treasurer inclosing a draft?—A. On the authority of the president or of the vice-president of the Union Pacific Railroad Company.

Q. Then it was on the authority of Colonel Scott?—A. It must have been on the authority of Colonel Scott, president, or of the vice-president, Mr. Duff.

Q. They told you that that arrangement had been made with the Union Pacific Railroad Company, and by which you were to draw on the treasurer?—A. They did, undoubtedly, else we should not have made the draft. We were the financial agents of the company at that time.

Q. Did you ever learn, in the course of your negotiation with Carnegie, or otherwise, that that loan of \$60,000 was originally made for the benefit of Colonel Scott?—A. We understood that the loan was for his account.

Q. Did you ever hear the name of Mr. James G. Blaine mentioned in connection with that loan, or with those securities, from the time the negotiation began until you received your \$64,000 from the Union Pacific Railroad Company?—A. Never.

Q. You have no reason to believe that he was, directly or indirectly, connected with this transaction?—A. None whatever.

Q. How did you pay this \$60,000?—A. We paid it in a check.

Q. To whom?—A. To Mr. Carnegie.

Q. Do your books show that you paid that money by a check to Mr. Carnegie?—A. Our books show that we gave a check to Mr. Carnegie of \$60,000 in June, 1871.

Q. That check, of course, came back to you?—A. Undoubtedly.

Q. Who are the indorsers on that check?—A. I do not know.

Q. Can you inform the committee?—A. I cannot now; I can on my return.

Mr. HUNTON. Please to send the committee a copy of the check, and the indorsements on it, so that it may be made a part of your sworn testimony.

The WITNESS. I will do so when I return.

Q. State how you learned, and from whom, that this loan was for the benefit of Colonel Scott?—A. We learned it from Mr. Carnegie.

Q. Was Mr. Carnegie a general agent of Colonel Scott's?—A. Mr. Carnegie was a director of the Union Pacific Railroad Company at the time, and was a member of the executive committee. We knew that he was in intimate business relations with Colonel Scott.

Q. Were those seventy-five bonds which you held finally as a security for that loan the same bonds so far as seventy-four of them were concerned as you originally got?—A. That I do not know.

Q. Is there nothing on your books to show?—A. There is not.

Q. They were all, both the seventy-four and seventy-five, bonds of the Little Rock and Fort Smith Railroad Company?—A. Yes.

Q. Do you recollect whether they were mortgage-bonds or land-grant bonds?—A. I do not recollect.

Q. Can you state the value of those bonds at that time?—A. I have no information as to their value at that time except that I should not have been likely to accept them as collateral if we had not supposed that they had a market-value.

Q. Had you anything else as security for that loan in the first instance besides those bonds?—A. We had, as I have already stated, as security for the original loan, sixty-seven Union Pacific income-bonds and the seventy-four of the Little Rock and Fort Smith bonds.

Q. Which were the best security?—A. That I am unable to state now.

Q. Can you state the value of those Union Pacific income-bonds at that time?—A. I do not know what their value was at that time.

Q. Can you refer to the quotations when you return, and give us the market-value of each of those securities?—A. I do not know whether the Little Rock bonds were quoted on the stock-exchange or not.

Q. If those bonds of the Little Rock and Fort Smith Railroad Company were not

quoted on the stock-exchange, would not that fact be evidence that they were not salable on the market?—A. Not necessarily. A good many securities are sold privately, by private negotiation, which are not officially quoted on the stock-exchange.

Q. Do you not know that at that time the parties owning those bonds could not dispose of them by sale?—A. I have no special knowledge or information now as to their value.

Q. State any knowledge that you have that is not special.—A. I have none.

Q. State whether you know or not that the parties owning these securities were not making every effort, publicly and privately, to dispose of them.—A. I do not know that. I only know the fact that we should not have received bonds as security, if we did not suppose that they could be sold at a price which would have covered the loan. We should not have made a loan of \$60,000 if we did not believe at the time that the securities could have been sold at enough to cover that loan.

Q. The securities that you are talking of now include the Union Pacific income-bonds?—A. Yes.

Q. You would not have made the loan unless you considered the securities of both of those companies good for the money?—A. We should not.

Q. You cannot state whether your reliance on those securities as collateral for the loan was mainly based on the Union Pacific bonds or on the Little Rock and Fort Smith bonds?—A. No, I cannot.

Q. Do you know of anything touching this negotiation, or touching any other transaction about those bonds, in which Mr. Blaine was concerned or interested, not only as to those bonds alone, but as to any bonds of those companies?—A. I do not.

Q. Did Mr. Blaine ever make a loan through your house either in person or by an agent or friend?—A. Never, to my knowledge.

Q. Did you ever have any business transactions with him or with any friend or agent of his?—A. None whatever.

Q. Do you know anything concerning the character of the ownership which Colonel Scott had in those 75 bonds of Little Rock and Fort Smith Railroad Company?—A. I do not.

Q. Did you ever, during these negotiations, hear Colonel Scott say anything about it?—A. No, sir; never.

Q. Did you ever hear Mr. Carnegie say on what terms Mr. Scott held those securities?—A. Never.

By Mr. LAWRENCE :

Q. This loan was made in the name of Carnegie for the benefit of Colonel Scott?—A. Yes, sir.

Q. State whether there was any usage of making loans in the name of agents for the benefit of principals.—A. Of course we only held Mr. Carnegie in the transaction, but we understood from him that the loan was not for himself but for Colonel Scott.

Q. Did you also make other loans for Colonel Scott in the name of Carnegie?—A. My impression is that we did make other loans to Colonel Scott and Mr. Carnegie for the account of both parties.

Q. Then there was nothing unusual in the form of that loan?—A. No, sir; it was in the regular course of our business. We had frequent transactions of a similar character with Mr. Carnegie.

Q. Did you have similar transactions with other agents representing other principals while you made the loan in the name of the agents?—A. I do not recollect. We should have made loans to any respectable and responsible party, if we deemed the security good.

Q. There was nothing unusual in that form of doing business?—A. Nothing whatever. In fact, transactions of that character are very frequent with us on the part of brokers and others who make loans for other parties.

Q. Your object, of course, was to get the interest on perfectly good security.—A. That was the object.

By Mr. HUNTON :

Q. Were you one of the directors of the Union Pacific Railroad Company at the time Mr. Scott was president?—A. I think not.

Q. What time did you enter the board as director?—A. In March, 1872, I think.

Q. That was the time that Colonel Scott retired as president?—A. Yes.

Q. Were you a Government director, or a stockholders' director?—A. I was a stockholders' director.

Q. Do you know anything of the bargain between the company and Mr. Scott, as its president?—A. I do not.

Q. Can you state what Mr. Scott demanded of the company as his compensation?—A. I cannot.

Q. Do you know of any negotiation between him and the board as to his compensation as president?—A. I do not. I was elected in March, 1872, at the time that Col-

Colonel Scott retired. I have no recollection of the subject coming up at the meetings of the board of directors at which I was present.

Q. Then, so far as you are advised, nothing has been said between the board and Colonel Scott as to his compensation?—A. Nothing, so far as I know.

Q. What was the consideration moving the company to order its treasurer to accept this draft of Morton, Bliss & Co. for \$64,000?—A. I do not know.

Q. Colonel Scott has never made any demand on the board for compensation since you have been a member?—A. Not to my knowledge.

Q. Are you still a member of the board?—A. I am not.

Q. How long did you remain on the board?—I think for two years, from March, 1872, to March, 1874.

Q. And during that period no demand was made by Colonel Scott?—A. Not to my knowledge.

Q. Were you a regular attendant at the meetings of the board?—A. I was.

Q. Were you a member of the executive committee?—A. I was not.

The witness was directed to consider himself still under the subpoena and liable to be recalled if needed.

WASHINGTON, D. C., May 17, 1876.

ANDREW CARNEGIE sworn and examined.

By Mr. HUNTON:

Question. State your residence and occupation.—A. I reside in New York City. I am an iron and steel manufacturer. My office is at 57 Broadway.

Q. Are you now, or have you ever been, a director, of the Union Pacific Railroad Company, and a member of the executive committee thereof?—A. Yes; I have been both. I was elected a director in March, 1871, with Mr. Scott, Mr. Pullman, and J. Edgar Thompson. Mr. Scott's connection with the Union Pacific Railroad Company was begun through me. While the Union Pacific Railroad Company was in difficulties in 1871, Mr. George W. Pullman, of Chicago, came to my office and told me what a fix they were in. He said that it had been suggested that if a strong party could be had who would take hold of the road and advance some capital and give it good management, the company could be rescued. He said that the names of Thompson, Scott, and myself—the Pennsylvania Railroad party—had been suggested, and asked whether I thought the matter could be arranged. I took up the subject, looked into the matter, and made up my mind that it was a good property. I had several interviews with Thompson and Scott on the subject. I induced them to take hold of it with me. Mr. Thompson especially consented only on the condition that I should have charge of all the matters connected with the finances, and I did have. All the securities which were handled passed through my hands and were held in my vaults, in New York, and while Mr. Scott was president I necessarily attended to a good deal of business for him. I had been Scott's private secretary since I was a boy, and was on the most intimate terms with him.

Q. Your term of service as director began in March, 1871?—A. Yes, and ended, with Colonel Scott's, in March, 1872.

Q. State whether there was any contract or understanding between the Union Pacific Railroad Company and Colonel Scott as to his compensation as president?—A. I believe there was no distinct understanding; none that I am aware of.

Q. Was there any indistinct understanding?—A. I should say that in such cases there always is an indistinct understanding that if a man makes the business a success he will be compensated for it. It is generally left to the leading stockholders and managers of the road to distinguish what is just and fair under the circumstances.

Q. Do you mean to say that it is a rule generally adopted by railroads to pay their president according to the success of his management?—A. This was an exceptional case. It is so when a railroad company is demoralized and requires not only management but credit.

Q. State what other railroad company has pursued that plan?—A. I cannot recall at this moment any company.

Q. Then why did you say it was usual?—A. I know that I have heard of such cases where a compensation would be, to some extent, contingent.

Q. That would be a contract for contingent services, but, as I understand your evidence, you say that it is usual with railroad companies that have been demoralized to elect a president and to pay him according to his success. State a company which has pursued that plan.—A. The Reading Railroad Company, for instance, has made a contract with its president to pay him \$30,000 per annum for life. He was a young lawyer and developed extraordinary ability, and the company took him from his profession and gave him this position for life.

Mr. HUNTON. Still that does not come within the scope of the kind you have alluded to. That is a payment of a specific sum per annum; but you stated a while ago that the sum to be paid would depend on the success of the management.

The WITNESS. On the contrary, I say there was no distinct understanding, but I think

there is always an indistinct understanding, when a gentleman is called upon to give his time and credit to a company, that he should be compensated.

Q. I want to know what companies have pursued that course.—A. The Erie Railroad Company is another instance, I think, where a gentleman was taken from a railroad in Ohio and was insured \$400,000 for a certain term of years' service; it was so far contingent that he received, I think, his salary for seven years, (it may be only for four) in cash, before he left his position in Ohio.

Mr. HUNTON. That was a specific contract. You are speaking of Colonel Scott's contract, which you say was not a specific contract.

The WITNESS. No, but I think the compensation given in such cases would be somewhat of a precedent in fixing Colonel Scott's compensation.

Q. Then you mean to say that what these companies have done reflects light on what the Union Pacific Railroad Company ought to do in regard to Colonel Scott's. That is all you mean?—A. Exactly so; and Colonel Scott then supposed so.

Mr. HUNTON. You do not know what Mr. Scott supposed?

The WITNESS. I noticed in the Herald the other day that he said so.

Q. Has Colonel Scott ever been paid for his services as president?—A. I believe not. Not while I was director.

Q. Was he ever paid any sum on account of his salary?—A. I believe not.

Q. If he rendered valuable services to the company, why was he not paid?—A. I cannot tell.

Mr. HUNTON. You were one of the payors?

The WITNESS. The question did not arise while I was director.

Q. Did he ever ask for compensation?—A. Never to my knowledge. His salary would be paid annually, and he was there only one year.

Q. Do you know anything of that order of the executive committee of the Union Pacific Railroad Company, dated December 16, 1871, authorizing Morton, Bliss & Co. to draw on the treasurer for \$64,000?—A. Yes.

Q. Were you present at the meeting of the board when that order was made?—A. I was.

Q. Did the Union Pacific Railroad Company owe Morton, Bliss & Co. that money?—A. No, sir.

Q. Then why were they authorized to draw on the company for that amount?—A. I believe it was part of a settlement with the finance committee of the Union Pacific Railroad Company. Mr. Scott informed me that it was so.

Q. There was an executive committee and a finance committee?—A. Yes.

Q. What powers had the finance committee?—A. It had power in all matters pertaining to finances.

Q. How much power?—A. All matters pertaining to finances first came through the finance committee and then came to the executive committee.

Q. After the action of the finance committee, its action was reported to the executive committee?—A. Yes, sir.

Q. State whether the action of the finance committee in regard to that order of the 10th. December, 1871, was reported to the executive committee.—A. To me there was only a verbal report from Colonel Scott that the matter had been arranged, and I voted for it.

Q. How did he say it had been arranged?—A. That it had passed the committee; that the exchange should be made.

Q. What exchange?—A. That the bonds of the Little Rock and Fort Smith Railroad Company should be taken and paid for by a draft on the treasurer of the Union Pacific Railroad Company.

Q. He reported to the executive committee that the finance committee had agreed to take those seventy-five bonds from the Union Pacific Company and to pay Morton, Bliss & Co. the \$64,000?—A. Yes, sir.

Q. Were those seventy-five bonds of the Little Rock and Fort Smith Railroad Company mortgage-bonds or land-grant bonds?—A. I am not sure about that.

Q. Was that arrangement which Colonel Scott reported to the executive committee understood to be an arrangement for the benefit of Colonel Scott, or for whom?—A. For the benefit of Colonel Scott.

Q. Why did the directors of the Union Pacific Railroad Company make this arrangement for the benefit of Colonel Scott?—A. I do not think that they were doing much for the benefit of Colonel Scott. At the time they took these bonds almost any bonds of an incomplete line were supposed to be worth 80 cents on a dollar. I had purchased and paid for several bonds of incomplete lines at 80 cents on a dollar.

Q. But this was more than 80 cents on a dollar.—A. The accrued interest made the difference.

Q. Did Colonel Scott inform the board or report to the executive committee, or inform you how he became the owner of those seventy-five bonds?—A. He never did.

Q. What were the bonds worth on the market at that time?—A. The rule of the New York stock exchange is that no bonds of an incomplete line can be quoted on the exchange; therefore these bonds were not officially on the stock-exchange at all.

Mr. HUNTON. I ask you what the market-value was, without reference to whether they were on the stock-exchange list.

The WITNESS. I cannot answer that; I never heard of a sale of Little Rock and Fort Smith Railroad bonds; I never heard of any other but this lot.

Q. Did the executive committee of the Union Pacific Railroad Company agree to receive seventy-five bonds and to pay \$64,000 for them without knowing anything of the value of the bonds?—A. They knew that there was an extensive land-grant with them. I think that the land-grant was one million acres.

Q. Did you know that fact when you made this transaction?—A. Yes. Generally speaking, these bonds ranked with the general run of western bonds of incomplete lines.

Q. Did they rank with the Union Pacific Railroad Company?—A. I think that at that time they were almost higher than Union Pacific bonds. The Union Pacific Railroad bonds at that time were selling at about 80, and my impression is that we paid more for those bonds.

Mr. HUNTON. You are under the impression that you paid a higher price for them than the Union Pacific Railroad bonds commanded at that time; but my question is whether they were worth as much as the Union Pacific Railroad bonds?

The WITNESS. I cannot answer that question.

Q. Do you know how Colonel Scott got possession of those seventy-five bonds?—A. No, sir; I never heard.

Q. When did you first know that he had possession of them?—A. Never, until within a few days before I made the loan for him with Morton, Bliss & Co.

Q. Did he have those bonds at the date of that negotiation?—A. My recollection is that his secretary brought them over to me from Philadelphia, and as I handed them to Morton, Bliss & Co. at that date, of course Colonel Scott must have had them. The date of the loan was June 3d.

Q. And at the date of that loan you put those seventy-five bonds in the hands of Morton, Bliss & Co.?—A. I should say so from the record of Morton, Bliss & Co.'s books; but, trusting to my own recollection, I should have said that it was later, but I should not like to go behind the record of Morton, Bliss & Co.'s books.

Mr. HUNTON. I wish your own recollection on the subject.

The WITNESS. My recollection is that a few days afterward Mr. Scott's secretary brought me the Fort Smith and Little Rock Railroad bonds, and that I handed them over to Morton, Bliss & Co.

Mr. HUNTON. Mr. Morton says that Colonel Scott, through you, first deposited sixty-seven Union Pacific Railroad bonds as collateral?

The WITNESS. Yes; Union Pacific income-bonds. These were my own.

Q. And you state that you deposited at the same time those seventy-five Little Rock and Fort Smith bonds?—A. My recollection about the Little Rock and Fort Smith bonds is this: that I went to Morton, Bliss & Co., and made the loan for Colonel Scott on \$67,000 of Union Pacific income-bonds, stating to them that Colonel Scott was to send me \$75,000 of Little Rock and Fort Smith bonds, and that he did so send them within a day or two, and that I handed them over to Morton, Bliss & Co.

Q. Did you get these 75 bonds as you told Morton, Bliss & Co. you expected?—A. Yes.

Q. And you handed them over?—A. Yes.

Q. And Morton, Bliss & Co. kept them in addition to the 67 bonds of the Union Pacific Railroad Company?—A. Yes.

Q. And the loan was negotiated on the collaterals of both these companies?—A. Yes.

Q. One lot of collaterals was delivered at the time of the loan and the other a few days afterward?—A. Yes.

Q. Was there any change of those securities on which this loan was based, up to the time that Morton, Bliss & Co. drew on the treasurer of the Union Pacific Railroad Company?—A. Yes.

Q. State what the changes were.—A. I wanted my income bonds and I went down to Morton, Bliss & Co., and handed them a list of other securities which I had had and asked them to take some of them as a substitute for the income bonds. They selected Keokuk Bridge bonds, and I gave them 100 of them in lieu of the 67 Union Pacific income bonds.

Q. Were those 67 bonds yours or Colonel Scott's?—A. They were my own.

Q. Then the Fort Smith and Little Rock bonds which you originally deposited with Morton, Bliss & Co. were not exchanged?—No, sir, they were not; my recollection is that they remained with Morton, Bliss & Co. until they were handed over to the Union Pacific Railroad Company.

Q. And you cannot say anything to the committee as to the party from whom Colonel Scott got those 75 bonds, either of your own knowledge or from what Colonel Scott has informed you?—A. No, sir.

Q. For whom did Colonel Scott make this loan, if not for himself?—A. He told me that he required \$60,000, and asked me to have it for his secretary for a certain day, (I think on the following Monday.) I went and procured it for him, and gave it to his private secretary, Mr. R. D. Bartley.

Q. Did you know of anybody else who was interested in that loan which you negotiated with Morton, Bliss & Co.?—A. No, sir; I did not.

Q. How did you receive this \$60,000 from Morton, Bliss & Co.?—A. I think they gave me their check for it.

Q. Is there anything on the books about it?—A. I cannot tell you. I kept no record of this matter in my office, because it was a matter of Colonel Scott's, and not of my own business.

Q. Did you hold the check or did you give it to Mr. Bartley?—A. I would not swear whether I indorsed the check and gave it to him, or gave him my own check, but I think you will find that the check was indorsed by me to R. D. Bartley, Colonel Scott's secretary.

Q. Did you hear the name of Mr. Blaine connected with this transaction from beginning to end?—A. I never did.

Q. Or in any manner, shape, or form?—A. In no manner, shape, or form.

Q. Did you know or hear anything of his connection with the bonds of the Little Rock and Fort Smith Railroad Company?—A. While I was in Washington once, I met Mr. Caldwell, who was anxious for me to build a bridge at Little Rock, (I build bridges.) I think Mr. Blaine said to me that he would be glad to see Mr. Caldwell succeed, and that he thought well of the enterprise. That is the only thing in my mind that connects Mr. Blaine at all with the Fort Smith and Little Rock Railroad Company.

Q. When was that?—A. I cannot give you the date. It was while I was here trying to get Congress to pass the Omaha bridge bill.

Q. Was Mr. Blaine at that time Speaker of the House?—A. Yes, sir; he was Speaker of the House.

Q. Try to name the year at least?—A. It was during my directorship in the Union Pacific Railroad Company, and therefore it must have been in 1872.

Q. Then it was between January and March 1872?—A. Yes; it was between those dates.

Q. And in that negotiation between you as representative of Colonel Scott and Morton, Bliss & Co., you never, directly or indirectly, heard that Mr. Blaine was connected, in any manner, in that transaction?—A. Never.

Q. Did Mr. Blaine ever negotiate any loan through you on the security of the bonds of the Little Rock and Fort Smith Railroad Company?—A. I never had any business transactions of any character whatever with Mr. Blaine.

Q. At the time this order of the executive committee was made authorizing Morton, Bliss & Co. to draw on the treasurer of the Union Pacific Railroad Company for \$64,000, what was the financial condition of the Union Pacific Railroad Company?—A. It had entirely changed.

Q. And had money to invest in securities of other railroads?—A. Yes, sir; it had money to do almost anything it wanted. It was in good condition. Its stock had risen almost 200 or 300 per cent. Its credit was very good.

Q. Was it in condition to invest money in other railroads? Had it money to spare for such purposes?—A. Yes, sir; and it did do it.

Q. Did it invest in any other securities except these?—A. I do not recollect any just now, but I have no doubt but that it did.

Q. Do you say that as a matter of memory or as a matter of speculation?—A. As a matter of speculation. The Central Pacific Railroad Company invested in securities of various kinds, and I have no doubt but that the Union Pacific Railroad Company did so.

Q. Do you know anything of Colonel Scott's speculations in the bonds or stock of the Union Pacific Railroad Company, during the term of his presidency, or at any other time?—A. No, sir; I do not know anything of his speculations, except that he bought a large interest in Union Pacific with me; when we took control of the company we owned largely of the stock.

Q. State how much of it you owned at the time that you went into the directory of the company.—A. We owned \$3,000,000 of stock, and a good many bonds. I cannot recollect how many.

Q. Did you have as much as \$3,000,000 of bonds?—A. No; we did not have as much as that.

Q. Have you any objection to stating the prices at which you bought and sold those bonds?—A. Certainly; we do not propose to go into our private business transactions here unless we are compelled to.

Mr. HUNTON. We will not compel you. The question was suggested to me.

Q. Do you hold that stock and these bonds now?—A. I do not; I do not know whether Mr. Scott does or not.

Q. Did Mr. Scott become the owner of your interest when your party was out?—A. No, sir.

WASHINGTON, D. C., May 17, 1876.

SIDNEY DILLON sworn and examined.

By Mr. HUNTON:

Question. State whether you have been ever connected with the Union Pacific Railroad Company; and, if so, how, and at what time.—Answer. I have been a director of the Union Pacific Railroad Company almost from the commencement of the road.

Q. Are you now its president?—A. I am.

Q. How long is it since you became president of that company?—A. I succeeded Mr. Horace F. Clark in March, 1874. I am now in my third year.

Q. Were you a member of the executive committee of the Union Pacific Railroad Company from March, 1871, to 1872?—A. I was.

Q. State all you know about the order of the executive committee of December 16, 1871, that Morton, Bliss & Co. be authorized to draw on the treasurer of the company for \$64,000.

—A. Mr. Scott (I am giving my memory about it) wanted the executive committee to make him a loan, or he wanted some money. I was on the executive committee at that time. Mr. Duff, the vice-president, and Mr. Bushnell, and others were very active in the board, while I was not very active. I was called on to help to consummate the arrangement. As I understood it at that time Mr. Scott proposed to let the executive committee have these Little Rock bonds, either to sell them to the company or to get a loan on them from the company. I cannot say which. After deliberation on the part of the executive committee, they felt that Colonel Scott had been a good deal of help to the company, as prior to his coming in our finances were very much straitened and our credit and securities very low. Whether it was to his credit or not, our securities had risen very much in value, and we had attributed that to Colonel Scott and to Mr. Thompson, the then president of the Pennsylvania Central Railroad Company, and to their influence which was brought about to help us. We felt very kindly to Colonel Scott, and we felt that we had been greatly benefited by that organization; that is, by having him as president of the company. We, therefore, made up our minds to let him have the loan, (that is, the money,) and we concluded to take these bonds; but I cannot say whether it was considered at that time as a loan on the bonds or as an out-right purchase. The transaction took place and the bonds were taken, and the money was furnished, as our books show, through Morton, Bliss & Co. That is all that I know about it.

Q. Was the negotiation which resulted in the order of December 16, 1871, considered as a payment to Colonel Scott, on his salary as president?—A. I cannot say that at that time it was considered as a payment. While I was on the executive committee there never was an amount fixed to be paid to him. The question of his salary was never taken up in my presence. At the time that this loan was made, or this purchase was made (I put it in these two ways because I do not recollect which it was) it was considered (I can recollect it very well) that Colonel Scott and that organization had been very beneficial to us, and that we ought to be liberal to him, but the question of the amount was not discussed at the time.

Q. You cannot say whether this was a compensation for his services as president or not?—Answer. I cannot.

Q. Did the company ever pay anything for his services as president except this?—A. Not to my knowledge.

Q. You would have known it, if it had been the case?—A. I think I should have, although the office of the Union Pacific Railroad Company is in Boston, while my office is in New York. There is generally a quorum of the executive committee at Boston, and I do not attend all the meetings that take place there, but I am confident that nothing was paid to Colonel Scott except in that way.

Q. Has Colonel Scott ever demanded any pay from the company?—A. I have been told that he has, but not through me.

Q. Did not the company take the ground with Colonel Scott that inasmuch as it had paid him \$64,000 for those 75 bonds he had been sufficiently paid?—A. I do not know of any such ground being taken. Although I am president of the company, still I live in New York, while the vice-president and the executive committee are mostly in Boston, so that a great many of those matters are taken up without my knowledge by the executive committee. I give this explanation for the reason that the president of a company is supposed to know all connected with it.

Mr. HUNTON. Yes, and is supposed not to be a figure-head.

The WITNESS. Yes. My great strength in the Union Pacific Railroad Company is to take care of the running of the road and to see that all its matters of importance are carried on successfully. I ride on the road every year and spend a long time looking it up. The finances of the concern are taken care of by our executive committee in Boston, and by the vice-president, Mr. Ames. As I have my office in New York I do not come so much in contact with this part of the business.

Q. Then you do not know whether the committee considered this payment of \$64,000 for those bonds as a payment to Colonel Scott for his services as president?—A. I do not think it was ever brought up in a business form before me.

Q. What are these Little Rock Railroad bonds worth now? You hold them still, I believe?—A. Yes: we hold them yet. I made inquiry the other day as to the value of the bonds, and was told by parties who are in the new organization of the Fort Smith and Little Rock Railroad Company that the new bonds of that company were worth 80 cents on the dollar, and that I had better hold these bonds, as the company was now getting into good shape, and they were likely to be worth par. I think I could have sold them at that time at 80 cents.

Q. How many new bonds did you get for the seventy-five old bonds?—A. We got stock and bonds. That is explained in Mr. Rollins's statement.

Q. What were these bonds worth at the time that you got them?—A. I do not know. I know that the executive committee at the time supposed that the bonds would probably be a safe collateral or a safe investment at the price that we took them for.

Q. Was it said at that time that they were worth the amount of money you paid for them?—A. I do not know that that was stated. I only say that it was thought at the time that while there was probably no sale for them at that time, still, as the road was progressing as much as it was, the securities (it being a land-grant road) would be good. I do not think we rated the price of them at that time.

Q. You were looking to the future?—A. Yes, sir.

Q. In that negotiation between the company and Colonel Scott, did you hear anybody else's name connected with those bonds as being interested in them directly or indirectly other than Colonel Scott?—A. I did not. No name was mentioned by Colonel Scott.

Q. You had no reason to believe, from anything you saw or heard, that anybody else was interested in them?—A. I had none.

Q. Have you ever heard Mr. Blaine's name connected with it in any possible way?—A. Not until I saw it in the newspapers. It never was mentioned in the executive committee or board of directors.

Q. Do you know anything of Mr. Blaine's being owner of any of those Fort Smith and Little Rock Railroad bonds?—A. I did not. I never heard of it, and know nothing about it.

Q. While Colonel Scott was president of the Union Pacific Railroad, did he make money by speculating with the securities of the company?—A. I do not know that he speculated in them at all. I am not myself speculating in stock, except as an owner. I do not know anything about his transactions.

The witness was informed that he might return home, but that he must consider himself still under the obligations of the subpoena to come before the committee if telegraphed for.

WASHINGTON, D. C., May 24, 1876.

Mr. HUNTON submitted the following letter to the committee, and it was ordered to be made part of the record:

PITTSBURGH, May 18, 1876.

DEAR SIR: On careful reflection I am desirous to make one addition to my testimony in the Little Rock bond matter.

At the time of my conversation with Mr. Horace White, I was of the impression that Mr. Caldwell, who sold the seventy-five bonds to Mr. Scott and requested Mr. Blaine to speak to Colonel Scott about the affairs of the Little Rock and Fort Smith Railroad, was a constituent of Mr. Blaine's; and, not being able to recall his name at the time, I referred to him as a constituent of Mr. Blaine's. I knew no better as to his residence until it was stated during the examination of Colonel Scott on Monday that Caldwell's residence was Boston. My wrong impression led to the mistake.

Please hand this note to Mr. Hunton and have it taken as a part of my testimony.

Yours, truly,

JAMES F. WILSON.

Hon. GEORGE W. McCRARY,  
Washington, D. C.

ASA P. ROBINSON sworn and examined.

By Mr. HUNTON:

Question. Where do you reside?—Answer. I reside in Conway, Faulkner County, Arkansas.

Q. Have you ever been connected with the Little Rock and Fort Smith Railroad Company?—A. Yes; I was the chief engineer of the company from the fall of 1869, and during the year 1870 and part of 1871.

Q. What time did your connection with that road, as chief engineer, expire?—A. Some time in 1871; I think during the summer of 1871.

Q. Had you any other connection with the road than that of chief engineer?—A. No, sir.

Q. Do you know Mr. Josiah Caldwell?—A. Very well.

Q. What was his connection with the Little Rock and Fort Smith Railroad Company?—A. He was the representative of the contractor who had undertaken to build the road, Mr. Warren Fisher, of Boston. In fact, he became the contractor himself, by an arrangement with Mr. Fisher, and assumed all the operations of the contract there.

Q. When was this contract between the company and Fisher made?—A. In 1869.

Q. State, in general terms, what the contract was?—A. The contract with Mr. Fisher was

that he was to build and equip the road, furnish all the material therefor, within the time necessary to comply with the land-grant; and for that he was to receive all the bonds and stock of the road, and the State bonds that were to be issued to the company. It was an exhaustive contract, by which he received all the assets of the company.

Q. What time was this contract entered into?—A. Some time in 1869. A prior contract had been made with other parties which had been assigned to Mr. Fisher, and was ratified by the company in 1869, so that Mr. Fisher then became the contractor.

Q. At what period did Mr. Josiah Caldwell become assignee of the contract from Warren Fisher?—A. It was at that time. It was a concurrent arrangement.

Q. Under this assignment from Fisher to Caldwell, did Caldwell become the owner of the assets of the company?—A. Yes, sir.

Q. In the same manner as Fisher was?—A. In the same manner.

Q. Under this contract between Josiah Caldwell and Fisher, Caldwell had the right to hold and dispose of all the bonds of the Little Rock and Fort Smith Railroad Company?—A. Yes, sir.

Q. Do you know of any disposition of the bonds that was made by Warren Fisher or Josiah Caldwell during the progress of that work?—A. I do not.

Q. How were you paid as engineer?—A. I was paid by Mr. Caldwell. Part of the contract was that he was to furnish the engineer and pay him.

Q. Were you paid in money or in bonds?—A. In money.

Q. He did not pay you any bonds?—A. No, sir; always in money.

Q. Did you ever bring from Josiah Caldwell to Washington any bonds or other package; if so, state all that you know about it.—A. I do not know that I ever brought any bonds to Washington from Mr. Caldwell; I have no knowledge of doing so. I once brought a package from Mr. Caldwell in Boston to Washington.

Q. State all about it.—A. In the spring of 1871 (that is the only time I recollect of bringing any package) I was coming on from Boston to Washington to attend to some matters of legislation here connected with the construction of a bridge across the Arkansas River at Little Rock. Just on the point of my leaving Boston, Mr. Caldwell handed me a package which he desired me to give Mr. Blaine. I brought that package here to Washington, arriving here in the morning. I think I called at Mr. Blaine's house and found that he was not in. I then came to the Capitol after the House was in session, sent my card in to Mr. Blaine from the lobby, and in a few minutes he came out, and we walked together to the Speaker's parlor adjacent to the entrance-door. There I handed him the package, stating that I was requested to deliver it to him. We then talked for some minutes on home matters. Mr. Blaine had been an acquaintance of mine for many years. I wanted to see some member of the House, (I have forgotten who it was,) and Mr. Blaine invited me to go in on the floor with him. We walked in. He took the package with him and threw it down, and took his seat in the Speaker's chair. I remained there, I suppose, ten or fifteen minutes, and then left.

Q. State what Mr. Caldwell told you was in that package, if he told you anything about it.—A. I have no recollection of his telling me of its contents, and I have no knowledge of its contents.

Q. Did you have any reason to believe what the contents of the package were?—A. No, sir.

Q. Did Mr. Blaine open the package in your presence?—A. No, sir.

Q. Did he say anything about the package to you after receiving it?—A. Nothing.

Q. What was the subject-matter of conversation between you and Mr. Blaine?—A. Some old reminiscences of our previous acquaintance in Maine.

Q. Nothing about the Little Rock and Fort Smith Railroad Company?—A. I think Mr. Blaine asked me about the progress of the road. He asked me some information about coal-beds, in which he said he had been invited to take an interest, or to take hold of some coal operations on the road—some coal-lands yet undeveloped. He wanted to know my opinion on the subject.

Q. Did he ever say anything in that conversation about the bonds of the Little Rock & Fort Smith Railroad Company?—A. I do not think he did; I have no recollection of it.

Q. There was not a word said between you and him about this package which you handed to him?—A. No, sir.

Q. And nothing was said between you and Mr. Josiah Caldwell about the contents of the package which he requested you to bring to Mr. Blaine?—A. No, sir.

Q. Have you not stated to Mr. Curry that in that package which you delivered to Mr. Blaine there were twenty bonds of the Little Rock and Fort Smith Railroad Company?—A. No, sir.

Q. Did you never state it to any one?—A. No, sir.

Q. Did you not state it to a man named John G. Smith?—A. I do not know any such man.

Q. You never have stated to John G. Smith that you counted out twenty bonds and delivered them to Mr. Blaine in that package?—A. No, sir.

Q. Did you ever say to anybody that you delivered those bonds to Mr. Blaine from Mr. Caldwell?—A. No, sir.

Q. Do you know anything of the ownership, on the part of Mr. Blaine, of any bonds of the Little Rock and Fort Smith Railroad Company; have you ever heard from anybody of his ownership of any such bonds?—A. I never have.

Q. You know absolutely nothing of his ownership or possession of any Little Rock and Fort Smith Railroad bonds?—A. Absolutely nothing.

Q. Either by your own knowledge or by information derived from others?—A. No, sir.

Q. Do you know anything about the sale of any of those bonds by Caldwell to Fisher?—A. I know generally that they sold bonds wherever they could sell them, at the time, for the purpose of carrying on the work.

Q. Can you state the market-value of those bonds?—A. The market-value of those bonds in the fall and winter of 1870 was along from 80 to 90.

Q. Do you mean the subsidy-bonds of the Government or the bonds of the company?—A. I mean the bonds of the company.

Q. What was the value of those bonds in the latter part of 1871?—A. They had fallen considerably, because the contractor had failed to carry out his contract, and the work had stopped. I do not recollect any particular quotation of them. There were two classes of bonds. The land-grant bonds held a value which the others did not at that time, because those land-bonds were receivable for lands there, and hence they had a value of 50 or 60 cents for a long time.

Q. Had they a value of 50 or 60 cents in December, 1871?—A. I think they had, because they could be used in the purchase of the lands of the company.

Q. What was the value of the bonds of the company as distinct from the land-grant bonds?—A. I cannot tell you.

Q. Were the bonds of the company saleable at that time?—A. I do not think they were. They had some quotable value, but what it was I do not recollect at this time.

Q. Was not the enterprise in December, 1871, considered virtually a failure?—A. It had come to a dead stop at that time. What it might have been considered I cannot say. We always were sanguine of going on and completing the road.

Q. Were you discharged as chief engineer?—A. I was not discharged, although I was not drawing any salary.

Q. I do not mean discharged in the sense of dismissed for any fault, but discharged because of the inability of the company to carry on the enterprise?—A. Yes; my services had ceased in consequence of the stoppage of the work.

Q. Was that the case with all the engineer corps on the road?—A. I think it was.

Q. Was there any work going on on the road from the time you were discharged in the summer of 1871?—A. No, sir; I think not. Work had entirely ceased.

Q. Do you know anything of the efforts of that company to obtain legislation in Washington?—A. I do not.

Q. Either of your own knowledge or from information?—A. I have no specific knowledge of anything of the kind; I only know the company did attempt to obtain some legislation.

Q. Do you know anything about the mode or direction of its efforts in procuring that legislation?—A. No, sir.

By Mr. ASHE:

Q. When did you arrive in Washington?—A. The evening before last.

Q. Did you converse with anybody in this city about these matters since you have been here?—A. Yes.

Q. With whom?—A. I conversed with Mr. Hadley. I have been asked a good many questions about it. Some reporters have been after me to interview me.

Q. Mention the names of all the persons with whom you have had conversation on the subject?—A. It would be a very difficult matter for me to mention all the names. I conversed with Mr. O'Beirne, I think. He called upon me last evening. I think he is correspondent of the New York Herald. And I conversed with some other man, who represented himself as correspondent of the World.

Q. Did you converse with anybody else?—A. I conversed with Mr. Curry a moment.

Q. Let us know all the persons with whom you had conversation on the subject.—A. I do not recollect now any others than those; I may have talked with some of my acquaintances here who have referred to the matter, but I recollect no special conversation about it.

By Mr. HUNTON:

Q. The main matter of interest on this subject is whether you have conversed with Mr. Blaine.—A. I called on Mr. Blaine last evening.

Q. Had you conversation with him about this matter?—A. Generally.

Q. Why did you not say so in answer to Mr. Ashe's question?—A. It did not occur to me that you wanted to reach that.

Q. You said that you had named all the persons with whom you had conversed on the subject, and yet you did not name Mr. Blaine.—A. I do now name Mr. Blaine.

Mr. HUNTON. You do because I have called his name myself.

The WITNESS. I did call to see Mr. Blaine.

Q. At whose instance did you call to see him?—A. At my own.

Q. Were you invited to call there?—A. No, sir. I called there last evening because I always call upon him when I come to the city. Mr. Blaine is an old acquaintance of mine, and hence I called upon him.

Q. Was this matter on which you have testified this morning the subject-matter of conversation between you and Mr. Blaine last night?—A. Very little of our conversation was in regard to it; we conversed on many other matters.

By Mr. LAWRENCE :

Q. Did Mr. Blaine make any suggestion to you as to how you should testify?—A. No, sir. I stated to Mr. Blaine just what I knew in the matter.

Q. He made no request for any concealment?—A. No, sir.

Q. You called upon him on your own motion, and without solicitation from him?—A. Yes, sir.

Q. The fact that you were in the city was publicly known?—A. Yes, sir.

Q. And yet Mr. Blaine made no effort to reach you or to influence you?—A. No, sir.

Q. Your presence in the city was notorious?—A. Yes; I entered my name on the hotel-book on my arrival.

Q. What time was it that you came here from Boston?—A. In February, 1871.

Q. You came here to see about some legislation respecting a bridge across the Arkansas river?—A. Yes.

Q. Was Mr. Caldwell or the railroad company interested in that?—A. Yes.

Q. Where did you carry the package?—A. I carried it in my hand. It was quite a large roll.

Q. It was not a sealed package?—A. No, sir; it was a roll tied up in paper and a string about it.

Q. Was it open at the ends?—A. It was folded in at the ends, with a string tied around it.

Q. Was it not manuscript?—A. I do not know whether it was manuscript or not. I did not see the inside of it.

Q. Could you tell from the feel of it whether it was not a roll of manuscript?—A. It was a roll of paper of some kind, but whether it was manuscript or printed paper I could not say.

Q. Was it a solid package?—A. It was such a package as paper rolled up in that shape would make.

Q. Such as ordinary foolscap or legal cap would make?—A. Yes.

Q. It was folded in at the ends?—A. Yes.

Q. Could you see into the center of it?—A. Not without opening the ends of it.

Q. There was no concealment about it?—A. Not the slightest.

Q. There was nothing to indicate that there was anything mysterious or secret about it?—A. No, sir.

Q. Was there any injunction on you by Mr. Caldwell to conceal from anybody the fact that you carried such a package to Mr. Blaine?—A. Not at all. The package was directed to Mr. Blaine on the outside. I carried it in my hand as an ordinary package.

Q. You received no instructions to indicate that it was a very valuable package that was to be carefully handled?—A. No, sir; there were no special instructions of that kind.

Q. How was it sealed up?—A. It was not sealed at all. It was just tied with a string.

By Mr. HUNTON :

Q. You stated in answer to a question that it might have been foolscap paper. You do not mean to say whether it was or not?—A. No, sir; I have not the slightest idea what was in it.

Q. When were you in Mr. Blaine's house before last night?—A. Some two or three years ago.

Q. State when.—A. I cannot tell you without referring to my diary. I have been here repeatedly, but not within the last two or three years.

Q. When were you there prior to the visit which you have just spoken of?—A. I cannot give you any date.

Q. Can you say you were ever there except on that occasion?—A. O, yes, sir.

By Mr. ASHE :

Q. In these previous visits to Mr. Blaine, did you ever bring to him any package from Mr. Caldwell?—A. Never before; that was the only package I have ever brought.

By Mr. BLAINE :

Q. State to the committee how long you and I have been acquainted, and how we became acquainted.—I think I have been acquainted with you about 25 years.

Q. While I was editor of the Portland Advertiser, in what capacity were you acting?—A. I was acting then as the engineer of a railroad running out of Portland.

Q. Where was your office in Portland?—A. In the same building as the Advertiser office, next to your editorial room.

- Q. Were you in the habit of being there frequently?—A. Frequently.
- Q. You rate yourself as a pretty old acquaintance of mine?—A. A pretty old acquaintance.
- Q. We have not been strangers to each other for about 25 years?—A. No, sir.
- Q. I was editor of the Portland Advertiser three years?—A. Yes, sir.
- Q. Was your office all that time in the same building?—A. I think so.
- Q. When you delivered this package, of which you spoke to the committee, you delivered it in the Speaker's parlor?—A. Yes; in the large parlor.
- Q. Was there the usual crowd of people around there?—A. O, yes.
- Q. You handed it to me ordinarily as you would any package?—A. Precisely.
- Q. Do you remember about the size of that package?—A. To the best of my recollection, it was perhaps a foot and a half long, and three or four inches in diameter. It was a roll.
- Q. If that package had contained bonds, as bonds are usually made up and folded—rail-road or city bonds—how many bonds would a package of that size contain, at a guess?—A. I should think that such a package as that would contain 100 bonds easily enough, if they had been rolled up in that shape.
- Q. It would contain considerably more than twenty bonds?—A. Twenty bonds would make a pretty small package.
- Q. You say that I asked you something about the coal-lands?—A. Yes.
- Q. Did I have any conversation with you the next day about the value of those lands, and as to what your estimate of them was?—A. No; I think you asked me at that time, because I left the next day. I do not think I saw you again after that. It was during that visit that you asked me about the value of these lands.
- Q. Would that package have seemed to you to be such as would contain a plat or map or anything of that kind?—A. It was just such a package as a plan or map would be rolled up in.
- Q. Did it ever occur to you that a man would send bonds loosely in your hands, done up in a package, and merely tied up with a string?—A. That would be a very careless way of doing such a thing.
- Q. Is it conceivable that Mr. Caldwell would send bonds by you and never say that it was a package of value?—A. I suppose that if it had been a package of value he would have cautioned me about its custody.
- Q. It was simply a loose package tied with a string?—A. Yes.
- Q. And you handed it to me publicly in the Speaker's parlor, where there is always a crowd?—A. Yes; without any concealment whatever.
- Q. You never had any reason to believe that you were delivering me bonds?—A. I knew nothing about it whatever. I had not the slightest idea what it was. I never asked any questions about it, and never thought of it or gave it any importance whatever.
- Q. I never gave you any receipt for it in any form?—A. No, sir.
- Q. Nor sent any word to Mr. Caldwell by you?—A. No, sir.
- Q. Do you recollect what became of it when you came in with me on the floor of the House?—A. You carried the package in with you and threw it down carelessly on a chair or seat or desk.
- Q. I did not treat it as a matter of particular value?—A. No; I do not think you did.
- Q. A package of \$20,000 of bonds would not be likely to be thrown around in that way?—A. Not likely.
- Mr. Hunton cautioned the witness not to leave the city until he was discharged.

WASHINGTON, D. C., May 24, 1876.

AMOS B. CURRY sworn and examined.

By Mr. HUNTON:

Question. Where do you reside?—Answer. Little Rock, Ark.

Q. Have you ever had any connection with the Little Rock and Fort Smith Railroad Company?—A. Yes, sir.

Q. State what it was.—A. I think, in 1873, I contracted to build 40 miles of the road—to lay the track.

Q. Was that your first connection with the company?—A. Yes, sir.

Q. With whom did you make this contract?—A. With the directors of the company.

Q. How were you to be paid for it?—A. In money.

Q. Do you know anything of the disposition made by that company of its bonds?—A. No, sir; not of my own knowledge. I have heard conversation in regard to the sale of the bonds.

Q. Do you know what the bonds of that company were worth in the end of the year 1871?—A. I do not.

- Q. Were they worth anything?—A. I suppose that the land-grant bonds were valuable.
- Q. How valuable?—A. I cannot say. I was not interested in bonds at all.
- Q. Were the bonds of the company worth anything on the market at that period, other than the land-grant bonds?—A. I cannot say what their value was.
- Q. Did you ever have any conversation with Mr. Robinson about a package of bonds alleged to have been taken by him to Washington?—A. I did.
- Q. State what it was.—A. Mr. Robinson has intimated a number of times to me—
- Mr. LAWRENCE. State his words rather than what he intimated.
- The WITNESS. Then, to come down to the point, Mr. Robinson told me, about five weeks ago, that he carried a package of bonds of \$20,000 from Josiah Caldwell and delivered them to Mr. Blaine at the Capitol.
- Q. Where was this conversation between you and Mr. Robinson?—A. At my room, in Little Rock.
- Q. Was any one present but you and Mr. Robinson?—A. I think that my wife was in the room. I am not positive. She was either in that room or the adjoining room, with the door open. I am not certain whether she heard the conversation or not. I never spoke of it afterward particularly to her.
- Q. Was that the only conversation of the same character that you ever had with Mr. Robinson?—A. I was going to state, in the outset, that from casual remarks made by Mr. Robinson previous to that, I was led to believe that Mr. Blaine had received some of these bonds, but I cannot give the place, time, or the exact language. I inferred, from what Mr. Robinson said, that Mr. Blaine had received bonds; but at this time that I speak of in my own room, he went into the particulars, and told the thing very plainly.
- Q. Did he tell you the object of Mr. Caldwell sending those bonds to Mr. Blaine?—A. He did not.
- Q. He had referred to the subject on many occasions?—A. Yes, sir.
- Q. But he never gave you the details, until about five weeks ago?—A. No, sir.
- Q. Did he tell you that those were all the bonds that Mr. Blaine was to get, or that they were only an installment of the bonds?—A. He said that there was at least \$20,000 of bonds in that package. He was certain that there was that much, or believed that there was that much, and his understanding was that that was an installment only.
- Q. An installment on what sum?—A. That he did not say, but that it was his impression (he did not say where he got it) that that was but an installment of the bonds which Mr. Blaine was to receive.
- Q. Do you know anything else bearing upon this inquiry?—A. I do not think I do.
- By Mr. LAWRENCE:
- Q. Did Robinson say that that was a package of bonds, or that he believed that it was a package of bonds?—A. I am quite positive that I have perhaps used the same words that he did, that it was bonds.
- Q. Tell me all that was said on that occasion?—A. I believe I have told you all.
- Q. What time of the day was it.—A. I believe it was between 7 and 8 o'clock in the evening.
- Q. Who all were present?—A. There were but three of us in the room. I do not know whether my wife was in the room at the time or not. We have a suite of rooms with the door open between. She was in and out of the room at various times. None but the three of us were present.
- Q. How did the subject of conversation happen to come up?—A. I am not clear upon that. I think that either Mr. Robinson or I were reading the papers in regard to Mr. Blaine; I do not recollect, however.
- Q. How long was he at your room on that occasion?—A. About a couple of hours.
- Q. Was the newspaper there which you had been reading?—A. Yes; I usually bring home the newspapers from my office and read them in the evening.
- Q. Was it something that he had been reading or something that you had been reading which brought up the conversation?—A. I do not recollect.
- Q. For what purpose did he come to your room?—A. As a friendly call. He usually calls at my room when in the city.
- Q. Where does he live?—A. At Conway, 30 miles west of Little Rock.
- Q. What time did he come to Little Rock on that occasion?—A. I think he came the evening before.
- Q. About what time did he come to your room?—A. I think perhaps between 6 and 7 o'clock.
- Q. And staid about two hours?—A. I think so.
- Q. And this was the conversation you had during that time?—A. O, no, sir; the conversation was general.
- Q. How long had you been acquainted with Mr. Robinson?—A. He was on this railroad that I speak of when I took the contract. That was my first acquaintance with him—in 1872 or 1873. We have been quite intimate since.
- Q. When did you first speak of this conversation afterward?—A. I do not recollect; but it was, perhaps, a week or ten days afterward.

Q. To whom did you first speak of it?—A. To Judge John McClure, of Little Rock.

Q. What was the object of communicating it to him?—A. I had no particular object in it. Judge McClure was in my office, as he usually is every morning, and we had been reading the dispatches in regard to Mr. Blaine and these bonds, and I told him, as a matter of news, what Robinson had told to me.

Q. During those ten days did you mention it to anybody else?—A. I think not.

Q. The subject of Mr. Blaine as a candidate for the presidency, and the subject of charges that had been made against him, were being discussed almost every day at that time, were they not?—A. Yes.

Q. And yet you heard this statement of Robinson's, and for ten days you said nothing to anybody about it?—A. No, sir.

Q. Did Mr. Robinson state this as a secret, or did he enjoin any secrecy on you?—A. No, sir.

Q. What was his object in making the communication, or did he disclose any object?—A. None.

Q. Did you know anything of the relations between Mr. Robinson and Mr. Blaine about that time?—A. No, sir; not of my own knowledge.

Q. Had you been acquainted with Mr. Blaine before that?—A. No, sir; I never had the pleasure of an acquaintance with Mr. Blaine. I had known him by reputation for years, of course.

Q. Are you sure that you are able to state with precision the words that Robinson used?—A. I have endeavored to do so.

Q. Did the matter occur to your mind during the ten days succeeding the conversation, until you communicated it to Judge McClure, or had you thought it over?—A. Yes, sir.

Q. How frequently?—A. I cannot state that.

Q. If you had, why had you not communicated it to somebody else?—A. I do not know.

Q. To whom next did you communicate it?—A. I believe to the chairman of this sub-committee. When I arrived here, he asked me what my testimony would be.

Q. You did not communicate it until you were summoned here?—A. No, sir.

Q. Do you know how you came to be summoned here?—A. I do not. I did not expect to be summoned, and was very much surprised.

Q. To whom besides Judge McClure did you communicate this conversation until you came to Washington?—A. I do not think that I did to anybody.

Q. Do you know how the committee became informed of the fact that you had heard any such conversation?—A. I do not.

Q. Do you know whether Judge McClure communicated it?—A. I do not. Judge McClure, Mr. Hadley, Mr. Robinson, and myself were subpoenaed at the same time. Judge McClure has returned home.

Q. With what political party do you act?—A. The republican party.

By Mr. BLAINE:

Q. How have the republicans of Arkansas for the last year been affected toward me personally?—A. I think that a majority of them feel that you were anything but friendly to them in their late contest.

Q. To what contest do you allude?—A. The Brooks and Baxter war.

Q. On the Poland report?—A. Yes.

Q. Do you think that to say I was unpopular with them would be a fair expression of their feeling toward me?—A. Yes; I think that that covers the ground.

Q. Do you think it expresses it strong enough?—A. Yes.

Q. Have you never heard a great many declarations that they were going to get even with me?

Mr. HUNTON. I do not think that that is a fair line of examination. I think it fair to ask a witness as to his own feelings toward you.

Mr. BLAINE. I include him with certain men in Arkansas. [To the witness.] What has been your feeling in the matter?

The WITNESS. I felt as the balance of them do in that respect.

Q. Pretty bitter?—A. No, sir; not bitter.

Q. Have you never heard intimations of that sort?—A. I think I have.

Mr. HUNTON. I think that this is hardly fair.

Mr. BLAINE. I want to show the animus of the witness.

Mr. HUNTON. Then ask him about his own animus.

Mr. BLAINE. I want to show that he was acting with a gang and a disreputable gang.

Mr. HUNTON. Whatsoever influence that gang may have upon him influencing his opinion, is a fair inquiry, but it is not fair to go into the feelings of other people who are not under examination.

Mr. BLAINE. I want to show that this witness is part and parcel of this Arkansas gang. [To the witness.] Have you ever said, since you were in Washington (speaking of yourself associated with others) that "it is our duty any way to strike Blaine whenever we can?"—A. No, sir.

Q. Have you said anything of that sort?—A. No, sir.

Q. You never said it?—A. No, sir.

Q. You never felt it?—A. No, sir; I never felt that I would do you injustice.

Q. Have you ever heard others say, or have you yourself repeated, that Mr. Poland was paid a large sum of money in connection with his report?—A. I have.

Q. That is part of the Arkansas gossip. How much have you heard that he was paid? Mr. Hunton again objected.

Mr. BLAINE. All that I want to show is that this witness is one of many who have come here from Arkansas for a purpose—

The WITNESS. That is not so.

Mr. BLAINE, [continuing.] Who have come here determined, in their own language, to besmirch and smut me if they can—

The WITNESS, [again interrupting.] That is false in every particular.

Mr. HUNTON, I do not think it is proper for you to make that statement while the witness is on the stand.

After some further conversation, the examination was continued, as follows:

By Mr. HUNTON:

Q. Have you any such feeling toward Mr. Blaine as would lead you to do him an injury, personal or political?—A. I have not. I did not expect to be summoned here, and was very much surprised when I received the subpoena. I disliked very much to come.

By Mr. BLAINE:

Q. Have you any information whatever in regard to the Union Pacific Railroad Company purchasing any Little Rock and Fort Smith bonds?—A. No, sir.

Q. Have you any knowledge of it in any shape or form?—A. No, sir.

Q. Directly or indirectly?—A. No, sir.

Q. Have you any knowledge within the scope of the resolution which has been just read?—A. I know nothing about the bond transactions of the Union Pacific Railroad Company in any shape.

By Mr. LAWRENCE:

Q. You act in Arkansas with those who were opposed to the Poland report?—A. I took no part in the troubles. My sympathies were all with the other party.

WASHINGTON, D. C., May 24, 1876.

DAVID B. SICKELS sworn and examined.

By Mr. HUNTON:

Question. State your residence and occupation.—Answer. I reside in New York City. I have an office at 29 Broad street. I was formerly a member of the banking firm of Clark, Wolcott & Co., of 29 Broad street, New York, and am at present a negotiator of loans on railroad and other securities, and a dealer in miscellaneous bonds. I was also a financial agent of the State of Arkansas.

Q. Were you ever officially connected with the Little Rock and Fort Smith Railroad Company?—A. I was a director in that company.

Q. For how long?—A. I was a director in 1874 until the next election—one year.

Q. Do you know Josiah Caldwell? If so, state how long and how intimately you have known him.—A. I know Josiah Caldwell. I made his acquaintance in 1870, when he was negotiating bonds for the Little Rock and Fort Smith Railroad Company, and for other companies. I had intimate relations with him, and frequent business transactions, involving large amounts of money.

Q. State the character of those business transactions.—A. I delivered bonds to him and received his checks in payment for them, taking the bonds to Boston and handing them to him, and getting the money.

Q. Did you ever receive bonds from him?—A. I never received any bonds from him that I have any recollection of at present, except in the way of exchanges.

Q. Do you know anything of a contract with Josiah Caldwell, to build the Little Rock and Fort Smith Railroad?—A. I am not, at present, familiar with the details of the contract. I have seen the contract, and have been endeavoring to refresh my memory since Mr. Robinson testified in regard to the material details of that contract, but I cannot at present recollect what they were.

Q. Do you recollect whether, by the terms of that contract, Caldwell became the owner of the assets of the company?—A. I recollect that fact, that he became the owner of the first-mortgage bonds, amounting to \$3,500,000, and of the land-grant bonds, amounting to \$4,000,000—(I have a portion of the contract at home, and all the papers relating to it, but I did not bring them with me)—and of a certain portion of the stock—how much, I cannot say.

Q. Was that all that he was to receive for building the road?—A. No, sir; he was to receive \$1,000,000 of State aid bonds, awarded by the State of Arkansas, on the completion of each successive ten miles of road. The conditions of the law were, that the commissioners should pay to the railroad company \$10,000 per mile to such roads as had received a land-grant from the United States, and \$15,000 a mile to such roads as had not received a land-grant from the United States. This road having received a land-grant from the United States, was entitled to \$10,000 per mile in bonds of the State of Arkansas, when the commissioners, appointed by the State, certified that the road was graded, bridged, tied, and ready for the rails.

Q. Do you know whether Mr. Josiah Caldwell sold any bonds for that company?—A. I do.

Q. How much, at what price, and when?—A. I cannot say how much. He sold very nearly all of them except those which he hypothecated, and which were subsequently sold at the time of his failure, when he was unable to pay his loans.

Q. At what prices?—A. The first-mortgage bonds he sold from 85 down as low as about 75, and he gave a bonus to the purchasers of a certain amount of stock. In some instances he gave land-grant bonds as bonus to the purchasers of the first-mortgage bonds.

Q. What percentage of land-grant bonds, or of stock, did he give to the purchasers of the first-mortgage bonds?—A. I cannot recollect. My impression is that if one had purchased \$10,000 of first-mortgage bonds, Caldwell made the best arrangement he could, and gave him as little as possible. In some instances he gave \$5,000 in land-grant bonds, or 50 shares of stock as a bonus. He had to have money, and, of course, he made the best arrangement that he could.

Q. You say that in some instances he gave us as high as 50 per cent. of the stock, or \$5,000 in land-grant bonds, as a bonus to the purchaser of 10,000 first-mortgage bonds?—A. Yes, sir; most of them were taken by Boston and New England people. There were some few bonds disposed of outside of the New England States.

Q. Do you know anything about the use of bonds of that company to secure legislation in behalf of the company?—A. No, sir; I do not know except what Mr. Josiah Caldwell told me.

Q. Did you ever hear from anybody else anything about the use of those bonds to procure legislation?—A. Yes; at that time and subsequently I have heard.

Q. From whom did you hear it and when?—A. At that time I heard from Judge Thomas M. Bowen, of Denver, Colorado, who was a director in the Little Rock and Memphis Railroad Company, and in the Little Rock and Fort Smith Railroad Company, and was connected with the Southern Land Improvement Company, (with which Mr. Scott was connected at the time,) having in contemplation the consolidation of the three roads, and their lease to that company. It was an organization in the South for the purpose of consolidating the three roads.

Q. State whether you have received information from any other person.—A. I have; subsequently I received it from Judge McClure, of Arkansas.

Q. State anybody else from whom you heard it, if there was anybody else.—A. I do not know that I could give the name of any other party.

Q. What was Judge McClure's position in regard to that road?—A. I cannot say definitely what position he did hold. I think he was counsel for one or more of those corporations. Although I would not like to say positively that that was the fact, I have that impression.

Q. Now, I ask you what you heard from those two gentlemen on the subject-matter of that inquiry.

Mr. LAWRENCE. That is a question to which I object.

The question was reserved to be submitted to the whole committee.

WASHINGTON, May 25, 1876.

DAVID B. SICKELS recalled and examined.

By Mr. HUNTON:

Question. Do you know, either yourself or from information derived from others, of any bonds of the For Smith and Little Rock Railroad Company which came into the possession of the Union Pacific Railroad Company?—Answer. I knew that the Union Pacific Railroad Company had such bonds.

Q. What bonds were they?—A. They were land-grant bonds of the Little Rock and Fort Smith Railroad Company.

Q. Do you know how many they owned, and when they obtained possession of them?—A. I cannot state accurately as to the time from any information which I have derived, except by refreshing my memory by reference to the papers—to the report of the executive committee of the company. I know of the bonds being in possession of the company.

Q. Have you been connected with the Union Pacific Railroad Company?—A. Not officially. I have been acting in a confidential capacity with that company.

Q. Have you any objection to stating what that confidential position was?—A. I do not think it is entirely relevant to this subject. It is a matter that is purely confidential and not connected with this matter.

Q. State what you know about these bonds.—A. I was told by Mr. Atkins, of Boston, one of the directors of the Union Pacific Railroad Company, who was then president of the Little Rock and Fort Smith Railroad Company, about the time that I was selected as their representative to secure the control of the Fort Smith Railroad Company in Arkansas by becoming possessed of their stock or proxies, to be voted upon at the next annual election, that the Union Pacific Railroad Company had some of the bonds of the Little Rock and Fort Smith Railroad Company.

Q. How many?—A. Seventy-five.

Q. Did he state from whom they were obtained?—A. I asked him how they came to get them, and he said that some arrangement had been made with Mr. Scott, their former president. He did not enter into any explanation about it, and I did not ask him further.

Q. When was this?—A. It was in the latter part of 1873, and, I think, in the month of December. I wish to make a correction of my prior testimony. I was under the impression that the annual election of the Little Rock and Fort Smith Railroad Company occurred in 1874, and so stated. That is not the fact. It occurred in December, 1873, as I have found by referring to my correspondence.

Q. Have you any knowledge or information that the Union Pacific Railroad Company ever owned any bonds of the Little Rock and Fort Smith Railroad Company except the seventy-five bonds to which you have alluded?—A. I have not.

Q. Were you in a position to know if that company had owned other bonds?—A. I was.

Q. How would you have known?—A. I say that I was in a position to have known it; but it might possibly have been concealed from me if there had been any intention of concealing. I would, however, have been most likely to have known it, because I was interested at that time in ascertaining who were the holders of the Little Rock and Fort Smith bonds, with a view of carrying out a funding process, and re-organization of the road.

Q. Did you find out who owned the Fort Smith and Little Rock Railroad Company's bonds?—A. Yes, sir; some of them.

Q. Do you know anything of the arrangement between Colonel Scott and the Union Pacific Railroad when these seventy-five bonds were taken by the Union Pacific Company?—A. I do not.

Q. Did you ever hear anything said on the subject by Colonel Scott?—A. No, sir.

Q. Did you ever hear anything said on the subject by any directors of the Union Pacific Railroad Company or any of its agents?—A. No, sir.

Q. Did you ever hear anything said on the subject by anybody?—A. I may have heard something about it, but I cannot recollect distinctly from whom. I may have heard the matter discussed.

Q. You stated on yesterday that you had heard from Mr. Bowen something in regard to the disposition of the bonds of the Little Rock and Fort Smith Railroad Company which afterward found their way into the possession of the Union Pacific Railroad Company. State what you heard from Mr. Bowen.—A. He never said anything to me about any bonds of the Little Rock and Fort Smith Railroad Company of which I have any knowledge as having subsequently fallen into the hands of the Union Pacific Railroad Company.

Q. Do you know anything about the disposition of the bonds of the Fort Smith and Little Rock Railroad Company, seventy-five in number, which afterward came into the possession of the Union Pacific Railroad Company?—A. I do not.

Q. Neither from your own knowledge nor from hearsay?—A. No, sir.

Q. Who else in Boston or elsewhere, beside Mr. Atkins, are connected with that road officially?—A. I have not a list of directors, but the parties in interest, or the stockholders, are the old parties. They exchanged their bonds for stock. I remember Mr. Benjamin E. Bates, of Boston; Henry Saltonstall, Frank Wells, Edward Adams, Alvin Adams, Waldo Adams, Mr. Farrington, Joshua Converse, Lyman Nichols, and Henry Atkinson. Those are the prominent capitalists, I think, who are now interested. There are five directors in Arkansas and four in Boston at the present time. The parties whom I have named are all Boston people and reside either in that city or within a few miles thereof.

Q. Do you know anything about the bonds of the Union Pacific Railroad Company, both Government and first-mortgage bonds, which are said to have been lost?—A. No, sir; I do not know anything, except such information as I have obtained from other parties.

Q. State that, in as much detail as you can give it, to the committee.—A. I have obtained some information from Mr. Meguire with reference to the lost bonds, which I presume he can give more intelligently than I can. I scarcely recall all the details.

Q. Do you know anything about the loss of those bonds, except what information you have acquired from Mr. Meguire?—A. Yes.

Q. Please state it.—A. I have had some conversation with Mr. Sidney Dillon, the president of the road, with reference to the lost bonds.

Q. What was the conversation which you had with Mr. Dillon?—A. He stated that he did not believe Mr. Meguire could furnish sufficient evidence to prove that he had traced

the bonds to the parties who were now possessed of them, or who had become possessed of them.

Q. Who were the parties that he maintained were the parties now possessed of the bonds which had been traced?—A. I understood him to say that some of them had been traced into the hands of Mr. Bushnell.

Q. How many?—A. He thought from 100 to 150.

Q. Who else was named as having possession of these lost bonds, or a portion of them?—A. Not any one else that I recollect.

Q. Mr. Bushnell was the treasurer of the company, was he not?—A. No, sir; Mr. Bushnell was one of the directors of the company; his full name is C. S. Bushnell.

Q. Did he name any one else into whose hands it was said that these bonds had been traced?—A. I do not think he did. I do not recollect any other name.

Q. Have you any other information of your own knowledge or hearsay as to the lost bonds of that company?—A. I have not.

Q. State all that passed between yourself and Mr. Dillon in this conversation in which he told you about his disbelief as to the tracing of the bonds to Bushnell?—A. I told Mr. Dillon that I had examined Meguire's statements and data, and that his theory was a very ingenious one, and possibly he might be able to substantiate his claim for services rendered to the company in discovering the whereabouts of the bonds, but as I was not an attorney I was not competent to decide that point.

Q. What did Mr. Dillon say?—A. He said that Mr. Meguire had no claim whatever on that basis.

Q. Mr. Meguire was to get a percentage on all the bonds that were recovered, was he not?—A. Yes, sir; as I understand it.

Q. Do you know anything about the original loss of those bonds?—A. I do not.

Q. Do you know anything more of the subject, either from your own knowledge or hearsay, than you have heretofore stated?—A. No, sir; I cannot say that I do.

Q. But I want you to say that you do not, if that is the truth?—A. I will say that I do not.

By Mr. LAWRENCE:

Q. Can you give the committee any information which would enable us probably to ascertain what became of the lost bonds?—A. I do not believe it is in my power to do so. I cannot think of any information which would be of service to you.

By Mr. HUNTON:

Q. Do you know anything of the value of the Fort Smith and Little Rock bonds in December, 1871?—A. There was no market-value for them in December, 1871; there was no established value for them. They were hypothecated by different parties at all sorts of rates, from ten cents to twenty-five cents on the dollar. Parties who owned them borrowed money here and there. Mr. Caldwell, I believe, obtained loans on them, but I do not know at what rates.

Q. Do you mean now the land-grant bonds?—A. Yes, sir; I am speaking of the land-grant bonds, and not of the first-mortgage bonds.

Q. The land-grant bonds had a value above the first-mortgage bonds, had they not?—A. No, sir; the first-mortgage bonds was the first mortgage on the road. The land-grant bonds had a very much less value than the first-mortgage bonds.

Q. I understand that at that time the road was pretty well broken down; and if so, it was not of much account as security for bonds, while the land was always security for something?—A. That is true.

Q. Then these land-grant bonds were taken as collateral security, and valued at from ten to twenty-five cents on the dollar?—A. Yes, sir; about that, I should think.

Q. Could they have been sold in the market for that?—A. Possibly they might have been sold at twenty-five cents to different parties who perhaps were not familiar with the subject.

Q. Did not Mr. Caldwell, in selling the bonds of that company, give a bonus in order to sell them?—A. Yes, sir; in some instances he sold first-mortgage bonds at the best price he could get, in the neighborhood of 80 or 85, and some as high as 90 or down as low as 75, depending upon his exigency and requirements for money. In order to induce purchasers, he gave a bonus of the land-grant bonds and the stock, and in some instances both.

Q. To what extent—what per cent. of the bonds sold?—A. It was about fifty per cent.

Q. What was the value of the first-mortgage bonds in December, 1871?—A. They were held by Boston capitalists to be worth about 75 to 80 cents, or thereabout.

Q. What were they worth on the market?—A. They had no market-value.

Q. They could not have been sold in the market?—A. Not in the market except where they were known.

Q. Where they sold at all?—A. They were sold among the parties interested in the project.

Q. Could they have been sold outside of the parties interested in the road?—A. At public auction, unless some party had been familiar with the value of the project and the parties interested, I cannot tell what they would have brought. They might not have brought anything—perhaps not more than twenty-five to thirty cents on the dollar.

By Mr. LAWRENCE :

Q. When you say that these bonds had no market-value in 1871, you mean that they were not quoted at the stock-board?—A. I mean that they were not quoted and not generally known.

Q. You do not speak with reference to their ultimate value?—A. Not at all. That would be quite another thing.

Q. That would be dependent somewhat on the success of the enterprise, would it not?—A. It would be entirely dependent on the success of the enterprise.

Q. Are there not many classes of bonds of that kind which have no market-value, but which ultimately turn out to be very valuable?—A. Unquestionably. Mr. Josiah Caldwell was a wonderfully able man, and one of the best railroad managers and financiers, perhaps, in this country. That is my belief. If he had been successful in his schemes, he would undoubtedly have made all these railroads in Arkansas very valuable, and the investments would have been good ones; but he broke down during the Franco-Prussian war and lost his credit. That was followed by the Chicago fire, and afterward the panic of 1873, which was enough to crush even stronger men than himself.

Q. It was the Franco-Prussian war that interrupted the means of putting the bonds into the market?—A. Mr. Caldwell had made arrangements in London for money, and he in most instances preferred to hypothecate his securities instead of selling them, believing that they would ultimately have a value far beyond the price at which he borrowed money. He had consummated his arrangements abroad and was only interrupted by the Franco-Prussian war and the advance in the Bank of England rate in London. But he was a man who could take the rotten carcass of a bankrupt corporation and electrify it into life more rapidly than any other man I ever knew of.

WASHINGTON, D. C., May 25, 1876.

O. A. HADLEY sworn and examined.

By the CHAIRMAN :

Question. State your residence and vocation.—Answer. I reside at Little Rock, Ark., and I am at present register of the United States land-office at that place.

Q. Did you ever have any connection, officially or otherwise, with the Little Rock and Fort Smith Railroad Company?—A. Yes.

Q. What was your connection that time?—A. I was elected a director in the fall of 1873, I believe.

Q. How long did you remain a director?—A. It would be impossible for me to answer that question. I went to Europe soon afterward and during my absence a change of programme occurred, and when I returned I found myself not a director, the whole thing had turned over, and I do not remember exactly when the change took place. It went into the hands of other parties by decision of the court.

Q. Do you know anything about the sale of bonds by the Little Rock and Fort Smith Railroad Company, which afterward went into the possession of the Union Pacific Railroad Company?—A. I do not.

Q. Do you know anything about the subject, either by hearsay or otherwise?—A. No, sir; except common rumor in the newspapers.

Q. Do you know nothing outside of the newspapers?—A. No, sir; except remarks which have perhaps been based upon that kind of rumor. I never heard persons say that they knew anything about it.

Q. Did you know anything about the bonds of the Little Rock and Fort Smith Railroad Company which were purchased by the Union Pacific Railroad Company?—A. No, sir; I never knew anything about the transaction. I suppose it was all done before I had any connection with the road.

Q. Then you know nothing in regard to the transaction to which I have alluded, either of your own knowledge or from rumor?—A. Nothing whatever, if I understand your interpretation of hearsay; that is, I never heard persons say that they knew.

Q. Were you ever connected with the Union Pacific Railroad Company?—A. I never was.

WASHINGTON, D. C., May 25, 1876.

DAVID B. SICKELS recalled.

By Mr. HUNTON :

Question. State the relation which you have heretofore told this committee you held with the Union Pacific Railroad Company.—A. In 1874 a negotiation in reference to the control of the road brought me in contact with the Union Pacific Railroad and all its directors and officers.

Q. What was your agency in the matter?—A. It was between that party and Mr. Jay Gould of New York. It was a confidential matter.

Q. Did you represent Jay Gould?—A. I did. Jay Gould wanted to purchase the Union Pacific Railroad, but it would be a very difficult matter for me to explain without taking time to think over.

Q. What was Jay Gould's object in the negotiations?—A. He thought it was desirable probably to purchase. He thought it had a magnificent future, and he saw that he could make money by buying it. That was his main object.

Q. Did he make any effort to purchase it?—A. He did purchase it. That is to say, he purchased a controlling interest in the stock.

Q. Does he own it now?—A. Yes, sir.

Q. From whom did he purchase the stock?—A. He purchased it in the open market at the New York Stock Exchange.

Q. Was the action of Jay Gould, by which he became the controlling owner of the road, had with the company or with outsiders?—A. Both. He having become a large owner in the stock, began through me a negotiation for a seat in the board and control of the directors of the company.

Q. What do you mean by "control of the directors"?—A. I mean that he had a representation of his interest in the board, and put in directors to represent his interest.

Q. How many directors did he put in?—A. They were all voted for together. They were five men who were known distinctively in the board as his representatives.

Q. That did not give him a control out of fifteen?—A. It did not give him the absolute control out of the fifteen, as the world might consider, but at the same time the ticket which was voted for was one which he approved by an arrangement or combination of all the interests together.

By Mr. LAWRENCE:

Q. Do you say that Jay Gould owns a majority of the stock of the Union Pacific Railroad Company now?—A. No, sir; I do not say that he owns a majority now. I say that he owned a majority then.

Q. Have you any knowledge as to whether he has sold since or not?—A. I do not know how much he has sold.

Q. At what time was it that he owned a majority of the stock?—A. Prior to the election in March, 1874.

Q. Have you any knowledge of any sale by him since?—A. I have no personal knowledge of any sales by him.

By Mr. ASHE:

Q. You say you have no personal knowledge about the sale of the stock by Jay Gould. Have you ever heard him say that he had sold stock?—A. No, sir; I have not heard him say so.

Q. Have you ever heard anybody else say that he had purchased the stock from Mr. Gould?—A. No, sir; I have not. Mr. Gould is a man who is not likely to tell what he does or to publish his business to the world.

By Mr. HUNTON:

Q. Have you any knowledge or information about the sale of this stock by Mr. Jay Gould?—A. Only what I have heard.

Q. State that.—A. I have heard that he has been selling the stock since it was up to the highest price—83.

Q. How much did you hear that he had sold?—A. I never heard any specific amount stated.

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WASHINGTON, D. C., May 26, 1876.

A. P. ROBINSON recalled and examined.

By Mr. LAWRENCE:

Question. Did you hear the testimony of Mr. Curry?—Answer. Yes, sir.

Q. Are you acquainted with him?—A. Very well.

Q. State if you were at his residence on the occasion referred to in his testimony.—A. I have been at his residence so often that it is impossible for me to say. I do not recollect any such conversation as he refers to at his residence.

Q. Do you remember having been at his residence on the occasion to which he refers?—A. I remember having been at his residence frequently. What particular occasion he refers to I do not know.

Q. Was it about five weeks ago?—A. It may have been five weeks ago; I go there very frequently. Whenever I go to the city I go to Mr. Curry's residence.

Q. He states that on one occasion, some five weeks ago, about 7 or 8 o'clock, you were at his residence. State if you had any such conversation with him as he has detailed.—

A. I recollect no specific conversation with Mr. Curry, or anybody else, prior to my having received my summons, but I do recollect having conversations. I cannot call to mind any specific conversations. Our intercourse is constant and frequent, and we talked of this matter at various times.

Q. Did you ever state to Mr. Curry that you had delivered bonds to Mr. Blaine?—A. No, sir.

Q. Did you ever say to him that the package which you delivered to Mr. Blaine was an installment?—A. No, sir.

Q. Did you ever use any language similar to that?—A. No, sir.

Q. Or any language that would indicate any such idea as that?—A. No, sir.

Q. At no time?—A. No, sir.

A. P. CURRY having been recalled at his own request, made the following statement :

Mr. Chairman, the first day that we appeared here, before Mr. Robinson or myself was examined, after you had conversed with Mr. Robinson, I asked him if he had stated to you what his testimony would be. This occurred outside of the committee-room. He said that he had. "But," said he, "Curry, I cannot swear positively that those were bonds." I said to him, "Mr. Robinson, you did not say anything else to me except that they were bonds." "Well," he said, "that was a private conversation," and said, "I might have said that to you, and still I cannot swear to it positively." Mr. Robinson then stated that he never knew positively that they were bonds. I said, "I do not ask you to swear to anything except what is perfectly straight and square, and you understand that." He said, "Well, I know you do not," and our conversation ended there. I merely make that statement for what it is worth.

By Mr. LAWRENCE :

Q. Where was that conversation?—A. It was between here and the drinking-saloon.

By Mr. FRYE :

Q. Before you got there or after you got back?—A. We had returned, I think.

By Mr. LAWRENCE :

Q. What day was it?—A. The first day that we both reported here ; about the first of this week.

Q. It occurred in the park east of the Capitol?—A. Yes, sir.

The following telegrams, offered in evidence by Mr. Curry, were admitted by Mr. Blaine, to save the necessity of calling the sender thereof as a witness :

"LITTLE ROCK, May 25, 1876.

"Col. A. P. CURRY,

"Care of Senator Dorsey, Washington, D. C. :

"Papers state Robinson denies what he said in the room that night about the bonds he took to Blaine.

"BELLE."

"LITTLE ROCK, May 26, 1876.

"To A. P. CURRY,

"Care of Senator Dorsey, Washington, D. C. :

"Have seen your testimony as published in Associated-Press dispatches, and heard Robinson tell you just what you said he did—that he gave Blaine the bonds? Price and Wheeler said Robinson told them the same.

"BELLE CURRY."

By Mr. FRYE :

Q. It is your wife who signs the names "Belle" and "Belle Curry"?—A. Yes, sir.

Q. Did you have any communication with your wife after you testified before she sent the first dispatch?—A. After receiving this first dispatch last evening, I dispatched to my wife in this language : "Did you hear Robinson tell me he gave Blaine the bonds? Answer in full." I think that was the wording of it.

Q. Prior to receiving the first dispatch, had you communicated with your wife?—A. I had not.

Q. So that that dispatch was entirely voluntary on her part?—A. Entirely so.

Q. Had you communicated with any friends of yours in Little Rock?—A. I had communicated with no person except my wife, and that was by letter on the morning that I received the first dispatch. In writing her a letter I stated these facts.

Q. She could not have received that letter, of course, at the time she sent this statement?—A. No, sir. It takes fifty-odd hours for a letter to go there.

Q. Have you sent a dispatch to any one else in Little Rock since you have been here?—A. I have not.

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Q. And only one to your wife?—A. Only one to my wife, and that was last night.

Q. Did you, immediately after you testified and Robinson testified, write to any one in Little Rock?—A. To no one but my wife. I have written to her every day or two.

Q. Were you and Mr. Robinson on intimate terms?—A. We have been the best of friends.

Q. Has anything interrupted your friendship recently?—A. Nothing in the world.

Q. Are you still good friends?—A. Yes, sir; passably so. I have regarded Mr. Robinson as one of my very best friends.

Q. You were on terms of familiar intimacy and on visiting terms always?—A. Yes, sir; he is a man of whom I have thought a good deal.

By Mr. LAWRENCE:

Q. Do you regard him as a correct man?—A. I have, sir, heretofore.

Q. That has been his reputation?—A. I think so.

Q. There never has been any imputation upon his reputation for veracity?—A. Not that I have ever heard of.

A. P. ROBINSON, recalled at his own request, made the following statement:

Mr. Chairman: I was asked in the first part of my testimony if I knew a man named Smith, and I could not then call to mind any person with that name. It has just occurred to me, since Mr. Smith's name has been mentioned in conversation here, that I do know a man named Smith; I never saw him but once, however. A man named J. G. Smith came to my house with Mr. Curry a short time since, and I presume that is the one referred to.

By Mr. BLAINE:

Q. Did you, in coming from or returning to any drinking-place or anywhere else, since you came to this city, say to Mr. Curry anything in the slightest degree inconsistent with your testimony here?—A. No, sir.

Q. You never made any admissions of any kind?—A. No, sir. I have stated to him what I have always stated. I desire to say that all these conversations which Mr. Curry has testified to have been loose, social conversations, and that what inferences he may have drawn from what I have said I am not responsible for.

Q. But you never intended to convey to him the idea that you delivered bonds to me?—A. No, sir; I have stated freely and frankly that I delivered a package to you, and that that package might have contained bonds, but I have always stated that I did not know what was in the package, and I did not know anything about that and could not testify about it.

Q. And you testified the other day that it was not a sealed package?—A. I did.

By Mr. HUNTON:

Q. What are the relations between you and Mr. Curry?—A. Perfectly social and friendly. He visited at my house, and spent a great deal of his leisure time there.

Q. What is his character for veracity and truthfulness?—A. Perfectly good, so far as I know; he is a man in whom I have the utmost confidence.

Q. State whether you did or did not say to him that there might have been bonds in that package, but that you could not swear to it.—A. Yes, sir; I presume I have said that to Mr. Curry. I have no doubt I have. I now recollect this Mr. J. G. Smith since Mr. Curry has mentioned his name; and I recollect a conversation with him.

Q. Can you state whether or not he was the Smith alluded to in that dispatch?—A. I expect he is; I have no doubt he is the same person. I never had but one conversation with Mr. Smith about this matter, and to him I stated the same thing—that I knew nothing about the contents of that package.

J. G. BLAINE sworn.

WASHINGTON, May 26, 1876.

Mr. Chairman: It is entirely true that in the spring of 1871, (and Mr. Robinson, I believe, gave the specific date from his diary,) he delivered to me in the Speaker's parlor a package. I should say that the package was about 18 inches long by 4 inches in diameter. I received his card sitting in the Speaker's chair, and, as soon as it became convenient, I went out and met him in the speaker's parlor. He handed me the package, and said, "Here is a package which Mr. Caldwell handed me for you." The package was done up carelessly in brown paper, the ends turned down and tied, I should say, though I cannot tell positively at this distance of time, in a careless manner. I chatted with him a moment about the condition of the Fort Smith road, and somewhat about the coal-lands there. He then wanted to see some member, I have forgotten whom. I told him that he could have the privilege of the floor, and he went in with me. As I passed up to the chair I threw the bundle down carelessly. It lay there until the House adjourned. I then took it down into the lower private room that I had, and it lay there for months. It was a package of maps, some descriptive pamphlets, and some

personal sketches; I mean those made by individuals and not published, showing the coal-fields in the Little Rock railway, in the Arkansas Valley. It was considered at that time by some gentlemen in Boston—Mr. Caldwell and others with whom I had been talking—that there would be quite a speculation in buying those lands, and they were allotted off to show how much could be got in one body. As the sections were taken alternately, it was very hard to get a large body, and a very few thousand dollars would buy a considerable quantity of them. I think the company offered them at five or six dollars an acre. This was sent to me as a prospectus, and a general setting forth of the merits and virtues of the speculation. I did not give a great deal of attention to it. I had some computations made as to the cost of hauling to the river, how far it would be from the Arkansas River, and how much it would cost by the time it got by rail to the Mississippi. The result of the whole thing was that I did not embark in it. That is all there was in the whole story of the package; there was nothing any more mysterious in it than if I should hand this bundle of books to the chairman. It was delivered in the crowd, carried into the House, and thrown down carelessly, and it lay in my room with a miscellaneous lot of papers probably for a year, I referring to it every now and then. Mr. Robinson never delivered to me a bond of the Little Rock and Fort Smith Railroad Company either in Washington or any other place. I desire to make that statement as broad as it can be made in every shape and form, both inclusively and exclusively.

While I am here, I desire to repeat, under oath, in relation to this \$64,000 charge, the statement made by me on the floor of the House, in all its parts and parcels, without mental reservation or purpose of evasion, as the iron-clad oath says.

WASHINGTON, D. C., May 29, 1873.

JAMES F. MEGUIRE sworn and examined.

By Mr. HUNTON:

Question. State your residence and vocation.—Answer. I reside at 116 G street, northwest, Washington City. I am a lawyer by profession.

Q. Did you ever converse with J. C. S. Harrison and others in reference to the investigation as to the ownership by the Union Pacific Railroad Company of certain bonds of the Little Rock and Fort Smith Railroad Company; if so, where, when, and what was it?—A. I think it was the first Sabbath of last March a year ago. I was at the Fifth Avenue Hotel, in New York. I went up there with Mr. James F. Wilson. I went to the room of Mr. Harrison; while there Mr. J. F. Wilson went out to see General Dodge. I was talking over affairs with Mr. Harrison in connection with the road, and Mr. Harrison said to me, "Meguire, I will tell you something that will make these fellows jump."

Mr. LAWRENCE. What follows?

The WITNESS. The Union Pacific Railroad people. Said I, "What is it?" He said, "It is a matter of \$64,000 that was obtained on \$75,000 of Little Rock and Fort Smith land-grant bonds." I said, "That does not amount to anything; what of it?" Then he spoke of a caricature which had appeared in, I think, Frank Leslie's Magazine of March, 1873, in which the chief picture was represented by an elephant with Oakes Ames's head upon it. I told him that I remembered the picture very well. Then he spoke of a picture up in a tree, and I said, "I recollect it." He asked me if I recollect it distinctly, and I said, "Yes, that picture represented Mr. Blaine." That is all he said to me. When Mr. Wilson came in Mr. Harrison said to Mr. Wilson, "Meguire knows all about this Little Rock and Fort Smith matter." Wilson said to me, "Where did you learn that?" I said, "Well, never mind." I just laughed. I did not know anything about it. That was all I did know. After we talked the matter over I asked Jim Wilson if he referred to the man up the tree, (speaking of the picture.) He said, "You must not say anything about that; that would ruin Mr. Blaine." That was all that was said to me at that time. "Yes," he said, "it would ruin Mr. Blaine and ruin the republican party." That was, I think, the first Sabbath in March, 1873. That was all I knew at that time. I did not know anything of the case further than he told me. I did not know anything about the resolution; he just gave me a synopsis. Mr. Wilson came in a few minutes afterward, and he put it to Mr. Wilson in that way, that I knew it.

Q. Do you know anything of your own knowledge, or from knowledge derived from others, about the 75 bonds of the Little Rock and Fort Smith Railroad Company that were to come into the possession of the Union and Pacific Railroad Company?—A. No, sir; I do not. All the conversation I ever had about it was with Mr. Wilson and Mr. Harrison and Mr. Millard.

Q. Who is Mr. Millard?—A. He was one of the Government directors. His name is J. H. Millard. I had no conversation with him except that I spoke of the case. He always denied it, and said there was nothing in it so far as that was concerned.

Q. Do you know anything else that bears remotely or immediately on this purchase by

the Union Pacific Railroad Company of these 75 bonds?—A. I know nothing about them. All that I know is the conversation that occurred between myself and the Government directors—this conversation that I have spoken of. I did have another conversation with Mr. James F. Wilson on the subject. At that time I did not know anything about how the bonds came into the possession of the Union Pacific Railroad Company, and I did not learn it until last June.

Q. Where was this second conversation, and when?—A. The second conversation, I think, was the next morning after the first one. Mr. Wilson went off to Boston on Monday night, the Monday after the first Sabbath in March. I was talking with him that morning. The thing was astounding to me, and I talked with him again about it. He said, "If you were to say anything about that, it would ruin Mr. Blaine, and would ruin Tom Scott."

Q. That is all that you know about it?—A. That is all.

By Mr. ASHE:

Q. Had you any other conversation with Mr. Wilson about that matter?—A. Yes, I had a conversation with him in the presence of Mr. Jeremiah M. Wilson, who was my counsel in the matter. I think that was in September or October of last year, at Willard's Hotel.

Q. State the conversation.—A. It was about the same lost bonds, the principal part of it, and this matter came up in the conversation, in which I said that if they did not prosecute these trustees, and compel them to disgorge these lost bonds, I would open fight upon them in Congress. Then this matter of the \$64,000 came up, and Mr. Wilson said that that did not enter into the fight. I told him I knew it didn't; all that struck me at that time was that we talked of it as a matter of fact.

Mr. HUNTON. Talked of what as a matter of fact?

A. That the \$64,000 was got and improperly used, and we left it in that condition.

Q. Improperly used by whom?—A. By the company—that it was money improperly used for something.

Q. How improperly used?—A. Mr. Wilson spoke of Mr. Blaine's name, but only in that way, that it would ruin Mr. Blaine to talk of it. After Mr. James F. Wilson was examined here recently, I went up to see him, and I told him that I had been sick in bed and had seen his testimony, and that it was entirely inconsistent with the conversations which had occurred between us; and I asked him how that was. I said, "If I am subpoenaed, I will have to testify to a certain state of facts, and how can you reconcile them?" Mr. Wilson then said to me, "I have always meant by the conversations with you, not that Mr. Blaine got these bonds, but that a talk of that kind would injure him." That is the explanation which Mr. James F. Wilson made to me of it.

Q. Did he ever explain how it would injure Mr. Blaine to talk about the purchase by the Union Pacific Railroad Company of the Little Rock and Fort Smith bonds?—A. Yes; he said that Mr. Blaine was a very prominent man, and in all probability that Mr. Blaine would be a presidential candidate.

Q. The idea which I wish to convey by my question was how the fact that the Union Pacific Railroad Company purchasing seventy-five bonds of the Little Rock and Fort Smith Railroad Company would involve Mr. Blaine?—A. All that I can tell you is that when Mr. Harrison had this conversation with me, I did not know at the time what any of it meant. I only received just a synopsis of it, and he just told me of the picture in Frank Leslie's. In June last, when I was in New York, I had a conversation with Harrison, and he said to me, "I will get you that resolution (referring to a resolution on the books of the executive committee of the Union Pacific Railroad Company,) and you must not tell where you got it." I kind of concluded that Harrison was backing water. He said to me, "When you go to Washington, if you write a letter to me at Indianapolis and inclose me an envelope directed to yourself, I will inclose you that resolution." I saw that he was kind of shy of it, and touched it as if it was nitro-glycerine at that time. So when I came home to Washington, I sat down and wrote him a letter. I handed an envelope to Mr. Frederick P. Stanton, and asked him to direct the envelope to myself. I inclosed that envelope in another larger envelope and told Mr. Harrison to inclose me the resolution by return of mail. In due course of mail that envelope came back to me. I did not open it myself, but handed it to Mr. Stanton, and said to him, "I want you to open that and see what it contains." He did so, and it contained the resolution of the board of directors of the Union Pacific Railroad Company.

Q. That resolution did not name Mr. Blaine's name?—A. No, sir.

Q. Then I want to know how these gentlemen said that that transaction would involve Mr. Blaine, if they did say it?—A. Mr. Harrison, in June last, substantially repeated to me what was in testimony before this committee. He stated that at a meeting of the board of directors, I think in September, 1872, Mr. Clark produced a letter from the president of the Little Rock and Fort Smith Railroad Company, offering to exchange new bonds for the other bonds held by the Union Pacific Railroad Company, and he asked for a committee to be appointed to examine how the Union Pacific Railroad Company came by these bonds. He told me that Rollins touched his coat-tail and told him to withdraw that resolution, that it would ruin Mr. Blaine. That is all that I know of the thing.

Q. Did Mr. Wilson explain to you in any of these conversations how it would ruin or in-

volve Mr. Blaine?—A. I never asked Mr. Wilson except this last time. I said to him, "I feel very badly, because if I am called on to testify in the matter I will have to testify to all those conversations, and I do not understand how our conversations agree with your testimony." He said, "Why, Meguire, I have always meant in all these conversations that I have held with you not that it was a fact that Mr. Blaine had these bonds, or got these bonds, but that a statement of that kind, if it got out, would ruin him, whether the statement was true or not."

Q. The idea which I wish to convey to you is, how the purchase by the Union Pacific Railroad Company of these bonds, in which transaction Mr. Blaine's name does not appear, involve Mr. Blaine, or how he would be talked about in that connection?—A. I asked Mr. Wilson that question, and he told me that Harrison was stumbling around, and had found that resolution on the books. I spoke of the Rollins matter, and of the way the conversation occurred with Rollins; and, as I tell you, in all the conversations, it seemed to be accepted as a matter of fact.

Q. What was accepted as a matter of fact?—A. That Mr. Blaine had the bonds. I went to see Mr. Wilson about them afterward, and he said that in all these conversations he meant to convey to me that the talking about it would ruin Mr. Blaine—Mr. Blaine's public reputation.

By Mr. BLAINE :

Q. He did not mean to convey to you that I had actually the bonds?—A. No, sir; he denied that.

By Mr. HUNTON :

Q. That was in the last conversation?—A. Yes. I further told my counsel, Mr. Jeremiah M. Wilson, that he could go and tell that to Mr. Blaine. That was two or three months ago.

By Mr. LAWRENCE :

Do you know any one fact to indicate that Mr. Blaine ever owned a bond that was sold to the Union Pacific Railroad Company?—A. No, sir.

By Mr. HARRISON :

Q. Did Mr. Wilson state any one fact that would indicate any such ownership?—A. No, sir; all that I know, arose just exactly as I have stated.

Q. Did they profess to have knowledge of any one fact that would indicate any such thing?—A. No, sir.

WASHINGTON, D. C., May 29, 1876.

WILLIAM P. DENCKLA sworn and examined.

By Mr. HUNTON :

Question. State your residence and vocation?—Answer. I reside at the Saint James Hotel, New York. I have no particular business now except attending to lands.

Q. Have you ever been connected, officially or otherwise, with the Little Rock and Fort Smith Railroad Company, or with the Union Pacific Railroad Company?—A. I have been with the Little Rock and Fort Smith Railroad, but not with the Union Pacific Railroad Company.

Q. State what your connection with it was, and when.—A. I was the original contractor for the construction of the road in 1867 or 1868—myself and others.

Q. State, in brief, what you were to get for constructing the road.—A. I was to get all the bonds and stock.

Q. There were two classes of bonds, were there not?—A. Yes, sir; land-grant bonds and construction-bonds.

Q. What time did you assign your contract, and to whom?—A. I think I assigned it in 1870. The company modified the contract, and made a contract with Warren Fisher, of Boston. I went out of it, except that I was to get compensation for my interest in the contract. I sold it out.

Q. How long was Warren Fisher a contractor?—A. That I cannot tell. My connection with the company ceased, in a great measure.

Q. To whom did Warren Fisher assign his contract?—A. Warren Fisher failed.

Q. Who took the contract?—A. A new board was elected, and the work was let out by sections; twenty miles to the section, I believe.

Q. Did Mr. Josiah Caldwell have any connection with it?—A. No; he was merely a figure-head for Fisher, during Fisher's contract.

Q. Explain what you mean by his being a figure-head of Fisher's?—A. He attended to the business for Mr. Fisher.

Q. Did the bonds of that company pass into your hands under the contract?—A. No, sir.

Q. Did you do any work on the road?—A. No, sir.

Q. You did no work and were entitled to none of the assets?—A. Mr. Fisher agreed to give me so many bonds. I sold my contract, in a measure, to Mr. Fisher, and he agreed to give me so many bonds and so much stock for my interest in the contract.

Q. How many bonds and how much stock?—A. I think about \$300,000 bonds, and \$195,000 in stock.

Q. Did you get those three hundred bonds?—A. Yes, sir; about that number.

Q. Did you get the stock also?—A. Yes, sir.

Q. Who holds those bonds and this stock now?—A. I parted with the bonds, and the stock is perfectly worthless.

Q. Who owns those bonds now?—A. I cannot tell; I have no idea.

Q. To whom did you assign or transfer them?—A. To different people; I sold them and traded them out.

Q. When did you part with those bonds?—A. At various times after I became possessor of them.

Q. You became possessor of them in 1870, you say?—A. No, sir; I do not think I got them until about 1871.

Q. What time in 1871?—A. I cannot tell you. I have been sick for three or four weeks in bed, and I had no idea what I was to be called upon to testify to here.

Q. State what you got for those bonds.—A. I traded some of the bonds off for lands. I cannot tell you anything approximating the value at all. It was a trade. Another lot of 150 bonds I loaned to a friend, and those bonds were hypothecated with a banking-house in New York, and were sold, and brought about 8 cents on the dollar.

Q. When were they sold?—A. About a year ago.

Q. Did you sell any of those bonds in 1871?—A. No, except that I made arrangements to trade them for lands.

Q. How many of those bonds did you trade for lands, and how much land did you get for them?—A. I got some 30,000 acres of wild lands in Arkansas for 75 bonds, I suppose.

Q. Give us the approximate value of those bonds in December, 1871.—A. I cannot tell you what their value was in the market for cash. I never sold any in the market.

Q. What would you have taken for your bonds that you held in the latter part of 1871?—A. I would have taken 40 cents on the dollar, I should judge.

Q. Would you have taken any less than 40 cents?—A. I always had great faith in the road, and I held the bonds at from 30 to 40 cents. I looked upon them as worth that. I heard of sales at 60 and 65, and 70.

Q. As late as the latter part of 1871?—A. Yes, sir.

Q. Who made those sales?—A. I heard of their being made in Boston.

Q. Were not those sales connected with a bonus to the purchaser?—A. I do not know; I heard of sales there, but I do not know who made them.

Q. From whom did you hear of those sales at 60 and 65, and 70 cents?—A. I cannot tell you; I do not recollect the names.

Q. Do you know anything of 75 bonds of the Little Rock and Fort Smith Company which went into the possession of the Union Pacific Railroad Company?—A. No, sir; nothing but what I have read in the papers. I never heard of it before I saw it in the papers.

Q. Are you acquainted with Col. Thomas A. Scott?—A. No, sir; I have seen him, but never was introduced to him.

Q. Are you acquainted with James F. Wilson, Government director of the Union Pacific Railroad Company?—A. No, sir; I have no knowledge whatever of the Union Pacific Railroad Company, or with any parties connected with it, except by sight.

Q. Suppose you had put your Little Rock and Fort Smith bonds on the market in the latter part of 1871, in the ordinary way, would they have sold at all?—A. Yes, they would have sold.

Q. What would they have brought?—A. I presume they would have brought 30 or 40 cents in New York.

Q. In the regular way?—A. They were not quoted on the stock-board.

Q. Why were they not?—A. It requires quite a bonus to put bonds on the stock-market, and nobody ever took the pains to do so with these bonds.

Q. Would they not have been on the stock-board if they had had a market-value?—A. Unquestionably, if they had had a market-value; but that was the only way to get them to have a market-value, by putting them on the stock-board.

Q. They were not on the stock-board because they had no market-value?—A. There was no attempt ever made by any person, to my knowledge, to put them on the stock-board.

Q. There were a great many of these bonds held by persons who were anxious to sell them, I suppose?—A. I presume Mr. Fisher, the contractor, was anxious to raise money.

Q. Do you know how many of those bonds Mr. Fisher got?—A. No, sir; I have no idea.

Q. Where is Mr. Fisher?—A. His residence is in Boston.

Q. And you reside in New York?—A. Yes, sir.

By Mr. ASHE:

Q. To whom did you transfer your bonds for lands?—A. To Woodruff and others, private individuals.

Q. To any one else?—A. No, sir.

Q. I understand you to say that you would have taken 40 cents on the dollar for your bonds in 1871: did you ever hear that they were selling in Boston at 60 or 70 cents on the dollar?—A. I heard so.

Q. Did you try to put your bonds on the market in Boston?—A. Yes; I wrote over to Boston, and I found that I could not sell them at that time.

Q. Then they were not bringing that price in Boston?—A. Parties told me that they had sold at that price. Bonds will sometimes bring a price that they will not bring at another time. Sometimes a man may sell bonds, as I did, for less, and at other times he may not have an opportunity of making such a trade as I made. The bonds, of course, depreciated in value as Mr. Fisher became embarrassed in circumstances. I was dissatisfied, and I sold out.

Q. When did you sell out?—A. I think in 1874.

Q. But you had those bonds in 1871?—A. Yes; I did not get the bonds until after selling out the stock. I did not like the management of the road, or the extravagant way in which things were conducted, and so I sold out.

By Mr. HUNTON:

Q. When you wrote on to Boston to sell your bonds, what did they say you could get for them there?—A. I wrote to Mr. Caldwell. He did not give me any specific price at all; he merely said that the bonds were dull of sale, and of course he wanted to sell his own bonds first, and would not sell mine.

Q. Where is Mr. Josiah Caldwell?—A. I understand he is in London, or somewhere in Europe. He has been there three years.

Q. Is he not building a railroad in Italy?—A. So I have heard.

Q. Then he would not be in London if he was building a railroad in Italy?—A. O, yes; because he may have a managing-man in Italy, while he resides with his family, which I understand is living near London.

Q. Do you know his address?—A. No, sir; I formerly knew it, but he has changed it. He had an address at some banker's in London—I forget who; but since then he has changed his address and I do not know it at present.

By Mr. ASHE:

Q. In 1871 did you sell any of those 300 bonds to anybody else except those which you exchanged for lands?—A. No, sir; I do not recollect anything else. I sold four or five bonds, in small lots, to different parties, but I cannot recollect to whom. I did not like the management of affairs particularly. I saw that things were running very loosely, and as a matter of course I was anxious to get rid of what I had. I loaned 150 of the bonds to a house in New York, which hypothecated them, and the house was afterward unable to take up the loan, and I think they were sold by the bank that took them at thirty cents on the dollar.

Q. When were they sold?—A. I think about a year ago.

By Mr. HUNTON:

Q. What time was this hypothecation of the 150 bonds?—A. In 1871. They carried the loan along, paying the interest on it.

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WASHINGTON, D. C., May 31, 1876.

WARREN FISHER sworn and examined.

By Mr. HUNTON:

Question. State your residence and vocation.—Answer. I reside in Boston; I have no business at present.

Q. Have you ever been connected, officially or otherwise, with the Little Rock and Fort Smith Railroad Company?—A. I have been.

Q. State your connection with it.—A. I took a contract to build it.

Q. State in brief the contract which you had with that company.—A. I was to build the road, and receive the bonds and stock, and some State bonds.

Q. Were you to receive lands also?—A. Yes, sir.

Q. Then you were to receive for building the road all the assets of the company?—A. Yes, sir.

Q. What amount of bonds of the Little Rock and Fort Smith Railroad Company came into your hands under that contract?—A. I assigned the contract over to Josiah Caldwell soon after I had it, and very few of the bonds ever came into my hands.

Q. Was Josiah Caldwell assignee of that contract for value, or was he just assignee in form?—A. He was to receive all the assets of the company.

Q. And to build the road in your stead?—A. Yes, sir.

- Q. What did he pay you for the assignment of the contract?—A. He was to pay me \$250,000 in money, \$250,000 in bonds and some stock; I forget the amount of the stock.
- Q. Can you approximate it?—A. I should think about the same amount of stock.
- Q. \$250,000?—A. Yes, in common and preferred stock.
- Q. Were you to get any lands of the company?—A. No, sir.
- Q. How much did you get?—A. Only \$25,000 in money.

By Mr. LAWRENCE:

- Q. What is the date of the assignment from you to him?—A. I think it was in September, 1869.

By Mr. HUNTON:

- Q. You say that you received \$25,000 in money; how much did you receive in bonds?—A. I received no bonds.
- Q. How much in stock?—A. I think, perhaps, \$200,000.
- Q. Did you ever have in your possession, as owner or otherwise, any bonds of the Little Rock and Fort Smith Railroad Company?—A. Yes, sir.
- Q. How much, and from whom did you get them?—A. I got them from the treasurer of the company; the amount I cannot state.
- Q. Approximate it.—A. Perhaps \$300,000 or \$400,000.
- Q. At what time did you get them?—A. That was among the first bonds that were issued; I should think it was in the fall of 1869.
- Q. Prior to the time of your assignment?—A. No, sir; after that.
- Q. On whose order did you get those bonds from the treasurer?—A. I got them on my own order.
- Q. How did you get them on your own order after you had assigned the contract to Caldwell?—A. Because the contract stood in my name with the company. I assigned it to Caldwell as an individual, but the assignment was never approved and recorded by the company at Little Rock.
- Q. What did you do with the bonds that you got from the treasurer of the company?—A. I sold them.
- Q. I suppose you cannot state to whom you sold them?—A. No, sir; it would be almost impossible; and as the enterprise was a losing one, I suppose that quite a number of people who bought them would not wish their names mentioned as having lost money by it.
- Q. At what price did you sell those bonds?—A. They netted a little under fifty cents on the dollar; that was in the fall of 1869, or the winter of 1870.
- Q. Did those bonds steadily decrease in value, or did they increase in value?—A. I do not think they decreased in value until the fall or winter of 1871.
- Q. What were they in the fall and winter of 1871?—A. There was so large an amount of those bonds pledged as collateral security for loans, and the loans could not be taken up, that there was a very great sacrifice in some cases; in fact, in quite a number of cases. There was no real market-value for the bonds.
- Q. State whether they had any market-value in December, 1871?—A. I do not know that they had any market-value then.
- Q. What would they bring?—A. They would bring all the way from 35 cents up to 50 cents on the dollar. If a man had given a loan on those bonds as collateral for 50 cents he would be quite likely to take 50 cents for them; if he had them at 40 cents he would be likely to take 40 cents for them; and if he had them at 30, he would be likely to take 30 cents for them—I mean to say, if they were pledged at those rates the holder would take those rates for them.
- Q. What was the usual rate at which they were pledged?—A. All the way up from 35 cents to 50 cents.
- Q. What would those bonds have brought in the market in December, 1871, if they had been exposed for sale in the ordinary way in which such bonds were sold?—A. A very small price, 15 or 20 cents.
- Q. Were they ever worth over 50 cents on the dollar?—A. Never to my knowledge were any bonds ever sold much above that; I believe there were a few sold at 60.
- Q. When these sales at 50 or 60 were made, was not a bonus given to the purchaser?—A. Yes, if you call stock, a bonus, there was.
- Q. If a person would sell \$10,000 of these bonds, and get 50 cents or the dollar for them, what bonus would be given in the shape of stock?—A. He would give as much in stock, common and preferred.
- Q. Without this bonus, those bonds would not, in 1869, have brought as much as 50 cents on the dollar?—A. I do not know about that, because the people never looked on the stock as of any great value.
- Q. Was any other bonus besides stock ever given in the purchase of these bonds?—A. No, sir.
- Q. Were not land-grant bonds sometimes given?—A. O, yes; if I sold \$10,000 of these first-mortgage bonds, I would also give as a bonus \$10,000 of land-grant bonds, \$10,000 of common stock, and \$10,000 of the preferred stock.

Q. So that in a sale of \$10,000 of these bonds, there was really a transfer of \$10,000 mortgage bonds, \$10,000 land-grant bonds, \$10,000 preferred stock, and \$10,000 common stock?—A. Yes.

Q. Making a transfer of \$40,000 instead of \$10,000?—A. Yes, sir.

Q. And that transfer brought \$5,000?—A. No, sir; \$10,000.

Q. Counting the land-grant bonds in with the first-mortgage bonds?—A. Yes, sir.

By Mr. LAWRENCE:

Q. Twenty-five per cent. on the whole value of all of them?—A. Yes, sir.

By Mr. HUNTON:

Q. Did you ever sell to Thomas A. Scott any of those bonds?—A. I never saw Mr. Scott but once in my life.

Q. Do you know whether Josiah Caldwell ever sold any to him?—A. I do not.

Q. Did you ever let Morton, Bliss & Co. have any of those bonds?—A. I never saw one of the firm; I never let them have a dollar.

Q. Did you ever sell to, or transfer to James G. Blaine any bonds of that company?—A. No, sir.

Q. Any stock?—A. Yes, sir.

Q. State the transaction.—A. I do not know the number of shares of stock.

Q. Approximate.

Mr. LAWRENCE. (to Mr. Hunton.) Does the resolution cover an inquiry as to the stock?

Mr. HUNTON. I think not; but it may lead up to the question embraced in the resolution.

Q. Do you know whether Mr. Blaine, at any time, owned any of the bonds of that company; and if so, how much?—A. I understood that he owned some; I do not know the number.

Q. From whom did you understand it?—A. I think Mr. Blaine.

Q. State what he did tell you.—A. I do not know that I recollect the conversation; it is four or five years ago; it was in substance that he had invested in the bonds; I do not know the number of them.

Q. Do not you know, from Mr. Blaine or otherwise, what he did with the bonds of that company which he said he held?—A. I do not know what he did with them.

Q. Did he ever inform you what he did with them?—A. He never did.

Q. Did he ever say that he had got the money on them through Mr. Scott?—A. He never did.

Q. Then you cannot state to the committee what amount of bonds he said he held or what he did with them?—A. No, sir.

Q. Can you state to the committee whether any of those bonds, owned by Mr. Blaine, afterward found their way into the possession of the Union Pacific Railroad Company?—A. I cannot.

Q. Do you know what Mr. Blaine gave for those bonds?—A. I do not.

Q. Why did you give up this contract?—A. For this sum of money.

Q. There was no other reason why you wanted to dispose of it: it was a money transaction?—A. Yes, sir.

Q. Did you, after that transaction, fail in business?—A. Yes, sir.

Q. Did you go through bankruptcy?—A. I did.

Q. Who represented your creditors in that matter—what lawyers?—A. The assignees represented the creditors.

Q. Were they lawyers?—A. Yes, sir.

Q. Had they any lawyers employed?—A. No, sir.

Q. Who were those assignees?—A. They were two Boston lawyers, Mr. R. M. Morse, jr., and Mr. F. M. Dickinson, jr., of Boston.

Q. Was there any other lawyer engaged in those bankruptcy proceedings besides those two?—A. My own lawyers.

Q. I see it stated that you said to one of those lawyers that Mr. Blaine got a certain amount of these bonds: the statement is, "The attorney says that Fisher testified that he had paid the Hon. James G. Blaine \$130,000 for no consideration whatever;" is that true?—A. No, sir.

Q. Nothing like it?—A. Nothing like it that I remember.

Q. Do you know anything about the ownership of those bonds by the Union Pacific Railroad Company?—A. No, sir.

Mr. Frye suggested to Mr. Hunton to ask the witness whether, as a matter of fact, he ever did let Mr. Blaine have \$130,000 of these bonds without any consideration.

Q. Did you ever, as a matter of fact, let Mr. Blaine have \$130,000 of those bonds of the Little Rock and Fort Smith Railroad Company without any consideration?—A. No, sir.

Q. Or any other amount?—A. I let Mr. Blaine have some bonds in his hands, but they were for other parties.

By Mr. LAWRENCE:

Q. Without consideration?—A. No; I got my pay for them.

By Mr. HUNTON :

Q. From whom did you get your pay ?—A. Through various parties.

Q. From Mr. Blaine, or from the parties for whom he bought them ?—A. From the parties for whom he bought them.

Q. State from whom you got the consideration.

Objected to by Mr. Frye, and question withdrawn.

Q. You say that you have no acquaintance with Colonel Scott ?—A. I never saw him but once, and that was in 1861.

Q. Were you ever connected with the Union Pacific Railroad Company ?—A. No, sir.

Q. In no way ?—A. In no way. I have had four, or five, or six of its bonds.

Q. Do you know anything of Morton, Bliss & Co., brokers and bankers of New York ?—A. I know of Mr. George Bliss, but I never saw him.

Q. Did you ever have any business transactions with him ?—A. Never a dollar.

Q. Did you ever hear any member of that firm say anything about a transaction between that firm and Colonel Scott in regard to bonds of the Little Rock and Fort Smith Railroad Company ?—A. I never did. I never saw any member of the firm.

By Mr. ASHE :

Q. You say that some five years ago you heard Mr. Blaine say that he held some of the bonds of the Little Rock and Fort Smith Railroad Company ?—A. Yes.

Q. State the substance of that conversation.—A. That was about the sum and substance of it.

Q. How did you come to speak about the bonds ?—A. It was a conversation which I frequently indulged in with everybody in Boston who came to see me.

Q. Give any of the circumstances connected with that interview, and which led to the statement.—A. We had a conversation in connection with the enterprise, which was after the road was a failure, I think.

Q. Did Mr. Blaine, in that conversation, say where he got the bonds ?—A. No, sir.

Q. Did he state that he had disposed of any of them ?—A. No, sir.

Q. Did he state what amount of bonds he held ?—A. No, sir.

Q. All these bonds that were negotiated by Mr. Blaine, did they go into the hands of third parties, or did Mr. Blaine retain any of them himself ?—A. I have no means of knowing.

Q. You said that other parties paid you ?—A. Yes, sir.

Q. For all the bonds negotiated through Mr. Blaine at the time ?—A. Yes, sir.

WASHINGTON, D. C., May 31, 1876.

ELISHA ATKINS sworn and examined.

By Mr. HUNTON :

Question. State your residence and vocation.—Answer. I reside in Boston ; I am a merchant.

Q. Have you ever been connected, officially or otherwise, with the Union Pacific Railroad Company ?—A. Yes, sir ; I have been a director in the corporation since 1869.

Q. Are you still a director ?—A. I am.

Q. Have you ever been a member of the executive committee of that company ?—A. Yes.

Q. At what period ?—A. Every year, I think, except the year 1871.

Q. Who took your place in 1871 ?—A. The executive committee then was made up from New York.

Q. Can you name the members of the executive committee in 1871 ?—A. Thomas A. Scott, president ; John Duff, vice-president ; Andrew Carnegie, of New York ; Sidney Dillon, of New York ; George M. Pullman, of New York and Chicago ; C. S. Bushnell, of New Haven ; and Government Director James F. Wilson.

Q. Do you know anything of the ownership by the Union Pacific Railroad Company of a certain amount of the bonds of the Little Rock and Fort Smith Railroad Company ?—A. Yes, sir.

Q. State all that you know about it.—A. The first knowledge of those bonds in Boston was an order from the executive committee on the treasurer of the company to pay Morton, Bliss & Co.'s draft against these \$75,000 of Little Rock and Fort Smith bonds.

Q. What was the amount of the draft ?—A. \$64,000.

Q. What was the value of those bonds at that time ?—A. Their general value was about 50 cents on the dollar. I was told the other day by a gentleman in Boston that he sold some of those bonds about that time as high as 81.

Q. When ?—A. About the time that the bonds were taken by the Union Pacific Railroad Company. I suppose it to be the time when the road was taken by the Southern Improvement Company, in 1873 ; that gave an impetus to the bonds, and this gentleman told me that he sold bonds at that time at 81. The general value of them was 50 or 60 cents on the dollar, but it was fluctuating.

Q. Who is this gentleman?—A. Mr. J. S. Converse.

Q. The general value of the bonds on the market was from 50 to 60?—A. Yes, for a short time. I think I understood that other bonds were sold for about 80, though I suppose the general value of the bonds was not so much as that on the market, because they could not be sold to any great extent.

Q. Not at 50 or 60 cents?—A. Yes; they could have been sold at 50 or 60 cents, but probably there could not be a great number sold at 80. A good many holders would have sold their bonds at that time.

Q. I want to know what the bonds were considered worth in the market in December, 1871.—A. I cannot tell you the exact dates, but I suppose there would be no difficulty in buying them at less than 80 cents. I should not have sold mine at 60 cents, although I made a mistake in not doing so.

Q. I want to ascertain what was the public estimate of the value of those bonds, derived from what they would bring if put upon the market.—A. I should say that 60 would be a fair estimate of their value if they were put on the market for sale.

Q. In the sale of those bonds was not a bonus given?—A. I understand not.

Q. I do not mean any given sales, but was it not customary in selling these bonds to give a bonus with the bonds?—A. It had been before that.

Q. Do you mean to say that the bonds could have brought in the market, in 1871, 60 cents without a bonus?—A. Yes, sir; they would be a very cheap bond at 60 if the arrangements with the Southern Improvement Company had been carried out. As it turned out, they were a very dear bond at any price.

Q. State what was the inducement offered to the Union Pacific Railroad Company to buy those bonds at over 80 cents, when their highest market value was 60 cents.—A. We in Boston knew nothing of their purchase; the thing was done by the executive committee; we rarely questioned the doings of the executive committee. Our theory was—whether we were told so or not I do not know—that it was an arrangement with Colonel Scott in lieu of a large amount of salary which he claimed should be paid to him.

Q. What salary were you to pay Mr. Scott?—A. Our by-laws fixed the president's salary at \$3,000 a year.

Q. Was that the salary which you were to pay Mr. Scott?—A. He has never been paid anything.

Q. Was that the salary which you agreed to pay him?—A. I am not aware of any agreement at all. I do not know whether he ever asked the question.

Q. Do you mean to say that the board of directors employed Mr. Scott as president without any agreement as to salary?—A. I cannot say; personally I know nothing about the agreement with Colonel Scott.

Q. You were a member of the board?—A. Yes. I had no conversation with Mr. Scott. I presume that the matter was left to the vice-president.

Q. It was the board that employed him?—A. He was elected by the stockholders.

Q. Who was the party that fixed the salary?—A. The salary is fixed by the by-laws.

Q. And that by-law was never changed?—A. That by-law was never changed.

Q. Could any president have got more than the amount of salary fixed in the by-laws without a change of the by-law?—A. He could not have recovered any more.

Q. Would the board of directors be authorized to pay him any more?—A. Perhaps they would for extra services.

Q. What sort of extra services?—A. Mr. Scott was of immense value to the company in assisting its finances. The company was almost on the brink of bankruptcy. Our securities were at a very low ebb, and we found it very difficult to use them. Immediately after Mr. Scott took the presidency of the road, our securities appreciated, and we were enabled to get money more easily.

Q. All that was his duty as president?—A. I presume it was. Mr. Scott certainly made a great sacrifice when he came into the company. He may have had an understanding with the members of the executive committee that he was to be paid extra. Whether he had or not I do not know.

Q. Had the executive committee any right, in the face of the by-law, to make such an arrangement?—A. You can answer that question better than I can. Personally, I know nothing about any bargain made with Colonel Scott for pay. I know that the board thought it very desirable to get Mr. Scott to assume the presidency.

Q. Did you not know that Mr. Scott was at that time largely interested in the Union Pacific Railroad Company?—A. I do not know how largely. He must have been a stockholder to have been elected.

Q. Did he not own a large quantity of the stock and bonds of that company?—A. I am not aware that he did. He owned some stock—how much I do not know. I do not know that he owned any bonds.

Q. Was it understood that the Union Pacific Railroad Company was to be taken hold of by this Southern Improvement Company?—A. It was never thought of.

Q. Do you know of any connection between the Southern Improvement Company and the Little Rock and Fort Smith Railroad Company?—A. I know it through Colonel Scott, that it was proposed that the Southern Improvement Company, or rather the Southern Rail-

way Security Company, should take hold of the Little Rock and Fort Smith Railroad in connection with other southern roads.

Q. What was this Southern Railway Security Company?—A. It was a trust company in Philadelphia, I think, in which Mr. Scott was interested.

Q. Where did it get its incorporation?—A. I think it is a Pennsylvania institution; it was located in Philadelphia, but I do not know where it received its charter. It was said at the time that Colonel Scott had an interest in it.

Q. Did not Colonel Scott go into the presidency of the Union Pacific Railroad Company because he had large interests there which he thought he could appreciate by taking the charge of the company?—A. I do not think he did; I think his idea was to make a through connection to the Pacific coast by the Pennsylvania Central Railroad; I think that was his idea.

Q. You do not know why the executive committee agreed to cash those bonds held by Colonel Scott at a price in excess of their market-value?—A. I do not.

Q. You understood it was a transaction made with Mr. Scott on account of his salary?—A. That was the theory of the Boston directors who were not members of the executive committee.

Q. Explain why it was that, seeing that order from the executive committee, you did not investigate it as a member of the board of directors.—A. It was regularly investigated at the quarterly meeting of the board. The records of the executive committee were read and discussed at the quarterly meeting in the presence of all the Government directors; this matter was brought up.

Q. Who brought it up?—A. I cannot say; Mr. Harrison may have brought it up, or Mr. Wilson.

Q. You say that this order of the executive committee was regularly investigated?—A. I do not mean investigated; the matter was spoken of, as well as all the proceedings of the executive committee.

Q. State what was said about that particular order of the executive committee.—A. I cannot tell you; I do not recollect.

Q. Was there any investigation?—A. There was nothing that you would call an investigation; there was probably an explanation of it.

Q. What was the explanation?—A. As I tell you; that it was given to Mr. Scott, as we all understood, for his services.

Q. Who made this explanation?—A. Mr. Horace F. Clark, who was then president of the company. I remember that he seemed satisfied with the explanation he got; he asked for an explanation of it when he came in.

Q. Who made the explanation?—A. I do not remember; it was made in the board, perhaps, by some member of the executive committee; that was the general purport of it, that it went for the benefit of Mr. Scott.

Q. The only explanation made of that transaction was that it was a transaction in payment of Mr. Scott's salary?—A. No; I do not think it was said so in terms.

Q. State what was said.—A. I cannot do so.

Q. You seem to know what was not said; can you not state what was said?—A. My general idea is that this was about the upshot of it: That it was a matter between the executive committee and Colonel Scott. I only know the fact that no salary has been paid to Colonel Scott.

Q. Then you cannot say anything that was said in explanation of this order from the executive committee?—A. I cannot.

Q. Do you remember Mr. Harrison making a motion to appoint a committee to investigate?—A. No, sir; I do not remember it. Perhaps I was not present.

Q. Who did bring this matter up and ask for an explanation?—A. That I do not remember.

Q. What has become of those bonds which the Union Pacific Railroad Company got hold of?—A. They are now in the treasury of the company.

Q. Are they worth anything?—A. They are worth considerable now.

Q. What are they worth?—A. I do not know what the money-value of them may be. The road has been re-organized and is now nearly completed.

Q. What would they bring in the market?—A. They do not exist now in the shape of bonds. The road has been reorganized, and the old bonds have been changed into stock of the new company.

Q. Then the Union Pacific Railroad Company holds, instead of those seventy-five bonds, stock of the new company?—A. Yes.

Q. What amount of stock?—A. We got, I suppose, 55 per cent. of \$75,000; that is, the new company gave 55 per cent. in stock for the par value of those bonds and the over-due coupons.

Q. What is the market-value of that stock now?—A. I have seen the stock sold at 20, but little of it is bought. I think there is not much to be had at that price.

Q. Do you know anything of the present condition of the Little Rock and Fort Smith Railroad?—A. It is nearly finished. It will probably be finished and opened for traffic in the middle of June.

Q. What indebtedness will it carry?—A. Nothing but \$3,000,000 of bonds. The road is expected to be finished without any floating debt. The whole indebtedness will perhaps be about \$3,000,000 of bonds, which are a first mortgage on the road and on the land-grant.

Q. State whether there was any difference before this new organization between the value of the land-grant bonds and the value of the first-mortgage bonds.—A. No; the market-value was the same.

Q. All these mortgage bonds and land-grant bonds were paid for in stock of the company?—A. Yes; the mortgages, both on the road and the land, were foreclosed and bought up by the new organization, which foreclosed both road and lands for \$3,000,000. The old bonds were taken up, proved in court, and the new company gave 55 per cent. in stock for them.

Q. What do the new bonds bring?—A. Some of them were issued by the company at 70, and others were sold at auction for 50. Enough of them were sold to complete the road.

Q. Did the sale of those \$3,000,000 of bonds at 50 bring money enough to complete the road?—A. Yes; only half of them were sold at 50.

Q. What became of the rest?—A. Most of them are still in the treasury. They have not been issued yet.

Q. How was the money raised that finished the road?—A. By the sale of \$1,500,000 of bonds at auction. It was necessary in order to save the land-grant, which expires in July.

Q. Then \$750,000 will complete the road?—A. Yes, with the earnings of the road.

Q. Then how do you make the indebtedness of the company \$3,000,000?—A. There are the expenses of foreclosure.

Q. But you say that this new company issued \$3,000,000 of bonds, only one-half of which went out, and the balance are held by the company?—A. No, sir; not held by the company. Only some of the balance are held by the company. A sufficient amount was raised to pay into court for the purchase of the road. The old stockholders took these bonds at 70 per cent. of the face-value.

Q. Thus giving the company enough to pay for the court expenses, and to pay for the road and for the foreclosure?—A. Then there was a large amount of equitable claims for money that was paid in from time to time to finish the road in order to save the land-grant, to do which the company were obliged to complete 20 miles each year. There was a large amount of these claims outstanding, and the court was requested to appoint an auditing committee to decide upon the equity of these claims and to have them paid, and the order was made in court. These claims were paid mostly in these new bonds, or will be paid in them, for they are not all paid yet. The company hopes to finish the road with the proceeds of the \$3,000,000 of bonds.

By Mr. ASHE:

Q. Have you any knowledge as to the person to whom the Little Rock and Fort Smith Railroad Company sold these bonds, which were afterward held by the Union Pacific Railroad Company?—A. No, sir; I have not.

Q. Have you any information of it from other persons?—A. None at all. I do not know. The first I ever heard about these bonds was this order from the executive committee to take them up and to pay Mr. Scott \$60,000. I have no means of knowing by what means they came into Colonel Scott's hands.

By Mr. HUNTON:

Q. Did you ever hear that an investigation of the ownership of these 75 bonds would involve Mr. Blaine?—A. No, sir.

Q. You never heard that from anybody?—A. I do not think I did.

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WASHINGTON, D. C., May 31, 1876.

JAMES MULLIGAN sworn and examined.

By Mr. HUNTON:

Question. State your residence and vocation.—Answer. I reside in Boston; I am treasurer of the Globe Theater.

Q. Have you ever had any connection with the Little Rock and Fort Smith Railroad Company?—A. I had, through Mr. Fisher.

Q. State what it was.—A. I was book-keeper and cashier for the Adams sugar-refinery, in which Mr. Fisher was a partner, and I kept some accounts for Mr. Fisher for the Little Rock and Fort Smith bonds.

Q. Where are those books?—A. In Boston.

Q. In the possession of Mr. Fisher?—A. I presume so.

Q. Do you know anything about the sale of any Little Rock and Fort Smith Railroad bonds by Mr. Fisher?—A. Yes, sir.

Q. To whom were they sold?—A. They were sold through Mr. Blaine to parties in the State of Maine.

Q. State their names.

[Objected to by Mr. Frye, and question withdrawn.]

Q. Do you know of the sale, by Warren Fisher or Josiah Caldwell, of 75 bonds of the Little Rock and Fort Smith Railroad bonds?—A. I knew of a number of bonds that were sold, but I have no knowledge of any specific 75 bonds. There were a number of bonds sold in the State of Maine. That was all the transaction of which I kept an account.

Q. Can you state whether the number of bonds sold to persons in Maine, through Mr. Blaine, amounted to 75?—A. Yes; they amounted to twice that number.

Q. Do you know of any sale of bonds, by Fisher or Caldwell, to Thomas A. Scott?—A. No, sir; I do not know about any bonds sold outside, further than those that were sold through Mr. Blaine to his friends in Maine.

Q. How much did those bonds bring?—A. They netted Mr. Fisher 45 cents on the dollar.

Q. Was there any bonus accompanying the sales of those bonds—I mean did not the purchaser of those bonds get, in addition to them, stock or something else of the company?—A. Yes, sir.

Q. For instance, if Mr. Fisher sold 10 one-thousand-dollar bonds and got 45 cents on the dollar for them, did he transfer along with them any other bonds or stock?—A. Yes.

Q. How much?—A. Sometimes more and sometimes less.

Q. What was the usual amount of stock given as a bonus?—A. Suppose a man paid \$50,000 in cash for 50 first-mortgage bonds; he received the bonds, \$50,000 in common stock, and \$50,000 in preferred stock. Some got more and some less.

Q. What was the value of that stock?—A. I do not know whether there was any value to it. Its par value was \$100. These bonds, sold through Mr. Blaine, netted Mr. Fisher 45 cents on the dollar. Mr. Blaine made the contract for them.

[Objected to by Mr. Frye.]

Mr. HUNTON. [To the witness.] Tell us the transaction without mentioning names.

The WITNESS. I cannot tell you about that. I cannot tell you the value of the stock, because two parties got the benefit of it.

Mr. HUNTON. I will get at it in another way: Mr. A comes into Mr. Fisher's office and buys 10 bonds of the Little Rock and Fort Smith Railroad Company, the par value of which was \$10,000. Mr. Fisher gets for this \$4,500, and along with the bonds gives \$10,000 of par value in preferred stock, and \$10,000 of par value in common stock?—A. Yes.

Q. So that instead of the purchaser getting bonds to the amount of \$10,000 he gets those bonds representing \$10,000, preferred stock representing \$10,000, and common stock representing \$10,000?—A. Yes, sir.

Q. So that the stock and bonds which represented at par value \$30,000 brought only \$4,500?—A. There was a third party to be paid out of it, and I cannot give you the particulars without stating how it was.

Q. Who was that third party who got a portion of the pay?

The WITNESS. I understand that that is objected to.

Mr. FRYE. I object to going into that main transaction.

Mr. HUNTON. I am endeavoring to ascertain from the witness the value of the bonds, which value here I have got by an actual sale.

The WITNESS. You want to get at the market-value of those bonds?

Mr. HUNTON. What Mr. Fisher sold the bonds for.

The WITNESS. All that I know is what my books show, and what Mr. Fisher got for them. They netted Mr. Fisher 45 cents on the dollar for the amount of bonds, calling the stock valueless. But taking the bonds that were given to the third party, then the whole netted Mr. Fisher 45 cents on the dollar.

Q. What was the gross amount which Mr. Fisher got for \$10,000 in bonds, \$10,000 in preferred stock, and \$10,000 in common stock?

The WITNESS. You want me to tell you also what the intermediate party got?

Mr. LAWRENCE. What was the cash price at which the bonds were sold?

The WITNESS. All that I know about the price is what they netted to Mr. Fisher.

Mr. LAWRENCE. What did he pay this person who acted as broker in the sale?

The WITNESS. I will tell you how much bonds Mr. Fisher delivered for that amount of money, how much the buyers got, and how much the other party got.

Mr. FRYE. I object to that.

Mr. HUNTON. [To witness.] You say that Mr. Fisher got forty-five cents on the dollar?

The WITNESS. Yes; taking the commission out. That is the actual amount he netted from the bonds that he gave out.

Mr. HUNTON. And he had to pay a third party for selling those bonds?

The WITNESS. The third party made the contract with different persons in the State of Maine.

Q. How much did Mr. Fisher pay this third party?—A. He paid him about as much as he gave the other one. If my memory serves me right, there was about \$130,000 of money paid

by the parties, for which they got \$130,000 of common stock, \$130,000 of preferred stock, and \$130,000 of first-mortgage bonds; and the third party was to get \$130,000 of land-grant bonds and \$32,500 of first-mortgage bonds for his share in the transaction. That is what Mr. Fisher gave out for this \$130,000.

Q. The transaction to which you allude involved \$130,000?—A. It did.

Mr. Frye objected to the testimony as having no connection with the Union Pacific Railroad Company.

Mr. Lawrence moved to strike out of the record all that related to the sale of those bonds except the fact that they were sold at a given price.

Mr. HUNTON. The examination of this witness was undertaken for no other purpose, and has been directed to no other point than the value of those bonds in the market. [To the witness.] This sale, as I understand, involved \$130,000 of first-mortgage bonds, \$130,000 of preferred stock, and \$130,000 of common stock; what was the sum realized by Mr. Fisher for that \$390,000 in bonds and stock?—A. \$130,000; and he had to give the third party \$130,000 of land-grant bonds and \$32,500 of first-mortgage bonds.

Q. And from the whole transaction he realized \$130,000 in money?—A. Yes.

Q. Was there any difference of value between the first-mortgage bonds and the land-grant bonds?—A. I never heard of any.

Q. Do you know of any other sale of the bonds of that company?—A. Yes.

Q. Were the other sales made on the same terms as this sale?—A. No, sir; quite different.

Q. Was the percentage which was realized by Mr. Fisher on those other sales different from that realized on this sale?—A. It averaged about the same.

Q. Does your knowledge of the transactions of Warren Fisher enable you to state whether any sale of those bonds was made to Thomas A. Scott?—A. I never knew of Mr. Fisher making any sales to him.

Q. Do you know whether Mr. Caldwell sold any to him?—A. No, sir.

Q. Do you know of your own knowledge or from information (derived from anybody but Mr. Caldwell) of a sale of Little Rock and Fort Smith Railroad bonds to Colonel Scott?—A. Yes, sir.

Q. State it.—A. I have it from Mr. Elisha Atkins.

Q. State what you heard.—A. Mr. Atkins told me that there was \$64,000 charged for seventy-five bonds of the Little Rock and Fort Smith Railroad Company, which Mr. Tom Scott had, and which he made the Union Pacific Railroad Company take from him at that price.

Q. State all you heard Mr. Atkins say in that conversation.—A. That is about the whole of it.

Q. How did he say that Colonel Scott made the Union Pacific Railroad Company take those bonds from him at that price?—A. He did not state.

Q. How did he state that Colonel Scott got those bonds?—A. He did not state.

Q. All that occurred between you and Mr. Atkins was a statement by him that Mr. Scott had made the Union Pacific Railroad Company take these bonds at the price of \$64,000?—A. No; he said that they came from another party.

Q. State all about it.—A. He said that they came from Mr. Blaine. Mr. Atkins told me that Mr. Blaine gave the bonds to Tom Scott, and that Tom Scott made the Union Pacific Railroad Company take them.

Q. Mr. Atkins told you that this \$75,000 was got by Mr. Scott from Mr. Blaine, and that Mr. Scott made the Union Pacific Railroad Company take them at \$64,000?—A. Yes, sir.

Q. Did Mr. Atkins tell you how Mr. Blaine came into the possession of those bonds?—A. No, sir.

Q. Did you hear from any source how Mr. Blaine came into possession of those bonds?—A. Yes, sir.

By Mr. LAWRENCE:

Q. When did Mr. Atkins tell you this?—A. It might be in the early part of 1872.

Q. Where?—A. In Boston.

Q. What place in Boston?—A. At 19 Douane street and 21 English street.

Q. Can you not fix the time a little more specifically?—A. No, sir.

Q. What business is carried on at those places that you speak of?—A. The one was the office of the Adams sugar-refinery, and when it was broken up Mr. Fisher made his office at the other place.

Q. Who was present when Atkins told you this?—A. He told the same story to Mr. Fisher.

Q. Was Mr. Fisher present when he told you this?—A. No; I do not think he was.

Q. Who was present when he told it to you?—A. Not any person.

Q. Why did you not say so?—A. I have said so.

Q. What time of the day was the first conversation with Mr. Atkins?—A. I cannot tell you exactly.

Q. Was it in the day or evening?—A. If you want me to go into all the particulars I will do it. Mr. Fisher was present, I think, at one time.

By Mr. HUNTON:

Q. Do you mean to say that Fisher was present when Atkins told you this?—A. I am pretty positive that he was; and Mr. Fisher has told me repeatedly that Atkins told him the whole story.

Q. Did Atkins state how Mr. Blaine came into possession of those bonds?—A. I understood that Mr. Blaine had taken them up from those parties in Maine, for whom he had purchased them—the parties in this pool. I understood so from Mr. Blaine himself—that he took them up for those parties—and I understood that those were the bonds which Tom Scott had.

Q. Did you understand from Mr. Blaine himself that he had sold these seventy-five bonds to Colonel Scott?—A. No, sir. I did not hear Mr. Blaine mention the name of Tom Scott.

Q. What did you hear from him on the subject of those bonds?—A. I heard from him that he sold some of those bonds, (he did not say how many,) and that he had to pay these men in Maine for them.

Q. To whom did he say that he sold them?—A. He did not state.

Q. Did you hear from Mr. Blaine that any of the bonds of the Fort Smith and Little Rock Railroad Company had gone into the hands of Tom Scott and thence into the hands of the Union Pacific Railroad Company?—A. Mr. Blaine never stated that to me.

Q. State in what manner he did speak on the subject.—A. Mr. Blaine used to complain about how he lost by the transaction, and about taking up these bonds from the parties in Maine, to whom they had been sold. Mr. Fisher heard the story about Mr. Blaine having sold those bonds for a certain amount, and he told Mr. Blaine about it. Mr. Fisher took the ground that Mr. Blaine had not lost anything, because he had sold the bonds for more than they were worth. Mr. Blaine's reply was that he did not have the benefit of that himself, and that he had not the money forty-eight hours; that he had paid it over to those parties in Maine.

Q. Then the bonds which you heard from Mr. Atkins Mr. Blaine had sold to Mr. Scott were a portion of the bonds that you have spoken of in that transaction, as you understood from Mr. Atkins?—A. Mr. Atkins did not say from whom the bonds came. He did not say that they belonged to those parties, but I say it.

Q. I understood you a while ago to say that Mr. Atkins told you that Mr. Blaine had sold to Scott these seventy-five bonds, and that Scott had made the Union Pacific Railroad Company take them.—A. Yes, sir.

Q. And you heard from Mr. Blaine that these bonds which he sold to Scott, and which he made the Union Pacific Railroad Company take, were a portion of the bonds which these parties in Maine had got through him?—A. Do not misunderstand me. I prefer to state it in my own words: There were transactions between Mr. Fisher and Mr. Blaine, and Mr. Fisher was urging Mr. Blaine for a settlements. Mr. Blaine wrote to Fisher about the trouble in regard to these bonds, and there was besides some outside settlement in which Mr. Atkins was directly interested; letters were written back and forth between Mr. Blaine and Mr. Fisher, Mr. Fisher urging a settlement. Mr. Atkins's name was used in these letters, and then Mr. Atkins told me and Mr. Fisher told me about this transaction.

Q. You mean the transaction between Blaine and Scott and the Union Pacific Railroad Company?—A. Yes. Mr. Fisher and Mr. Blaine were to meet for a settlement, and I was delegated by Mr. Fisher, who was sick at the time, to make that settlement for him. I met Mr. Blaine in the Parker House in Boston, and the first words he said to me was that he was glad that he and I were going to settle this, as we could settle it very easily. "Now," said he to me, "Mr. Fisher has been writing letters about this transaction. Mr. Atkins does not know anything about it." I said, "It is not so, sir." Said he, "It is." Said I, "Did Mr. Atkins tell you so?" Said he, "He did, about twenty minutes ago." Said I, "Atkins did know about it." Said Mr. Blaine, "Will you come down to Atkins's office and say so in his presence." I said, "I will." Mr. Blaine said that he had not taken his dinner yet, and I said that I would wait for him. He went into the dining-room and took a bowl of soup, and then I went with him to Atkins's office. Mr. Atkins was out, and Mr. Blaine sent for him. When he came in, I asked Atkins if that was so. Atkins said, "Mr. Blaine, I was mistaken. Mr. Mulligan did tell me." That is the whole story. In this conversation Mr. Blaine brought up the same argument as to how much he had lost by these bonds, and I repeated the story that I knew where he had put the bonds, and that he had got 80 cents on the dollar for them.

Q. What was his reply to that?—A. He did not say anything. Mr. Atkins was standing present at the time. Mr. Blaine made no reply.

Q. Where is that settlement which you made between Mr. Fisher and Mr. Blaine?—A. There is no record of it.

Q. What did that settlement involve?—A. I do not know that that settlement has anything to do with this investigation. It certainly has nothing to do with the \$64,000.

Q. Had it any connection with the bonds which Mr. Blaine had and a part of which you say went into the hands of the Union Pacific Railroad Company?—A. I did not say whether any of these bonds specifically went into the hands of the Union Pacific Railroad Company. I do not know. I do not consider that the final settlement between Mr. Fisher and Mr. Blaine has anything to do with this matter.

By Mr. LAWRENCE:

Q. Did this settlement relate to Little Rock and Fort Smith bonds, or did it relate to Northern Pacific bonds?—A. It referred to both.

By Mr. HUNTON:

Q. Did this settlement involve the Little Rock and Fort Smith bonds which Mr. Blaine had, and a part of which you heard went into the hands of the Union Pacific Railroad Company?—A. The settlement involved a settlement between Mr. Fisher and Mr. Blaine about the Little Rock bonds. The transaction with the Union Pacific Railroad Company was prior to that. It involved a settlement about the Northern Pacific and Little Rock bonds.

Q. And a portion of those Little Rock bonds, you understood, went afterward into the hands of the Union Pacific Railroad Company?—A. No, sir; they had gone there previous to this settlement. The settlement involved various things, as there had been an outstanding account between Mr. Blaine and Mr. Fisher.

Q. If the settlement was reduced to writing on that occasion, where is it?—A. Mr. Blaine has it, I suppose. I gave Mr. Blaine a copy of the account, I think.

Q. Who kept the original?—A. I made out the account for him, and there were never any copies kept. The account was made out only from memoranda which Mr. Fisher had of private transactions between himself and Mr. Blaine.

Q. Where are those memoranda now?—A. I suppose they were all given up to Mr. Blaine.

Q. So that you have no trace in writing of that settlement?—A. No, sir.

Q. State from memory all that entered into the settlement.—A. There was some notes or memoranda and some dividends due.

Mr. BLAINE. Mr. Fisher and I have had business relations nearly twenty years, and Mr. Mulligan knows very well that that settlement embraced all of them.

Mr. HUNTON. The point which I want to get at is a settlement which involved these Little Rock and Fort Smith bonds, a portion of which had previously gone into the hands of the Union Pacific Railroad Company. That makes the settlement legal evidence under this resolution.

Mr. BLAINE. Mr. Fisher and I have had continuous business transactions, and I do not think that my private business ought to be exposed.

The WITNESS. Some of these transactions occurred before Mr. Blaine was in Congress at all.

Q. Was there anything in that settlement besides Little Rock and Fort Smith and Northern Pacific Railroad bonds?—A. There was a settlement about all these private matters of Mr. Blaine's that were going on for a number of years.

Q. State all that there was in that settlement about these bonds.—A. There came into the settlement that contract for the Northern Pacific Railroad Company, which you may have seen in the papers.

Mr. HUNTON. [To Mr. Lawrence.] Do you object to testimony about the Northern Pacific Railroad Company?

Mr. LAWRENCE. I do not see why it should come in.

Q. Did this settlement embrace the bonds of the Little Rock and Fort Smith Railroad Company, a part of which you had heard had gone into the hands of Scott, and thence into the hands of the Union Pacific Railroad Company?—A. There was a certain number of these Little Rock and Fort Smith bonds which Mr. Blaine claimed to be coming to him from Mr. Fisher, but whether they were part of these bonds or not I do not know.

Q. The question I asked was whether this settlement embraced the bonds which Mr. Blaine had got from Mr. Fisher for these parties in Maine?—A. The settlement which Mr. Blaine had included the Northern Pacific Railroad bonds, loans of money, and dividends that were due to Mr. Blaine for something. Mr. Blaine also claimed some of these Little Rock and Fort Smith bonds as being still due to him on this transaction.

Q. Did these bonds which Mr. Blaine had got previously, and a portion of which you understood had gone into the hands of Tom Scott, and thence into the hands of the Union Pacific Railroad Company, form an item in that settlement?—A. No, sir; there were no bonds in the transaction. Mr. Blaine claimed, as an offset, a certain amount of bonds that were due to him by Mr. Fisher.

Q. Then these bonds, a part of which went into the hands of the Union Pacific Railroad Company, did not enter at all into that settlement?—A. No, sir.

Mr. LAWRENCE. Then that settlement has nothing to do with this question.

Q. Can you reproduce that statement?—A. No, sir.

Q. Can you reproduce it approximately?—A. No, sir.

The examination of the witness was here suspended, and the committee adjourned till tomorrow.

WASHINGTON, June 1, 1876.

JAMES MULLIGAN recalled.

**THE WITNESS.** I wish to ask the indulgence of the committee for a few moments to make a personal, and to me a painful, statement. When I first arrived in this city, and within about fifteen minutes after my arrival, there came a communication from Mr. Blaine to Mr. Fisher. Of course I wish it understood that I am stating this under oath.

**MR. HUNTON.** We so understand it.

**THE WITNESS.** There came a communication from Mr. Blaine inviting Mr. Fisher and me up to his residence. I declined to go, for the reason that I did not want to have it said that I had gone to see Mr. Blaine. I wanted to come into this committee-room untrammelled by any influence. Mr. Fisher went up to Mr. Blaine's house, or at least he so reported to me; and he told Mr. Blaine about certain facts that I could prove, and certain letters that I had got. Mr. Blaine said that if I should publish them they would ruin him for life, or that if this committee should get hold of them they would ruin him for life, and wanted to know if I would not surrender them. I told him "No," and that I would not give them to the committee unless it should turn out that it was necessary for me to produce them. After my examination here yesterday, Mr. Blaine came up to the hotel, the Riggs House and there had a conference with Mr. Atkins, Mr. Fisher, and myself. He wanted to see these letters that I had. I declined to let him see them. He prayed, almost went on his knees—I would say on his knees—and implored me to think of his six children and his wife, and that if the committee should get hold of this communication it would sink him immediately and ruin him forever. I told him I should not give them to him. He asked me if I would let him read them. I said I would if he would promise me on the word of a gentleman that he would return them to me. I did let him read them over. He read them over once, and called for them again, and read them over again. He still importuned me to give those papers up. I declined to do it. I retired to my own room and he followed me up, and went over the same history about his family and his children, and implored me to give them up to him, and even contemplated suicide. He asked me if I wanted to see his children left in that state, and he then asked me again if I would not let him look over these papers consecutively, (I had them numbered.) I told him I would if he would return them to me. He took the papers, read them all over, and among them I had a memorandum that I had made by way of synopsis of the letters, and referring to the numbers of the letters—a synopsis containing the points of the letters. I had made that memorandum so as to be able to refer to here when questioned. He asked me to let him read the letters, and I showed him this statement, too. After he had them read, he asked me what I wanted to do with those papers; if I wanted to use them. I told him I never wanted to use the papers, nor would not show them to the committee, unless when I was called upon to do so. Then he asked me if I would not give them to him. There was one letter in particular that he wanted me to give him. I told him I would not do it, and the only reason I would not do it was because I saw it stated in one of the evening papers here (the Star, I think,) that the Blaine party were going to completely break down the testimony that I had given yesterday—that they were satisfied about that. I said I should not publish these letters unless my testimony was impeached or impuned. That was the only reason that I wanted to keep them, but I wanted to keep them for that purpose. These are the facts, gentlemen, and I leave them to you. If I understand the order under which this committee meets, this committee has power to send for persons and papers, and I want this committee to get for me those papers. Mr. Blaine has got them and would not give them up to me.

**MR. BLAINE.** I desire to be sworn immediately as to this point.

**MR. HUNTON,** (to Mr. Mulligan.) Is this statement that you have made a statement voluntarily made by you, without the suggestion of anybody? Has anybody outside the Blaine party requested you to make this statement, or have any members of the committee requested you to do so?—A. No, sir; no living person. There were only these two gentlemen, Mr. Blaine and Mr. Fisher, present at the time, and they rather prevailed upon me to give these letters up.

**By Mr. LAWRENCE:**

**Q.** Mr. Blaine has those letters?—A. Yes; he took them from me last night.

**Q.** Who was present when you surrendered them to him?—A. No person but he and I. He came down into Mr. Atkins's room and Mr. Fisher's. I had the letters, and said I would never give them up; but they prevailed upon me to give them up. I demanded of him to give me up my own memorandum. He said they were his letters, written to Mr. Fisher, and I said they were given to me by Mr. Fisher. I did not get them surreptitiously. They were given to me by Mr. Fisher for any purpose that I deemed proper. Mr. Blaine furthermore said to me, when he first met me, that some person told him I was coming on here. I say now, under oath, that I have no unfriendly feelings to Mr. Blaine whatever.

**By Mr. HUNTON:**

**Q.** Has either member of the committee had any conversation with you since your examination yesterday?—A. No, sir.

Q. How many letters did you surrender to Mr. Blaine?—A. There were fourteen that I had numbered, and there are about four more, in another envelope, making eighteen or nineteen letters and one statement about that Northern Pacific Railroad.

Q. Whose statement was that—I mean who made it?—A. It came from Mr. Blaine. They are all from Mr. Blaine, and under his own signature.

Q. Who was present when you first delivered these letters to Mr. Blaine to read, on the promise that he would return them?—A. Mr. Atkins, and I think Mr. Fisher was in the room, when I first gave them to him, on the promise that he would return them to me. I then retired from that room, and he came up to my room and asked me if I would not let him see them again, and I told him I had let him see them once, and there was nothing in them that he had not read. He said he wanted to see them again, and I asked him whether, upon the word of a gentleman, he would give them back to me, and he said he would. He admitted to Mr. Fisher and Mr. Atkins that the only thing that made him not give up the papers to me was my remark that, if any reports were made where the veracity of my testimony was impugned, I should publish those letters. I told Mr. Fisher and Mr. Atkins that I said that. I say so now, too.

By Mr. ASHE :

Q. What became of the memorandum that was with those letters?—A. He (Mr. Blaine) has it.

By Mr. HUNTON :

Q. Who was present when you gave up the letters to Mr. Blaine the last time?—A. No person but he and I. He followed me up to my own room.

Q. What time was that?—A. I should say about five o'clock in the afternoon.

Q. Upon what evening did you come to town?—A. On Tuesday evening last.

Q. When Mr. Blaine wrote to you or to Mr. Fisher asking that you and he come to his room, you did not go?—A. No, sir.

Q. Did you have any interview with Mr. Blaine before you were summoned yesterday?—A. Yes; he came to me when I was getting shaved in the barber's shop.

Q. When?—A. After the messenger went back to say that I would not go up, he came down. I was not in the hotel probably more than half an hour.

Q. What occurred between you in that interview?—A. He shook hands with me and asked me if I was summoned. I told him yes, and showed him my summons, and he read it. He told me that he had been advised by parties here that I was coming on from Boston.

Q. Who heard this conversation between you and Mr. Blaine?—A. Mr. Fisher was sitting in the barber's chair. I do not know whether he heard it or not. I was in one barber's chair and Mr. Fisher was in another, and the barber was there. We three were as contiguous nearly as we are now.

Q. You were not being shaved at that moment?—A. No, sir; I was waiting for Mr. Fisher to get through. Mr. Blaine said that he heard I was unfriendly to him, and I asked him if I ever manifested any disposition of that kind, or what made him think so. I wanted him to give me his informant, but he would not do it. He then asked me some questions about what I would testify to, and I told him I declined to have any conversation with him, and wanted to come into this committee-room without anything of that kind, and I begged him not to ask me.

Q. Was that your only interview with him previous to your examination of yesterday?—A. Yes.

Q. Did he and Mr. Fisher have an interview?—A. Mr. Fisher went to his house and he sent Mr. Fisher, or at least so Mr. Fisher reported to me, wanting me up there. Mr. Fisher came back twice saying that Mr. Blaine wanted me up there, and to see if he could not get these papers from me.

Q. Mr. Fisher reported to you?—A. Yes, sir; he came down and reported to me, saying that Mr. Blaine wanted me up there.

Q. He came down twice for you?—A. Yes.

Mr. FRYE. The witness said in order to get those papers.

The WITNESS. That is what Mr. Fisher reported to me—that he wanted to see me—not to get the papers, but to see him about those papers.

Q. Are you familiar with the contents of the letters and the statement which you say you surrendered to Mr. Blaine, and which he refused to surrender to you?—A. Well, I think I know about the points that were in them—anything that is material to this matter.

Mr. BLAINE. I shall object to the committee going into my private letters until my statement about this matter is first heard. I wish to make my statement first if the committee will hear me.

Mr. HUNTON. I want you to state anything in those letters which bears upon your testimony of yesterday concerning the Little Rock and Fort Smith Railroad bonds, which you understood went into the hands of the Union Pacific Railroad through Thomas A. Scott.

Mr. FRYE. I will object to that. Will you allow me to ask him one or two questions to lay the foundation of the objection which I make?

Mr. HUNTON. State your objection to the question first.

Mr. FRYE. I desire to show by the witness that those letters were addressed by Mr. Blaine

to Mr. Fisher; that they were in a safe occupied by Mr. Fisher; that this witness having no right whatever to them, they not being his property at all, took possession of them and brought them here to Washington; that there is nowhere in any of the letters any reference whatsoever to any bonds that were sold to Caldwell, to Fisher, to Tom Scott, or to the Union Pacific Railroad Company.

Mr. HUNTON. If there is not, he will so answer. I have framed my question with that direct view.

Mr. FRYE. There may be a reference to the transactions of the Fort Smith Railroad Company.

Mr. BLAINE. I wish to ask the committee before you go into the contents of those letters to let me make my statement.

Mr. HUNTON. We will give you a hearing, but I do not think you have a right to inject anything into the testimony of this witness at this point.

Mr. BLAINE. What I mean is that this question of the possession of the letters is one that stands alone. It is entirely independent of every other matter. After you go into it and have disposed of it, the other matter can be quite as properly proceeded with; and before the witness proceeds any further, I should like to make a statement as to the personal matter which he has broached in connection with the possession of these letters.

Mr. HUNTON. We are examining him as to those letters now. I do not think it is best to inject anything into the testimony at this point.

Mr. FRYE. The witness made it a matter of privilege by asking permission to make a separate statement in reference to a matter which had nothing to do with the railroad company.

Mr. BLAINE. He has injected his personal statement, and I want to make a counter-statement.

Mr. HUNTON. I do not want to do anything that would put you at a disadvantage, Mr. Blaine, but I do not think it would be regular at this time.

Mr. BLAINE. Are you going to proceed now with the examination without allowing any explanation of this statement that has been made?

Mr. HUNTON. That seems to me to be the regular course of proceeding.

Mr. BLAINE. It does not strike me that that is quite fair play. I do not want the impression to go forth to the world in regard to these letters as this man has stated it, without my having an opportunity of making my statement.

Mr. HUNTON. There is no possible chance of its going forth to the world without your having such opportunity. Your statement, so far as I can control it, will be before the committee in ample time for publication at the same time with this witness's statement.

Mr. FRYE. There is this further objection: The witness is now asked to testify relative to the contents of certain letters not his letters at all; but other letters. He states in reply that he thinks he can tell something that was in them. These letters, if his statement is true, are all in existence and in the hands of Mr. Blaine. Mr. Blaine has not declined to furnish them, nor has he intimated that he will decline. I submit that there is no rule of evidence by which you can interrogate this witness relative to the contents of these letters until they are shown to be lost, or until it is shown to be beyond the power of the committee to have the letters themselves. I make that as a legal objection to asking this witness what is in the letters.

Mr. HUNTON. Your objection would possibly, in a court of justice, be well taken, but it has been decided by the full committee that this committee is not to be governed by the ordinary rules of law. If the statement of the witness be true, and Mr. Blaine has the letters, then the question asked the witness is at once answered by the production of the letters. If Mr. Blaine controverts the statement of the witness, and does not produce the letters, we have a right to examine the witness about them in order to elicit the truth.

Mr. FRYE. If Mr. Blaine took the letters, they are in existence. They have not been destroyed at all. If the witness gives a statement at all as to the contents of those letters, it can only be a garbled statement. You are searching for facts; you do not want garbled facts, provided you can have the real facts. I do not mean that this man would garble them any more than any other man, but any man stating the contents of letters under such circumstances would be unable to state exactly what they contained. It may be that Mr. Blaine would say to you that there was not a single word in these letters from beginning to end, to the effect that Mr. Caldwell or Mr. Scott or the Union Pacific Railroad Company ever had anything whatsoever to do with any bonds which Mr. Blaine had of this railroad in Arkansas. It may be that he would say that there was not the slightest word in the letters indicating, directly or indirectly, that the bonds which you are inquiring about and the transaction which you are seeking, had anything whatsoever to do with the bonds which Mr. Blaine had of that road.

Mr. HUNTON. The witness has stated that those letters were given to Mr. Blaine under a pledge from Mr. Blaine that they should be returned to him. Assuming that Mr. Blaine has those letters, he has violated that promise, and he has not offered to produce them to the committee. I have asked the witness a question as to the contents of those letters, so far as they bear upon the subject-matter of the resolution. That is perfectly proper. If Mr. Blaine is apprehensive that the witness will give a garbled statement inadvertently, or otherwise, the remedy is in his own hands to produce the letters. If he declines to produce the letters, then this evidence is legitimate.

Mr. BLAINE. I would prefer making a statement in advance, but if the question is insisted upon, I have no objection to it.

Mr. FRYE. Mr. Blaine may desire time to consider whether he will pass the letters over to the committee or not.

Mr. HUNTON. When Mr. Blaine makes that request of the committee, it will be time to consider it.

Mr. BLAINE. That would have formed part of the statement which I asked permission to make.

Mr. ASHE. I would suggest this: the witness has sworn that Mr. Blaine has a memorandum which this witness made of the contents of each of those letters, and he swears that Mr. Blaine promised to return it to him, but has not done so. If Mr. Blaine will produce that memorandum to the committee, the committee will only examine the witness as to such letters as the memorandum indicates to bear upon the point under inquiry. Mr. Blaine can then meet the witness's answers by showing the letter itself to the committee, which will not go on the record if it is found that the memorandum does not correctly state the contents of the letter, and the matter will not go any further.

Mr. BLAINE. I think I could simplify this matter very much if I could be allowed to make a statement at this point. I think I could aid the committee.

Mr. HUNTON. Mr. Blaine has had those letters since last night, and if this witness has spoken the truth, he has got them under circumstances which do not entitle him to retain them. If the letters do bear upon this question, we are entitled to them, and if we cannot get them, we have a right to prove their contents, but all this can be obviated by Mr. Blaine's producing the letters.

Mr. LAWRENCE. Mr. Blaine's statement might furnish a reason which would show that the letters were totally incompetent.

Mr. HUNTON. I do not desire to do anything that we have not a clear right to do, nor do I desire to omit doing anything that we *ought* to do, but for my part I do not think we should change the current of the examination at this point.

Mr. LAWRENCE. I think that any examination as to the contents of the letters should be postponed until after Mr. Blaine shall have had opportunity to reply, so that the committee may have an opportunity to determine whether there is anything in them that is competent under the resolution which authorizes us to investigate. The question which has arisen as to the circumstances under which Mr. Blaine became possessed of these letters is, as it were, an interlocutory matter, and Mr. Blaine's statement as to it can, with entire propriety, be heard at once, and I think it should be.

(It was decided that the examination should not now be interrupted, but should proceed upon the question last put, which was now read, as follows:)

Q. I want you to state anything in those letters which bears upon your testimony of yesterday concerning the Little Rock and Fort Smith Railroad bonds, which you understood went into the hands of the Union Pacific Railroad through Thomas A. Scott.—A. In my testimony of yesterday I was asked if I had any other testimony than what Mr. Atkins had said about these bonds, and I said yes; that Mr. Blaine had acknowledged it himself in a letter. Mr. Fisher had been writing to Mr. Blaine for some time about a settlement, and Mr. Blaine always urged about some back bonds that were due him as commissions on the sale of the bonds, and saying that he was very short of money, and had lost considerable by this transaction, and that he would have to take up these bonds from the parties who had them, (or that he had taken them up.) Mr. Fisher wrote him back that he (Blaine) had not lost any money, because he (Fisher) knew where he had sold the bonds and got this large amount of money for them.

Q. What large amount?—A. These \$64,000. Mr. Blaine wrote back to Mr. Fisher (I may not give his exact words, but this is the purport of them) that that money that he had obtained he did not have in his possession forty-eight hours; that he had not made it for himself, but that he had turned it over to those innocent parties, (alluding to the Maine parties.) I cannot give the date of the letter.

Q. You have made a memorandum of the contents of those letters?—A. Yes, of fourteen of them.

Q. And that memorandum Mr. Blaine obtained from you yesterday evening?—A. Yes.

Q. And refused to return it?—A. Yes.

Q. State how you got possession of these letters.—A. I was Mr. Fisher's confidential clerk. I was with the Adams sugar-refinery, but was doing some private writing for Mr. Fisher. The Adams sugar-refinery dissolved in 1871, and all those papers were in Mr. Fisher's private desk. Some of them were, however, got afterward. Mr. Fisher and I were together in Doane street, after we left the refinery. There was nothing secret in these papers, as between Mr. Fisher and me. He told me that these papers were mine. He knew about my bringing them here. He went with me last Sunday to the safe, and got the papers out, and told me I could do what I pleased with them. He saw them with me in the hotel here, and read them when he was there; I have not taken them surreptitiously, otherwise than as I have stated.

Q. Did Mr. Fisher demand them of you at any time?—A. No, sir; he always told me that they were at my disposal at any time.

Q. Upon what ground did Mr. Blaine refuse to return those letters, or the memorandum of them?—A. He asked me what purpose I wanted with those letters. He said he did not want them to go before the committee or the world. I told him, that if it was not absolutely necessary under my testimony, to produce these letters to the committee, I should not do it, and should not use them for any other purpose excepting that if my veracity and my honor were at stake, I should publish them. I said so in the presence of Mr. Blaine and Mr. Atkins last night, and I say so now. If I have these letters, and if my testimony is impugned in any way, I shall, in vindication of myself, make them public. I consider I have a perfect right to do so: they were given to me voluntarily; Mr. Fisher is here present, and can speak for himself.

Q. What reasons did Mr. Blaine give you for desiring to suppress those letters?—A. That they would ruin him for ever; he contemplated suicide, and appealed to me in every way he could. He began then to talk politics, and about his friends. I talked freely to him. He asked me if I liked my present position, and I told him no, I did not care about it. He asked me how I should like a political office, and I told him I did not care about one. He asked me if I would not like a consulship.

By Mr. FRYE:

Q. Was any one present at that time?—A. No, sir: I state that upon my own veracity. Mr. Blaine is here, and is listening to what I say. I consider my word as good as that of any man that ever lived. I told him there was no political office that I wanted.

By Mr. HUNTON:

Q. You have come before the committee, and related these facts upon your own motion only?—A. Upon my own motion only.

Q. Without consultation?—A. Without consultation or admonition from any one, and rather against the other gentlemen who advised me not to do it.

Q. What other gentlemen?—A. Mr. Atkins and Mr. Fisher. They said they thought I ought not to do it, and advised me not to do it.

Q. Is there anything else in those fourteen letters of Mr. Blaine to Mr. Fisher which bears upon the subject-matter of this inquiry, to wit, the Little Rock and Fort Smith bonds which went afterward into the hands of the Union Pacific Railroad Company?—A. Mind you, sir, I do not know about what particular bonds went into the Union Pacific Railroad Company. There are bonds that Mr. Blaine got from Mr. Fisher; whether those were the particular bonds or not, I don't know. Mr. Blaine himself said, or I understood from his letters, that these bonds that went in there were the bonds that came from these parties named. Whether they were his own bonds that he got this commission on I do not know. There was one letter in the package where he told Mr. Fisher how much was due on these bonds. He told him he had received \$55,000 of bonds from him and \$20,000 from Caldwell on an outside matter; that is, \$55,000 of bonds on Mr. Fisher's account, (as percentage that he was to get upon those sales of bonds, to which I testified yesterday,) and the \$20,000 of bonds which he got from Mr. Caldwell.

Q. Two sums, making, in the aggregate, \$75,000 of bonds?—A. Yes.

Q. Did he say in that letter that those bonds went into the hands of the Union Pacific Railroad Company, through Thomas A. Scott?—A. Not in that letter; he did not mention Mr. Scott's name in anything, but Mr. Fisher wrote to him telling him that he (Fisher) knew where those bonds went, and that he (Blaine) got so much for them, and Mr. Blaine wrote back that if Mr. Fisher thought he (Mr. Blaine) benefited by the transaction, he was mistaken; that he had not had the money forty-eight hours when he passed it over to these parties.

By Mr. BLAINE:

Q. What were the bonds that went to the Maine parties: what denomination of bonds; were they land-grant or first-mortgage bonds?—A. [Referring to memorandum.] I can tell you, sir, and I presume you won't dispute it, because it is in your own handwriting. [Producing memorandum-book labeled Warren Fisher, jr., private, which he hands to the chairman.] There are all the parties' names, if you want them. You can have the whole history now.

By Mr. HUNTON:

Q. In whose handwriting is this book?—A. James G. Blaine's.

The CHAIRMAN. Now, proceed to answer the question.

The WITNESS. The \$130,000 bonds that were sold to these different parties here were first-mortgage bonds.

By Mr. BLAINE:

Q. They were first-mortgage and not land-grant bonds?—A. Yes. The next sale was on a different "lay" from that other.

By Mr. HUNTON:

Q. Was that to the Maine parties?—A. Yes; and sold on a different basis. One man

had \$3,000 land-grant bonds and \$10,000 first-mortgage bonds. That was \$18,000 for one man. Another man had \$6,000 land-grant bonds and \$7,500 first-mortgage bonds. Another had \$5,000 land-grant bonds and \$6,250 first-mortgage bonds. Another had \$9,000 land-grant bonds and \$11,250 first-mortgage bonds.

Q. Were all the sales which you have referred to made by or through Mr. Blaine?—A. Yes.

Q. And in addition to the bonds you have just spoken of as coming to these purchasers, what sort of bonds did Mr. Blaine get?—A. He was to get \$130,000 of land-grant bonds, and \$32,500 of first-mortgage bonds.

By Mr. BLAINE:

Q. You do not testify that I actually got these?—A. No, sir; I say there is about \$36,000 that are due you yet.

By Mr. HUNTON:

Q. That is, that he got all except thirty-six bonds?—A. Yes.

By Mr. FRYE:

Q. Do you know whether they were sent to him or to the Maine men?—A. I know that the men paid their subscriptions to me, and I gave receipts for them.

Q. But you do not know that Mr. Blaine got his?—A. I sent the other parties' bonds to them by express, and Mr. Blaine got his.

By Mr. HUNTON:

Q. You sent by express the bonds to the Maine party, and delivered to Mr. Blaine his in person?—A. No, I didn't deliver them to him in person, but Mr. Fisher did so. Mr. Blaine has acknowledged that he got all those. I gave him myself one lot of forty.

Q. He got all those \$130,000 land-bonds, and \$32,500 of first-mortgage bonds except \$36,000; that is to say, thirty-six bonds?—A. Yes.

The following are the contents of the memorandum-book produced by the witness, and which is labeled on the outer cover:

*"Warren Fisher, jr.; private."*

*[First page of mem.-book.]*

Synopsis on next and following pages of the contracts made through J. G. Blaine by Warren Fisher, jr., as assignee of the contract for building the Little Rock and Fort Smith Railroad.

*[Second and third pages of mem.-book.]*

Contracts made by Warren Fisher, jr., with the following-named persons to deliver the stock and bonds named, on their paying the amounts named:

Name.	Residence.	To pay.	To receive—		
			Common stock.	Preferred stock.	1st m. bonds.
A. & P. Coburn.....	Skowhegan.	\$50,000✓	\$50,000	\$50,000	\$50,000
×Peter F. Sanborn.....	Augusta...	10,000	10,000	10,000	10,000
×Anson P. Morrill.....	Readfield..	10,000✓	10,000	10,000	10,000
×Ralph C. Johnson.....	Belfast.....	✓10,000	10,000	10,000	10,000
×P. R. Hazeltine.....	"	✓5,000	5,000	5,000	5,000
×C. B. Hazeltine.....	"	✓5,000	5,000	5,000	5,000
×N. P. Monroe.....	"	✓5,000	5,000	5,000	5,000
×A. W. Johnson, (dec'd)....	"	✓5,000	5,000	5,000	5,000
×H. H. Johnson.....	"	✓5,000	5,000	5,000	5,000
×Philo Hersey.....	"	✓5,000	5,000	5,000	5,000
×Lot M. Morrill.....	Augusta...	✓5,000	5,000	5,000	5,000
×A. B. Farnell.....	"	5,000	5,000	5,000	5,000
*Jos. H. Williams.....	"	5,000	5,000	5,000	5,000
×C. M. Bailey.....	Winthrop..	✓5,000	5,000	5,000	5,000
		\$130,000	\$130,000	\$130,000	\$130,000

\*[The name, Jos. H. Williams—\$5,000," is erased in pencil.] (See over.)

## [4th page of memorandum-book.]

In addition to the common stock, preferred stock, and first-mortgage bonds agreed to be delivered to the respective parties named on preceding page, Mr. Fisher agrees to deliver to J. G. Blaine a similar amount of land-bonds and 25 per cent of first mort. bonds, viz :

Land-bonds, 7s, \$130,000.

First-mortgage bonds 6s, \$32,500.

The same to be del'd by Mr. Fisher as soon as ready for distribution.

## [5th page of memorandum-book.]

The other contracts on different bases are as follows :

1. With Joseph A. Sanborn and Charles M. Bailey, Mr. Fisher agrees to deliver :

\$8,000 common stock.

× 8,000 preferred stock.

8,000 land-bonds.

10,000 first-mortgage bonds.

All for \$12,500, payable—

\$600	}	\$3,000	November 25, 1869.
\$2,200		3,000	December 5, 1869.
\$1,700		2,500	January 5, 1870.
		800	February 5, 1870.
		800	March 5, 1870.
		800	April 5, 1870.
		800	May 5, 1870.
		800	June 5, 1870.

12,500

The amounts inclosed on left-hand margin above \$600, \$2,200, \$1,700, are payable by Mr. Fisher to Mr. Blaine.

## [6th page memorandum-book.]

2. With James M. Hagar, of Richmond, Mr. Fisher agrees to deliver :

\$6,000 common stock.

6,000 preferred stock.

6,000 land-bonds, 7s.

7,500 first-mortgage bonds, 6s

All for \$9,500, payable —

\$1,200	}	\$3,000	November 25, 1869.
\$1,400		2,000	December 5, 1869.
\$900		1,500	January 5, 1870.
		600	February 5, 1870.
		600	March 5, 1870.
		600	April 5, 1870.
		600	May 5, 1870.
		600	June 5, 1870.

9,500

The amounts inclosed on left-hand margin above, viz, \$1,200, \$1,400, \$900, are payable by Mr. Fisher to Mr. Blaine.

## [7th page of memorandum-book.]

Contract delivered.

3. With Jeremiah Prescott, of Boston, Mr. Fisher agrees to deliver :

\$5,000 common stock.

5,000 preferred stock.

5,000 land-bonds.

6,250 first-mortgage bonds.

All for \$6,150 payable —

\$1,150	)	\$2,650	November 15, 1869.
		500	December 5, 1869.
		500	January 5, 1870.
		500	February 5, 1870.
		500	March 5, 1870.
		500	April 5, 1870.
		500	May 5, 1870.
		500	June 5, 1870.

6,150

The amount inclosed on left-hand margin (\$1,150) is payable by Mr. Fisher to Mr. Blaine.

Contract delivered.

4. With Joseph A. Sanborn, of East Readfield, Me., Mr. Fisher agrees to deliver:

\$9,000 common stock.  
 9,000 preferred stock.  
 9,000 land-bonds, 7s.  
 11,250 first-mortgage bonds.

All for \$15,000, payable—

\$3,400 } \$7,000 December 5, 1869.  
 \$2,600 } 3,500 January 5, 1870.  
           900 February 5, 1870.  
           900 March 5, 1870.  
           900 April 5, 1870.  
           900 May 5, 1870.  
           900 June 5, 1870.

15,000

The amounts inclosed on left-hand margin above, \$3,400, \$2,600, are payable, Mr. Fisher to Mr. Blaine.

THE WITNESS. I desire to say that as to the entry to the name of "Jos. H. Williams" that stock was not delivered. He made one payment, but afterward withdrew, and then Mr. Fisher refunded him his money; and so, of course, Mr. Blaine was not entitled to the \$5,000 of those bonds, and his amount was reduced by that; he was only entitled to \$157,000. He was to get the \$162,000; but when this fell through it reduced the percentage. This memorandum was made here before it was known that this man would back out.

By Mr. LAWRENCE:

Q. "This man" is the man Williams, whose name is erased?—A. Yes, it was all figured out there, and he had paid his first installment, but afterward went out. This memorandum was made upon the supposition that he was not going out. This memorandum-book contains an account of all the main bonds, and explains itself. All these bonds (indicating the bonds forming the second transaction in the memorandum-book) were sold for so much cash; the parties got so many bonds for so much money. There is the amount indicated in the margin, which Mr. Blaine got. At the foot there is indicated the amount of cash received.

Q. I understand you to say that in this contract for the sale of bonds on page 5 of that memorandum-book, they were sold for an installment in cash amounting to \$12,500?—A. Yes. Here is the amount of bonds and stock they got, and there is the amount of cash they paid for it.

Q. That is, the amount of cash received was \$12,500?—A. Yes.

Q. And out of that \$12,500 which Mr. Fisher received, Mr. Blaine got \$600, \$2,200, and \$1,700?—A. Yes.

WASHINGTON, D. C., June 1, 1876

JAMES G. BLAINE, at his own request, made the following statement under oath:

The last witness (Mr. Mulligan) opened his statement this morning by detailing some facts in regard to the possession by him of certain letters which came into my possession. To begin where he did, I received, through a third party, a telegram on Monday, stating that Mr. Fisher and Mr. Mulligan were on their way as witnesses, the latter unfriendly. Just at that time my mind was considerably filled with the story about the Northern Pacific matter, which had come out through the letter of Mr. Aquilla Adams, who was formerly connected with Mr. Fisher in business; and when I ascertained on what train Mr. Fisher was coming, I sent a servant with a note to his hotel, saying that I would like to have him and Mr. Mulligan call at my house at their leisure, in relation to the Northern Pacific matter and Mr. Adams's letter. Mr. Fisher called; Mulligan was not willing to call. I called at the Riggs House, and I found Mulligan sitting in a barber's chair. I shook hands with him; we are not new acquaintances by any means. I have known him twenty-five years; and I said, addressing him as I had been in the habit of doing, "James, they report that you are here an enemy of mine." He made some jocular or other evasive answer, and then said that he didn't want to come to my house, because he didn't wish to converse with me here in any way about the matter before he testified. I had a little conversation afterward directly with Mr. Fisher, in which Mr. Fisher said to me that Mulligan had a good many of my private letters; that he did not know, or did not think, that they bore upon the subject of investigation, but that they embraced a large portion of the business which, for a number of years, had been going on between Mr. Fisher and myself. Mr. Fisher has been an intimate acquaintance of mine for more than twenty years. He was for a considerable period associated with my wife's brother in business in Boston, and Mr. Mulligan was the confidential clerk

for many years of another brother of my wife's in business, so that I know the parties intimately. Mr. Fisher intimated that Mulligan had these letters, and, without distinctly saying so, he gave me to understand that he was not the least reluctant in the world to get them all out, whether they bore upon the matter under investigation or not. I did not converse with Mulligan at all until yesterday, when he was on the stand, when I discovered, I thought, a very great readiness on his part to travel out of the record and tell a great many things relating to my private business, and which did not belong at all to the subject of investigation; and, seeing that, I did not want him to go into those matters until I could have a little conversation with him on the subject of the private letters. I thought it was highly improper and unjust that he should do so, because it broadened the field of examination, and prevented my having a report or verdict upon the case immediately in hand. So the committee was adjourned, by Judge Lawrence's request, after I had spoken with him. After the adjournment I called on the three gentlemen, Mr. Atkins, Mr. Fisher, and Mr. Mulligan, at the Riggs House, and in the parlor of Mr. Atkins I had some conversation with Mulligan about these letters, and asked him to show them to me. He did show them, with some apparent reluctance. I said to him, "Why, you are not afraid of my keeping them, are you?" and he said "No," and handed them to me. I looked them all over and discovered that there was only one letter in the list that at all bore upon the question before the committee, and even that only by a forced construction, and not in reality. I handed them back to him. The conversation then became somewhat general between the four gentlemen, including myself, in the room. After a little while Mr. Mulligan went up stairs to Mr. Fisher's room, right overhead. I was talking with Mr. Atkins and Mr. Fisher for a few moments, and then I started up to Fisher's room and knocked at the door and was admitted, and there I talked with Mr. Mulligan for some time. I may have been there, I think, the better part of an hour, but the form which he gives the interview, about my offering him a consulship, and about my being ruined, and all that sort of thing, is mere fancy. Nothing of the kind occurred. I talked as calmly as I am talking this moment, and as the talk before had been in the presence of those gentlemen. Very soon I said to him, "I would like to see one letter among those." I wanted to see the letter on which he based his testimony. He handed me the package. I looked them all over, and I said to him, as I said afterward in the presence of Mr. Fisher and Mr. Atkins, "Now, you keep that letter which you think bears on this matter," (that is the letter that he has testified to this morning;) "I am perfectly willing you should keep that, but here is a mass of my private correspondence, covering many years, and detailing matters that have nothing to do with the subject of the investigation, which it would probably be embarrassing to me to have published, as any man's private correspondence would be, and I don't want it published. You ought to give me those letters; you have no right to them. There are only two persons in the world that have a right to them; one is the writer and the other the person to whom they were written. Now, if you will give those letters to Mr. Fisher I will be abundantly satisfied. They will then be in rightful ownership; they will be in safe hands." Mr. Fisher had before, himself, in my presence, requested that they should be given to him, in the first conversation in the lower room. Mulligan refused. He said he didn't know what might transpire in his examination to-day, and he said, with a good deal of emphasis and a good many "by Gods," that he was going to hold those letters for his protection and vindication. I said, "When you get through the examination, will you give them to me, then?" He said, "No, I won't; if anybody 'impuns' my motives," (he pronounced it in that way, as you have heard him do this morning,) "or in any way questions my veracity in the papers, I shall publish these letters." I said, "You do not think I would attack you in the papers? There is nothing to make me attack you in the papers." He said, "Well, if anybody did, he should publish them." I had been running over the letters for some time. The first time when he handed them to me he showed reluctance, and, as I have stated, I remarked, "You are not afraid of my keeping them, are you?" and he answered, "O, no," and handed them to me; but he gave them to me the second time without any assurance at all, and without anything being said about it; but I had no idea of doing anything else than handing them back to him, until he announced his purpose and determination, that no matter who should question his testimony, or impeach, or "impun" his veracity, he would publish the letters. I said, "These are private letters; these are letters that relate to matters that have no more connection or relationship with the examination now going on before the Judiciary Committee than the man in the moon, and it would be grossly unfair that you should treat my private correspondence in that way." I then said to him, "Will you ring the bell for a servant and tell him to send Mr. Fisher up from the lower parlor?" He did, and very soon Mr. Fisher came up, and we had a little conversation, in which I repeated, before Mr. Fisher, what Mulligan had said; his declaration in the language of menace, and I said, "This is very grossly unfair, Mr. Fisher." I then repeated that I would be glad if Mr. Fisher would take charge of the letters, as they would be rightfully in his possession, or rightfully in mine, but not at all in any other person's.

Mulligan asseverated again in Mr. Fisher's presence his determination that he would feel himself at liberty to publish those letters at any time he saw fit, if anybody should provoke him unto wrath by any comments on his testimony, and knowing the somewhat enlarged facilities in the American press for making criticisms upon everybody, and publishing every-

body's private correspondence, I found that my private correspondence hung by the thread of his taking offense at any of the thousand and one paragraphs that might be set afloat in the papers, and I said to him, "Under these circumstances I will not give those letters up." And in order that he might not be mistaken as to the ground of my action, I called Mr. Atkins from the lower room, for I wanted to tell him the ground on which I stood. I said, "I will not return these letters, because you threaten to make a use of them which is illegitimate, which is unfair, which is entirely unjust, and I have no idea that any man shall take my private correspondence and hold it as a menace over my head, to be used at his beck and option to avenge himself upon me for somebody else's transgressions." We went down-stairs, and he repeated and reaffirmed his statement with very great emphasis, and I said, "Very good, I will retain the letters." I kept the letters. When I went home I sent for two friends, one a member of the House of Representatives and the other a lawyer in this city, and I laid every one of those letters before them, and read them to them—these letters which would "disgrace me for life," and "send my children sorrowing to the grave," and "deprive me of political honors," and all that—I sat down and read every one of them right straight through, just in the order in which they were marked and numbered by Mulligan himself. I then said to these gentlemen, after consultation, "I am going to submit these letters to two of the wisest, best, and most eminent counsel that I can find in the city of Washington to-morrow, (that is, to-day,) and I will be guided entirely by them in the action I shall take before the Judiciary Committee. If they say that any of those letters I should be in duty bound to deliver; if they intimate to me that there is anything in the letters which bears even remotely or otherwise upon the subject of this investigation, those letters shall be delivered; but I shall wait and be guided by their opinion as to what I ought to do in the premises." As to the bulk of those letters, you might just as well send to my house and take any package from my files of correspondence for the last five years and put it in here as evidence in this investigation. Many of them relate to business transactions which are passed and settled up, and which I do not want revived: not that there is anything in them which is in any degree embarrassing. I read them over freely to those two friends, and, as I say, will read them over freely to the two counsel. There is nothing in those letters that I shall have occasion to blush over. The result is that I postponed my action until I could have this conference in regard to it.

There was another reason which made it peculiarly exasperating to me; that is, that in the month of September, 1872, Mr. Fisher and I, after very long and in the main very pleasant business relations, extending back to a period when I was a very young man, had a final settlement, in which we exchanged receipts in full. I think the precise date was September 21, 1872. It was then said that all letters on either side, and all papers and scraps of papers should be given up, and I supposed they were given up. These letters had been written carelessly, as business letters often are. I did get a great many letters from him that day, and I gave up all that I had; but it seems that these letters had been kept and carefully preserved by this man. He claims that Mr. Fisher gave these letters to him; that he has a right to them, and that he has the right to dispose of that correspondence, which is, all of it, private. When I said to him it was all a private correspondence, he said, "Why, a public man has no private correspondence—can have no private correspondence." He says, "The letter of a public man is public." That was the ground he took in conversation, and especially if a letter was not marked "private." Some of these letters, however, are marked "private;" some are marked "personal," and some "confidential." I insisted that it was the grossest possible outrage. I said, "You take these letters before the committee without the committee designing me any wrong; they go out to the world, and then when it is seen that they have no possible relevancy, all that there is objectionable in the publication has been achieved and accomplished, and it will be too late for me to interpose any objection to them. In other words, the very test of their admissibility involves all that I myself protest against, which is the use of entirely private letters which have no relevancy whatever to the case in hand I took that ground, and on that ground I stand now. I justify myself in not returning the letters. It was *he* that was in unlawful possession of those letters. He had no right to those letters. I take that ground most distinctly, that there are but two men that can possess a rightful interest in a private correspondence—the writer and the person written to—and on that right I stand. Now I shall produce the letter with great freedom on which Mr. Mulligan has based his testimony that I acknowledged having received the \$64,000, and I shall show you that it has no relation to that subject.

Mr. HUNTON. Make your statement as to the interview between you and him. I do not suppose it is necessary for you to go into what you expect to prove.

The WITNESS. Very well.

By Mr. FRYE:

Q. Do not some of those letters relate to matters transpiring long before you became a member of Congress?—A. Yes; long before I became a member of Congress for the first time.

By Mr. HUNTON:

Q. As I understand you, and as I especially understand from Mr. Mulligan, you had possession of those letters on two different occasions?—A. Yes.

Q. On the first occasion you promised to return them?—A. It did not assume so formal a shape as a promise. I thought he exhibited a little hesitancy in handing the letters to me, and I said, "You don't think I would keep them, do you?" It was rather an interjectional remark. I do not know whether Mr. Fisher or Mr. Atkins was in the room when I first got them, but both of them came in while I was reading and looking over the letters. I handed them back to Mr. Mulligan.

Q. Why did you have the second interview in Mr. Mulligan's room in the absence of those two gentlemen?—A. It was Mr. Mulligan who had left the room, not I. He had left the lower parlor where Mr. Atkins, Mr. Fisher, and I were sitting. I wanted to satisfy myself as to a specific letter. Fifteen letters make a rather voluminous correspondence to remember all about. I went and told him I should like to see a specific letter, and he handed me the package.

Q. When you got the letters the second time it was your intention to return them to Mr. Mulligan?—A. Yes.

Q. You changed your intention upon his declaration that if his veracity were assailed he would publish the letters?—A. Yes; that he would attack me if anybody else attacked him.

Mr. HUNTON. I ask at your hands the production of those letters for the purpose of perusal by the committee, and not for publication, that the committee may see for themselves whether they bear upon the question.

Mr. BLAINE. In private.

Mr. HUNTON. No, sir; with no privacy. But I certainly will not make them public unless they bear upon the question.

Mr. BLAINE. I will take occasion to consult my counsel in regard to it.

Mr. HUNTON. You decline, then, to produce them?

Mr. BLAINE. For the present, I decline.

Mr. HUNTON. I understand from the testimony of Mr. Mulligan that you got at some time a memorandum made by him?—A. I did, sir.

Q. I ask for the production of that.—A. If the letters are private—if he has no rightful ownership to those letters, he has no right to that memorandum.

Q. That is private property.—A. But it is based upon private letters. If I have a right to a letter, and it is solely mine, no man has a right to a copy of it. I did not know when I got the package that it was there at all.

Mr. MULLIGAN. I beg your pardon, because you went over the package and saw it.

Mr. BLAINE, (to Mr. Mulligan.) Did I know that that memorandum was in the package when I first got the letters?

Mr. MULLIGAN. Not until after you went out, and I asked you when you came back to give me the memorandum; you refused, and then I told you in the presence of these other gentlemen to keep your letters, and that I should make this statement to the committee in the morning.

Mr. BLAINE. Yes; and I told you to go ahead. If you had not made the statement, I should, undoubtedly, have made it for you.

Mr. HUNTON, (to Mr. Blaine.) I ask for the production of that memorandum.

Mr. BLAINE. I decline to produce it, for the present, for the same reason as I have given in the case of the letters.

By Mr. HUNTON:

Q. Then do I understand you to refuse to deliver these letters, or to ask for time to consider the question?—A. O, I ask for time. I have not said that I declined to produce them, but that I decline to do so at this time. I make the declaration that I shall take the advice of counsel, whose eminence will command respect everywhere; and everything in those letters that, in the judgment of those counselors, bears, directly or indirectly, upon the subject-matter of this investigation shall be produced here. If beyond that you ask me to produce letters which are entirely and absolutely private, and which have no relevancy or reference whatever to this investigation, I must, for the present, suspend my answer to that, for I have got, probably, many thousand letters in my house to-day—

Mr. (HUNTON, (interposing.) I have not the remotest desire to see your private letters or anything that does not bear upon the question before us.

Mr. ASHE. Nor have I.

Mr. HUNTON. These letters were brought here by the witness, (Mulligan,) supposing they might be of value in the examination, and until the committee is satisfied by a perusal of these letters, I, for one, shall insist upon their production.

Mr. BLAINE. We will not make an issue on that point to-day. I will only remark that I know the powers of the committee, and I know what private rights are. I know that the possession of private papers is a constitutional right.

Mr. HUNTON. I have no desire to exercise any right or power that the committee has not the full right to do.

Mr. BLAINE. I do not think you do; nor have I made up my mind at all as to whether or not I will put all the papers before the committee; but I beg the committee to observe that when I voluntarily went home and took two of the most intelligent men in Washington, and read to them every word in those letters, it is not to be supposed that they are letters

that will "disgrace me before the world," and "bring my wife and child in sorrow to the grave," and "destroy my whole political influence." Besides I propose to read them to two eminent lawyers this evening.

By Mr. LAWRENCE:

Q. You have said that certain statements of Mr. Mulligan were "fancy;" explain that.—A. Yes; I will explain that. The conversation was a long one. Mr. Mulligan was talking freely about this thing generally. I will say here that I was surprised that Mr. Mulligan turned up here unfriendly to me, although I know a reason why I think he is unfriendly to me. I have known Mr. Mulligan a long time, and he was a confidential clerk of a brother-in-law of mine, in a large mercantile business, for a long time. I was familiar with him in the counting-room, and the relations between us were of the most confidential character. We have had a great deal of conversation at times. He is a man of intelligence, and a man of marked character in many respects; but he is a man of very tremendous prejudices, and of most intense political convictions. He is a man who believes that the republican party is the very gate of hell, and the destruction of the world.

Mr. HUNTON. There has been no inquiry made by the committee as to anything political; on the contrary, it has been studiously avoided.

Mr. BLAINE. Then I withdraw that remark. I was only going to throw some light on a conversation which Judge Lawrence asked me about. Mr. Mulligan was commenting upon the miseries of public life, and said it was a miserable thing to be in public life, and wondered that anybody could be induced to go into it. He spoke about going abroad; said he had been here some twenty-odd years, and spoke of going abroad to visit his friends. I said, "I wonder you do not get tired of the humdrum life of the counting-room;" and I jokingly remarked whether he would not like to go abroad in some official capacity. As he has represented here, it would be inferred that I had asked him to accept a consulship; but there was nothing of the kind whatever. I would not say that Mr. Mulligan falsifies; I do not want to say that at all. There might have been room for his putting a construction on what I said. When a man gets a little mad he will sometimes put unwarranted constructions upon conversation; but it is absurd to say, or to think, that I offered him fee or reward or anything else for those letters.

By Mr. LAWRENCE:

Q. Was anything said about suicide?—A. Not a word in the world.

Mr. MULLIGAN. Mr. Blaine, do you say on your oath that you did not say "suicide?"

Mr. BLAINE. I do, most certainly.

Mr. MULLIGAN. You do?

Mr. BLAINE. I do, most decidedly. I think the gentlemen who read the letters last night would think that I committed suicide on a pretty cheap basis. I will remark, in passing, that one of those gentlemen said, after hearing those letters, that he wondered I cared anything about getting possession of them.

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WASHINGTON, June 2, 1876.

JAMES G. BLAINE recalled.

By Mr. HUNTON:

Question. I renew the request that was made yesterday, and ask at your hands the production of the letters in your possession that were obtained from the witness, Mr. Mulligan, so that they may be inspected by the committee.—A. I stated yesterday that I would submit the case to two eminent counsel and would be guided by them. I had previously submitted the case to several personal friends, reading the letters to them fully. I did this to show the utter falsity of the statement of the witness in regard to their character as in anywise compromising my honor or integrity or my official or personal relations in life. I did that with personal and intimate friends in order to get their judgment, and in order by the fact itself to show that all the story of their being letters in any way damaging to my reputation or in the slightest degree tending to discredit or dishonor me is totally without foundation. Upon the other question that I stated to the committee—the question of the legal right, I said, as you will remember, I would take the opinion of counsel and be guided by that. I selected two eminent lawyers, and they went over every letter, read it and reread it and questioned me upon it to see if there were in it anything direct, indirect, even latent that bore upon the jurisdiction of this committee, the resolution being before them and all the facts appertaining to it being within their knowledge. They have given me this opinion:

WASHINGTON, June 2, 1876.

The Hon. James G. Blaine has laid before us fifteen letters written by him to Warren Fisher, jr., between the years 1864 and 1872, inclusive, and three other papers in the same package—making eighteen papers in all—which he informs us he received from James Mulligan on the 31st day of May, 1876, at the Riggs House in the city of Washington.

We have carefully examined these letters and papers at Mr. Blaine's request, with intent to ascertain whether they relate to the subject-matter which the Judiciary Committee of the House of Representatives are authorized to inquire into by resolution of the House passed May 2, 1876.

We do not hesitate to say that the letters and papers aforesaid have no relevancy whatever to the matter under inquiry. We have no doubt the committee itself would decide the question of their relevance the same way. As a result of this it follows that Mr. Blaine having the letters and papers in his possession is not bound to surrender them. Referring to Mr. Blaine's private affairs, and being wholly beyond the range of the investigation which the committee is authorized to make, it would be most unjust and tyrannical, as well as illegal, to demand their production. We advise Mr. Blaine to assert his right as an American citizen and resist any such demand to the last extremity.

J. S. BLACK,  
MATT. H. CARPENTER,  
*Counselors at Law.*

By Mr. HUNTON:

Q. Then the committee is to understand that you decline to produce these letters, or any one of them?—A. Yes.

Q. It appeared in testimony yesterday from Mr. Mulligan, and also from your statement, that you had among those letters a memorandum made out by Mr. Mulligan himself, containing, as I understand, a synopsis of the contents of those letters; the committee request you to produce and lay before the committee that memorandum which you obtained from Mr. Mulligan.—A. I decline to do so, on the ground that if the letters are mine rightfully, any copy of or abstract of them is mine rightfully.

Q. Does this memorandum contain an abstract or a mere synopsis of their contents?—A. A very brief synopsis—scarcely any synopsis at all.

Q. Is it a copy or a mere statement of their contents?—A. It is rather an index than otherwise.

Q. Are the words of the memorandum the words of the letters?—A. No; I think not in a single instance.

Q. Then it is a mere statement of the substance of the letters?—A. Yes.

WASHINGTON, D. C., June 2, 1876.

ELISHA ATKINS recalled.

Mr. HUNTON. [To Mr. Blaine.] I have no objection, if you desire it, Mr. Blaine, that you shall examine Mr. Atkins, or, if you wish, I will conduct the examination.

Mr. BLAINE. I will ask him a few questions.

By Mr. BLAINE:

Question. Did you ever say to Mr. Mulligan, or in Mr. Mulligan's presence, that I was the owner, or was understood to be the owner, or in any way suspected of being the owner, of the land-grant bonds of the Little Rock, and Fort Smith Railroad that went through Thomas A. Scott to the Union Pacific Railroad Company?—Answer. I never told anybody that you owned any of those bonds, or had anything to do with them. I never said to Mr. Mulligan or anybody else that those bonds came from you.

Q. You never understood that they had?—A. I never knew the fact, and could not state it. I had no means of knowing it. I hope Mr. Mulligan will refresh his memory, and correct his testimony upon that point. He must see that I could not know it. If you will allow me, Mr. Chairman, I have put upon paper a memorandum, which I read to Mr. Mulligan, so that there will be no misunderstanding about it. I jotted this down this morning, in the presence of Mr. Mulligan, and read it to him, [reading:] "I wish to correct an error that Mr. Mulligan has made in his testimony, that I told him that the bonds held by the Union Pacific Railroad were Mr. Blaine's bonds. My memory is this: Some four or five years ago, or probably in the summer of 1872, a project was started to re-organize the Little Rock and Fort Smith Railroad Company, and finish the road without resorting to a foreclosure. I owned some of the bonds. Mr. Fisher knew most of the bondholders. I called several times at his office to talk the matter over. In canvassing the list of bondholders, I mentioned the Union Pacific Railroad Company as the holder of \$75,000 of the bonds. The question was asked how they got them. I replied they came to the company through President Scott. The theory was immediately started by Mr. Fisher—"I wrote it in this memorandum originally, "I believe Mr. Fisher or Mr. Mulligan;" but it is proper to say that on consultation with Mr. Mulligan I have erased his name, and it now reads, "Mr. Fisher." "The theory was immediately started by Mr. Fisher that they were part of some bonds that had been redeemed by Mr. Blaine from his friends in Maine, and from him found their way to Colonel Scott. I only knew of this redemption by Mr. Blaine through Mr. Fisher or Mr. Mulligan, and could never have told them, or anybody else, that they were

Mr. Blaine's bonds, for I had no means of knowing. It was not possible that I should know it if they were Mr. Blaine's bonds. About this time I had very little acquaintance with Mr. Blaine. I knew him by sight, and he knew me, and that was about all."

Q. These were land-grant bonds?—A. I do not know what they were. I never put my eyes on them.

Q. You never saw them in the hands of the Union Pacific Railroad Company?—A. I never saw them.

Mr. BLAINE. That fact has been put in evidence already. The committee can ascertain that by reference to the memorandum-book. The bonds are given there.

Q. The suggestion was made in your presence in some way that those were a part of the bonds that had been redeemed from the Maine people?—A. Yes. The suggestion, I am clear in my own mind, came from them, and not from me. I did not know, until they told me of it, that you had redeemed the bonds from them.

Q. Mr. Mulligan testified that the great mass of the bonds that were sold to the Maine people were first-mortgage bonds, and entirely different bonds from the land-grant bonds. What I wanted to get from this testimony is that it was impossible that the land-grant bonds that went into the Union Pacific Railroad could have been the same land-grant bonds that had been taken back from the Maine people.

Mr. HUNTON. It is not right, Mr. Blaine, to state to one witness what another witness has deposed to. You can ask him what the facts were.

The WITNESS. The best answer to that is, that the committee has the numbers of these bonds. That memorandum brought by Mr. Rollins will show whether they were land-grant bonds or first-mortgage.

Mr. BLAINE. That is all admitted uniformly by the testimony, that they were land-grant bonds.

Q. Was it in your parlor at the Riggs Hotel that I had an interview with Mr. Mulligan about the delivery of certain letters?—A. It was.

Q. The conversation was quite general between us?—A. Yes.

Q. What was the general purport of the conversation?—A. The general purport of it was that you were persuading him to give those letters to you as your private letters.

Q. What ground did I put it on?—A. Upon the ground that they were your private property, and had no reference, so far as you knew, to this transaction before the committee.

Q. I had them in my hand reading them part of the time?—A. I came into the room when you had them in your hand reading them, and seeing that you had them I went out.

Q. Afterward this conversation took place?—A. And before that, also; before and after; when he declined in the most positive manner to give you those letters, that was after you read them.

Q. Do you remember any formal expression that he made in saying that he would not give them up?—A. It was rather a rough one.

Q. State it.—A. Perhaps the committee will excuse me if I do not quote his language.

Mr. HUNTON. I do not see the relevancy of the expressions used by the witness Mr. Mulligan in his refusal to give up the letters. I am willing to hear how it is relevant. Anything that you can prove by this witness to contradict Mr. Mulligan I agree is testimony.

Mr. BLAINE. I should like to know what Mr. Mulligan said in declining to give them up.

Mr. FRYE. It is a well-settled rule of evidence, as I understand it, that when a conversation or a portion of a conversation is put in evidence, the other party affected by it is entitled to the whole transaction.

Mr. HUNTON. I agree with you.

Mr. FRYE. A portion of this conversation has been put into this case by the witness Mulligan. Mr. Blaine is now desirous of having the balance of it from this witness.

By Mr. HUNTON:

Q. Is this a part of the first conversation?—A. No, sir; it was the second. This emphatic language that Mr. Mulligan used, I think, was at the second interview.

Mr. FRYE. But it has been testified to by Mr. Mulligan.

Mr. HUNTON. If Mr. Blaine desires to go into that question, the whole conversation between Mr. Mulligan and Mr. Blaine should be stated.

Mr. BLAINE. Certainly; let Mr. Atkins state anything that there was about it.

Mr. HUNTON. Not anything that there was about it; but the whole of it.

Mr. BLAINE. I will first bring out a few points that I think will not be objected to. When I came down to your room in possession of the letters afterward, in the evening—

The WITNESS. Excuse me, sir; you first had the letters, and read them.

Q. In your room?—A. In my room; and you told me you had returned them to Mr. Mulligan. Mr. Mulligan left my room for his own, and you left for the purpose, as I understood, of getting one of those letters.

Q. Of looking at it more particularly?—A. Looking at it more particularly. I suggested to Mr. Mulligan to deliver these letters to Mr. Fisher, and to nobody else. I thought he would be the proper custodian of them. They were perfectly safe in his hands.

Q. Did not I join in that request?—A. Yes.

Q. After I had possession of the letters, did I not offer them to Mr. Fisher, and did he not decline them?—A. Yes; and you offered them to me to read, and I declined.

Q. Did I not then say to Mr. Fisher, "You probably are the more proper custodian of these, because they were sent to you, and were in your possession; if you desire those letters I will give them to you?"—A. Yes.

Q. What did Mr. Fisher say?—A. He said, "I do not want them." He had previously invited Mr. Mulligan to give them up, but seeing the feeling that had risen between you two, he did not want to step in between you, I suppose. He wished him to give them up to you, but after this feeling was gotten up between you and Mr. Mulligan, Mr. Fisher did not probably want to interfere.

Q. What did Mr. Mulligan say he should feel justified in doing with these letters?—A. When you came down with the letters in your hands?

Mr. BLAINE. Yes.

The WITNESS. You stated what Mr. Mulligan had stated.

Mr. BLAINE. Just go on and state the conversation.

Mr. HUNTON. State the whole conversation that occurred in your presence between Mr. Mulligan and Mr. Blaine, and anything you may have said when those two gentlemen were present, or anything that Mr. Fisher may have said when Mr. Blaine and Mr. Mulligan were present.

The WITNESS. Mr. Blaine entered my room with the letters in his hand.

Mr. HUNTON. When was that; was that after he had gotten the letters?

A. Yes; he had gotten them from Mr. Mulligan.

Q. The last time?—A. The last time. He said that Mr. Mulligan had told him—

Q. Was Mr. Mulligan present?—A. No, sir, he was not.

Mr. HUNTON. You must not state what occurred when Mr. Mulligan was not present.

The WITNESS. Mr. Mulligan immediately followed in. Mr. Blaine said, "Mulligan is coming down, and I want him to repeat his language to you." Mr. Mulligan demanded that Mr. Blaine should return him the letters. [To Mr. Blaine.] You then asked him again what he intended to do with those letters. He said that he intended to publish them if it were necessary; if anybody impugned his testimony he should publish them. Said he, "I will publish those letters if anybody, anywhere, at any time, should attack me." He said this in the most emphatic language. Excuse me, gentlemen, for not using it. He said, "I will have these letters in print." You asked him if he would give you the letters after the examination, and he said, "No, sir; I shall keep them for my own purposes; and if my testimony or my character is ever called in question I shall publish them at any future time."

Q. Then I suggested to him with some emphasis the injustice of publishing those private letters of mine because somebody else might attack him?—A. You did so in the very strongest terms.

Q. And that was re-enforced by you?—A. Yes, sir.

Q. Have you said all that you remember about the conversation?—A. I believe I have answered all your questions.

Q. Do you remember anything else about the conversation?—A. Nothing material; there was a good deal of excitement on the part of Mr. Mulligan.

Q. Mr. Mulligan testified under oath that he was friendly to me—

The CHAIRMAN, (interposing.) The better plan, if you will excuse me, would be to ask the question in such form as will not require you to state what Mr. Mulligan said.

Q. Do you know whether Mr. Mulligan is friendly to me?—A. I should not from his actions judge so.

Q. I do not allude to actions *here*; but have you any knowledge which came to you before coming from Boston that would indicate unfriendliness on his part?—A. On different occasions, in conversation with Mr. Mulligan, he has not expressed himself as on friendly terms with you.

Q. Did he not show some considerable asperity toward me?—A. Well, sir, Mulligan is impulsive, and perhaps he did not intend to.

Q. Did you have any reason to know why he was unfriendly?—A. He was apparently laboring under some sense of wrong; I did not know until recently what it was.

Q. Some sense of wrong I had done to him.—A. Yes.

Q. Some years ago?—A. Some years ago.

Mr. HUNTON. I must say, Mr. Blaine, I do not think this is a proper mode of examination.

Mr. BLAINE. I have merely adopted your suggestion, that this is not so much a judicial inquiry as an inquisition. What I want to establish is, that the witness (Mulligan) came here full of venom and malignity toward me.

Mr. HUNTON. The mode of examination is what is objectionable. Ask the witness what he knows.

Mr. BLAINE. The reason why I put those questions is, that Mr. Frye feels some delicacy about asking in this way. Is there any delicacy, Mr. Chairman, about his asking questions for me?

Mr. HUNTON. That is a question that Mr. Frye must decide for himself.

Mr. BLAINE. But is there on your part?

Mr. HUNTON. I shall not interpose any objection. Mr. Frye has asked a good many

questions, and I have not interposed any objection. The propriety or delicacy must be decided by Mr. Frye. I shall not object to any human being asking a question which is calculated to elicit the truth.

Mr. FRYE. The papers have spoken of me as appearing here as counsel for Mr. Blaine. I do not appear here as counsel for Mr. Blaine; I do not wish so to appear; but I appear simply as a friend of Mr. Blaine's, and as a person acquainted with the law.

Mr. BLAINE. It may be that my questions in some cases are such as in a court of law would not in all respects be admissible; but I think my questions were very much more restricted than were those to the witness, Mulligan, by the committee.

Mr. HUNTON. If they are in proper form, there will be no difficulty.

Mr. FRYE. Mr. Blaine asked this witness whether or not he had any conversation with Mr. Mulligan at any time prior to this inquiry, in which he has obtained any knowledge of Mr. Mulligan's feelings in relation to Mr. Blaine. He says he has. Now, I should like to ask him what those conversations were which led him to that conclusion?

The WITNESS. I do not know how I can give you a definite answer. The conversations that I have had with Mr. Mulligan were very brief, and the impressions produced upon my mind from those were that Mr. Mulligan was not Mr. Blaine's friend.

Q. State the conversation.—A. I cannot recall.

Q. Do you remember any conversation between yourself and Mr. Mulligan which caused this impression?

The WITNESS. The general tenor of the conversation.

Mr. FRYE. Give us the general tenor.

The WITNESS. Mr. Mulligan will remember that a few weeks ago he was in my office on some other business, and we had a conversation, (the matter lasted perhaps three minutes,) and I said, "How is your friend, Mr. Blaine, getting along?" I then thought that I had touched a nerve, for he said, "I do not know much about Mr. Blaine," or something of that kind. I do not know whether I would say positively that he said Blaine would not get the nomination, but it was something to that effect.

Q. You asked him how his friend was getting along?—A. Yes.

Q. What was his reply to that?—A. I think he said in a general way he did not know much about Mr. Blaine. I will not undertake to give his language, and I cannot do it; but the impression left upon my mind—

Mr. HUNTON, (interposing.) We want the conversation, not the impression; give us the conversation which produced the impression.

A. I am unable to give you the words that passed; perhaps there were not more than a dozen words that passed between us.

Q. Give those dozen, or the substance of those dozen words that did pass.—A. I think that Mulligan's memory is better than mine, and he can state it for himself. I will not undertake to give the language; the impression was left on my mind that Mr. Mulligan was not particularly friendly to Mr. Blaine.

Q. What were the words that left that impression upon your mind? That is the point we want to get at.—A. It is my impression that they were in reference to Mr. Blaine's nomination. I cannot say positively about that; but I think in an off-hand way something was said about his nomination, and Mr. Mulligan expressed himself as of the opinion that Mr. Blaine would not get the nomination. I think that was it; that he was not the man, or something of that kind.

Q. That he was not the man for the nomination?—A. That is my impression.

Q. And that was the conversation that caused the impression on your mind, that he was not friendly to Mr. Blaine?—A. Yes.

Q. Do you suppose that every man that does not want Mr. Blaine to get the nomination is his enemy?—A. No; I do not think he is, sir.

By Mr. BLAINE:

Q. Do you know or have you heard any reason for Mr. Mulligan being unfriendly to me?—A. Mr. Mulligan told me recently of some matters that passed between you years ago, but never intimated anything of the kind before.

Q. What were those?—A. Well; he thought you did not settle with him as you ought to have done in the settlement of some accounts some fifteen years ago; that you did not treat him right.

Q. Between whom?—A. Between him and your brother-in-law.

Q. Between Mr. Mulligan and my brother-in-law?—A. Yes; I believe I understood him to say you were umpire, and he thought you did not treat him right in that you favored your brother-in-law, Mr. Jacob Stanwood, rather than him.

Q. In what relation had Mr. Mulligan been standing to my brother-in-law?—A. I only know from what he told me.

Q. Well, what did he tell you?—A. I have been told that he was confidential clerk to Mr. Stanwood, (I did not know him then,) the same as he has been to Mr. Fisher.

Q. Do you know under what circumstances they parted?—A. Only what Mr. Mulligan told me the other day, that he had not been able to get a settlement, and the matter was rather left in your hands, and he thought you went back on him; that was his expression.

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Q. Do you know what Mr. Mulligan's relations were with my brother-in-law during the last years of my brother-in-law's life?—A. I did not know Mr. Mulligan until I became acquainted with Mr. Fisher.

By Mr. HUNTON:

Q. When did you reach Washington City?—A. Last Wednesday morning, sir.

Q. Then you did not come with Mr. Mulligan and Mr. Fisher?—A. I did not, sir; but by accident I went to the same hotel.

Q. When did you see Mr. Blaine?—A. I saw him when I came here on the first examination, lying upon that sofa.

Q. That was your first interview with him after coming here?—A. Yes.

Q. You speak of Mr. Mulligan being unfriendly to Mr. Blaine. Can you detail any other expression that fell from Mr. Mulligan that indicated any unfriendliness except that which related to his being an unfit man for the nomination?—A. I cannot fix any particular conversation. I was frequently in and out of Mr. Fisher's office, and had occasional conversations with Mr. Mulligan. I know that when Mr. Blaine's name was mentioned the impression was left on my mind that he was no particular friend of Mr. Blaine's.

Q. No particular friend?—A. Yes; not a particular friend of Mr. Blaine's.

Q. Did he leave an impression that he was an enemy?—A. No, sir.

Q. The only impression was that he was not a particular friend?—A. Yes; I believe we never talked politics together.

Q. Was this want of friendship for Mr. Blaine which he indicated personal or political?—A. Personal.

Q. Personal, you say?—A. Entirely personal, sir.

Q. Were you present when Mr. Blaine came down from Mr. Mulligan's room with those two letters?—A. Yes; I was in my room when he came in.

Q. Mr. Mulligan followed soon afterward?—A. Yes.

Q. When Mr. Mulligan came in did he or not demand those letters from Mr. Blaine?—A. He did, sir, emphatically, and Mr. Blaine said distinctly that he would not give them up on the representations he (Mulligan) had made, and repeated what he had said; and he got Mr. Mulligan to repeat what Mr. Mulligan had said, which Mr. Mulligan did without hesitation—what he had said in his own room.

By Mr. BLAINE:

Q. Repeat that.—A. Mr. Blaine asked him if he would give him up these letters; Mulligan said, "No." Mr. Blaine said, "Won't you return them to me?" Mr. Mulligan said, "No." Then Mr. Blaine asked him what use he intended to make of them, and if he would give him up the letters after the committee were through with him. Mr. Mulligan said, "No." Mr. Blaine said, "They are my property." Mr. Mulligan said, "I will hold them." He then repeated his object in holding them, saying that it was that if at any future time anybody should make any charges against him, impugning his veracity or his character—anybody, anywhere, at any time—he intended to publish these letters in his defense.

Q. Did he say this with a great many oaths, and in great anger?—A. There was a good deal of excitement about it.

Q. Did he say he would not give these up to "God Almighty or his father"?—A. Mr. Mulligan used very different language to that which he is in the habit of using; I would say that. Generally he uses the language of a gentleman, but in this instance he was under great excitement, and used language that he would not use under other circumstances.

Q. Did he use the language that I mentioned?—A. If I must answer it, I must say he did.

By Mr. HUNTON:

Q. How long have you known Mr. Mulligan?—A. I can hardly tell; I have known him ever since his connection with the Adams Sugar Refinery; not before that.

Q. How long is that?—A. I will have to leave that to Mr. Mulligan to state, as to when he became clerk of the Adams Sugar Refinery.

Mr. MULLIGAN. In 1865.

The WITNESS. Well, I have known him ever since that.

Q. What is Mr. Mulligan's reputation?—A. I never heard anything against it.

Q. What is his reputation for truth and veracity?—A. I never doubted anything he said.

Q. In the conversation with Mr. Blaine as referred to, in which Mr. Mulligan used some profane expression, was he laboring under great excitement?—A. Mr. Mulligan was laboring under great excitement. I thought I had expressed that distinctly.

Q. You stated a while ago that you did not know of Mr. Blaine's putting off on the Union Pacific Railroad any bonds of the Little Rock and Fort Smith?—A. I said so, and I repeat it most emphatically.

Q. Had you heard it?—A. I had heard street-rumors.

A. I did not ask for street-rumors.—A. That is all I can tell you. I never heard any member of our executive committee who took those bonds speak of Mr. Blaine's name in connection with those bonds, or anybody's but Mr. Thomas A. Scott.

Q. I did not ask you to tell whether you had heard it from the executive committee of the Union Pacific Railroad Company. What I asked you was whether you had heard it from anybody.—A. I heard it from no one, anything more than this surmise that was started, as I say, in Mr. Fisher's office.

Q. Then you did hear the surmise of Mr. Fisher?—A. Yes; and I said that it was from Mr. Mulligan to Mr. Fisher. Maybe Mr. Mulligan would object to my saying it was from him. It was from one of the two on that occasion.

Q. State what Mr. Fisher said on that occasion.—A. Mr. Fisher, or whichever it was, said that those are probably some of Blaine's bonds that he has taken up from his eastern friends and sold to Tom Scott.

Q. Did you ever hear it alluded to afterward?—A. Yes; I think I must have, in conversation with those same gentlemen. I do not know as I have from anybody else.

Q. When Mr. Blaine and Mr. Mulligan came down to you what was the purpose of that visit to you, (speaking now of that interview in 1872?)—A. The purpose of that visit to me was to settle up, so far as I was concerned, a subscription or contribution that had been made by sundry parties to some Northern Pacific stock and bonds to be put in my name, and to be held by me in trust for the parties contributing.

Q. You heard no reference made to Mr. Mulligan or Mr. Blaine during that interview in 1872 about the Little Rock and Fort Smith bonds which were sold for \$64,000 by Mr. Blaine?—A. I do not think that I heard any reference to those particular bonds; but this conversation I recollect distinctly, that Mr. Mulligan said to Mr. Blaine, (not as the newspapers have put it that I said to Mr. Blaine,) Mr. Mulligan said to Mr. Blaine, "You could not have lost by that transaction, because I know where you sold a large amount of those bonds at 80."

Q. What did Mr. Blaine reply?—A. I think he said nothing, sir. I do not know. I do not recollect that the Union Pacific was mentioned in connection with his having sold them out.

Q. You do not remember that it had any connection with the Union Pacific?—A. I do not remember that it had.

Q. You did not give any intimation of that sort at that time?—A. No, sir. I know what Mr. Mulligan says. I have no doubt it is an honest difference of opinion. I have no doubt that Mr. Mulligan got his impression somehow, and that it was an honest one.

By Mr. HUNTON:

Q. Can you state what Mr. Mulligan did say, so far as what passed between himself and Mr. Blaine?—A. His testimony and mine agree fully as to that.

Q. As to what occurred in that interview?—A. Yes.

By Mr. BLAINE:

Q. But not as to any mention being made of the Union Pacific Railroad?

Mr. HUNTON. He states that his testimony, as to what occurred between you and Mr. Mulligan in 1872, agrees with that of Mr. Mulligan.

Mr. BLAINE. He has just stated that no Union Pacific bonds were mentioned at all.

Mr. HUNTON. That is so; and I think Mr. Mulligan has said the same thing.

By Mr. FRYE:

Q. If he had said Union Pacific Railroad it would have attracted your attention, would it not?—A. Yes, at once; and I should have asked an explanation.

By Mr. BLAINE:

Q. So, then, there was nothing in that conversation directing attention to the Union Pacific Railroad?—A. Nothing whatever.

By Mr. HUNTON:

Q. Did you telegraph Mr. Blaine before coming to Washington?—A. Yes, sir.

Q. What about?—A. In reply to a dispatch from him.

Q. What did Mr. Blaine telegraph to you?—A. He telegraphed, asking if I would come to Washington.

By Mr. BLAINE:

Q. That was before you were summoned?—A. That was before I was summoned. I supposed you wanted me to appear before this committee.

By Mr. HUNTON:

Q. When was that telegram received?—A. It must have been Saturday.

Q. Last Saturday?—A. Last Saturday or Friday.

Q. When was the subpoena served upon you?—A. Saturday afternoon, I think.

Q. It was the same day, then, that you had got the telegram from Mr. Blaine?—A. Yes.

Q. State what was in the telegram which you received from Mr. Blaine.—A. As I remember it, it says, "Come to Washington at once." It was a short telegram. I do not know whether there was anything else in it or not. "Come immediately," or "You will do

me a favor by coming immediately," something of that kind. I have not got it with me. I replied to Mr. Blaine that I had no summons, and that I thought it not well for me to appear in Washington without being asked to come.

Q. Is that all you replied to Mr. Blaine?—A. That was the tenor of my dispatch. I suppose Mr. Blaine has the dispatch.

Q. The question I asked was, Was that all your dispatch to Mr. Blaine? Did you not say something in that dispatch to Mr. Blaine about Mr. Mulligan and Mr. Fisher being on the way here?—A. No, sir.

Q. You did not state anything at all, except that you did not like to appear, not being summoned?—A. I did not like to come, not being summoned. If I had known what Mr. Blaine wanted in relation to Mr. Aquilla Adams's letter, which you had in Washington, and which we did not then have in Boston, I should have put myself to some inconvenience to come.

Q. Your letter was out at that time, was it not?—A. No, sir.

Q. Where did you prepare your letter?—A. At my office, in Boston.

Q. It was published the same day?—A. It was published the evening before I left. I left the following morning. The Associated Press took it the evening before my departure.

Mr. Mulligan requested, and obtained leave, to ask a few questions of this witness.

By Mr. MULLIGAN :

Q. If I understood your testimony, you said that the object of going down to your office was in relation to something about the Northern Pacific Railroad?—A. As I understood it, yes.

Q. Was not the object for going down there to settle a matter of memory between yourself and Mr. Fisher?—A. It certainly was.

Q. It was to settle the question about Mr. Blaine telling me, in the Parker House, that you had no knowledge of these transactions, and I told Mr. Blaine you did. He asked me if I would repeat that in your presence, and I said I would. Then he asked me to come down to your office, and I did. What I want to find out is merely the point that we came down there and settled that matter of memory between you and me. Did not you say to Mr. Blaine, when I came in, and after the question was asked, that Mulligan was right?—A. Certainly.

Q. Now, if your memory failed you in such a short time why does it not fail you now in this transaction about whether or not you told me that them bonds came from Mr. Blaine?—A. That is a broad question. I said to Mr. Blaine that I knew nothing about the correspondence between Mr. Fisher and Mr. Blaine, and I did not.

Q. I want it down finer than that. In all those letters that we wrote, did not Mr. Fisher and I personally come to your office to inspect the letters before we would send them, and did not you make a verbal alteration in one that you thought I put too strong, in pencil?—A. I might have done so.

Mr. MULLIGAN. There was not a single letter that we did not submit to Mr. Atkins, because we were using his name, to see if it was satisfactory to him.

The WITNESS. I should have felt no hesitation in answering that question in the fullest manner. There is no reason why I should keep back any knowledge of the letters between Mr. Blaine and Mr. Fisher. If I saw them I had forgotten at that time.

By Mr. MULLIGAN :

Q. I do not question your veracity; I am only testing your memory.—A. It is very natural that the thing passed through my mind. The management of that business was in the hands of Mr. Fisher entirely; I do not think I ever wrote a letter about it, and when I saw you, you refreshed my memory, and I said at once to Mr. Blaine, "I am mistaken."

Mr. BLAINE. You knew of the sale of the original bonds and stock of the Little Rock Road when it was put on the market in Boston?—A. Yes.

Q. You were a subscriber?—A. Unfortunately, I was.

Q. What was the rate at which you obtained the bonds and stock?

The WITNESS. Do you mean what I paid for them?

Mr. BLAINE. What was the common rate of subscription in Boston?

A. The common rate of subscription was, for instance, \$50,000 in money. For that they would get \$50,000 of first-mortgage bonds, \$50,000 of the land-grant bonds, and \$50,000 of each of two classes of stock, making four for one, as they call it, of the face-value.

Q. Was there not also a little extra of first-mortgage bonds besides those?—A. I never got any.

Q. But four for one, as they called it, was what you got?—A. Four for one was what I got.

Q. That was the ordinary way in which things were put upon the market?—A. I never knew of any other way. There were a great many sold in that way I know.

Mr. BLAINE. I only want to show that this was the common way of doing that sort of business in Boston. There has been some suggestion that there was a premium or something of that kind, while the fact was that any of Mr. Fisher's friends could have got them on the same basis.

JUNE 2, 1876.

WARREN FISHER recalled.

By Mr. BLAINE :

Question. Do you recollect ever suggesting to me in a letter that I had obtained money through Thomas A. Scott, by selling Little Rock bonds to the Union Pacific Railroad?—

Answer. No, sir.

Q. Have you any recollection of having ever written such a thing?—A. No, sir.

Q. Nor of saying any such thing?—A. No, sir.

Q. I want to know whether, after I obtained the letters from Mr. Mulligan, I said to you in the presence of Mr. Atkins that your title to these letters was superior to mine, and that I offered them to you, if you wanted to take them?—A. I think there were such remarks made.

By Mr. HUNTON :

Q. State what these remarks were.—A. They were as he (Mr. Blaine) put them.

Q. I want you to state them now.—A. He said to Mr. Mulligan that I had a prior right to these letters; that they belonged to me rather than to Mr. Mulligan.

Q. That was said in the presence of Mr. Mulligan?—A. That was said in the presence of Mr. Mulligan.

By Mr. BLAINE :

Q. Did I not suggest to you that if you desired those letters I would surrender them?—A. Yes, sir.

Q. And didn't you reply that you did not desire the possession of them?—A. I don't think I said that. I don't remember of saying that.

Q. What did you say in response to the suggestion that I would give them to you if you wanted them?—A. Mr. Mulligan said he wouldn't give them.

Q. But I mean when Mr. Mulligan was not present?

Objected to and ruled out.

By Mr. HUNTON :

Q. Did you get any telegrams from Washington before you left Boston?—A. I did.

Q. From whom?—A. From James G. Blaine.

Q. Where are they?—A. I don't know that I kept them.

Q. State whether you have possession of those telegrams or not.—A. I have not, sir.

Q. You cannot say whether or not you preserved them in Boston?—A. I cannot; it was but one telegram.

Q. State what the character of that telegram was.—A. I think it was about five words—

“Come to Washington without fail.”

Q. When was that?—A. Saturday; I received it about 12.30.

Q. What time did you leave Boston?—A. I left Boston on Monday morning at 10 o'clock.

Q. Had you been served with a subpoena at the time you got this telegram?—A. No, sir; I got my subpoena at 10 minutes or 5 minutes before 3.

Q. On Saturday?—A. On Saturday.

Q. Did you get any other telegram?—A. No, sir.

Q. That was the only one?—A. That was the only one.

Q. From any source?—A. From any source.

Q. You got to Washington, I believe, on Tuesday, didn't you?—A. Yes.

Q. When did you first see Mr. Blaine?—A. From half past four to five o'clock.

Q. Tuesday afternoon?—A. Tuesday afternoon.

Q. Where did you see him?—A. In the barber's shop.

Q. Had you not, previous to that, been at Mr. Blaine's house?—A. No; I had but just arrived.

Q. Did Mr. Blaine know the time of your expected arrival?—A. He didn't know that I had come, to my knowledge.

Q. Did you refer to his telegram?—A. I did not.

Q. You had just gotten into the hotel when Mr. Blaine made his appearance?—A. Yes.

Q. Did you see him after that?—A. Yes.

Q. Where?—A. At his house.

Q. Did you go with him from the hotel to his house?—A. I did not, sir.

Q. Why did you go to his house, then?—A. Because he asked me to come there.

Q. Asked you in this interview that you and he had?—A. Yes.

Q. Didn't he send for you?—A. Yes, sir.

Q. Did he write you a note?—A. Yes, sir;

Q. Have you got that note?—A. No, sir; I think not.

Q. Can you state the words of it?—A. “You and Mr. Mulligan come to the house this evening.”

Q. That was all that was in it?—A. I think so.

By Mr. BLAINE:

Q. Didn't I say in that note that I wanted to see you in regard to that Aquilla Adams publication about the Northern Pacific Railroad?—A. I don't know but you did, and I don't know as you did. I almost forget about it.

By Mr. HUNTON:

Q. You went up there?—A. Yes, sir.

Q. Did Mr. Mulligan go with you?—A. No, sir.

Q. Did he go up afterward?—A. No, sir.

Q. Was he sent for a second time?—A. He was.

Q. Was he sent for a third time?—A. Possibly; I think not, though.

Q. How came Mr. Mulligan in possession of those letters that are now in possession of Mr. Blaine?—A. He has always had possession of them.

Q. Did you know that he was bringing them on to Washington?—A. I did, sir.

Q. Did you object to his bringing them?—A. I did, not.

Q. He brought them, then, with your consent and approbation?—A. He did, sir.

By Mr. LAWRENCE:

Q. You had had a settlement with Mr. Blaine?—A. Yes.

Q. In that settlement was it agreed or arranged that Mr. Blaine should have up all papers relating to the subject-matter of the settlement, including these letters in question?—A. I supposed that I gave up to Mr. Blaine all the documents and papers that he asked for, and as to these letters, I didn't really know that they were in existence.

By Mr. BLAINE:

Q. Your understanding was that when we settled up I had got everything?—A. Every business paper. I think you did. In fact I feel sure you did. I think they were destroyed in my office.

By Mr. HUNTON:

Q. You say he got all the letters that it was agreed he should have?—A. That was my impression.

By Mr. LAWRENCE:

Q. Wasn't he to have these letters also?—A. If I had known of their being there I think I should have mentioned the fact, and if he desired them I should have given them to him without doubt.

By Mr. HUNTON:

Q. Did you keep a letter-book at that time?—A. No, sir.

Q. Have you heard Mr. Mulligan's statement about the correspondence between you and Mr. Blaine?—A. I did not, sir.

Q. You didn't hear his statement on that subject?—A. I couldn't hear a word of it, sir.

Q. Did you ever write to Mr. Blaine, or can you recollect that you ever did so, about a settlement between you and him?—A. Yes, sir.

Q. Did he reply to you that he had lost upon these bonds, which he had to take back from his friends in Maine?—A. He didn't reply by letter; he said so by word of mouth.

Q. Did you reply to Mr. Blaine that he had gotten off some of these bonds at a good price, or anything like that?—A. I think I did.

Q. What did you mean by that?—A. I meant that he had resold them.

Q. To whom?—A. I didn't know.

Q. Didn't you mention, when that conversation took place, that they had been sold to the Union Pacific Railroad Company?—A. That was what I intended to convey.

Q. You intended to convey to Mr. Blaine that he had not lost much on those bonds, because he had got a portion of them off at a good price to the Union Pacific?—A. Yes, sir.

Q. How many did you understand that he got off to the Union Pacific?—A. I did not understand any.

Q. From whom did you understand what you did understand?—A. Through Mr. Atkins.

Q. Mr. Atkins did tell you, then, that Mr. Blaine had gotten off some of these Little Rock bonds to the Union Pacific?—A. No, sir; he didn't tell me any such thing.

Q. How, then, did you understand it?—A. That was the inference I drew from his remark.

Q. What was that remark?—A. I can't say precisely, but give it to you as near as I can. Mr. Atkins was speaking about a re-organization of the Little Rock and Fort Smith Railroad. That re-organization was that the old bondholders, the original bondholders, should go into this organization on a certain basis. I do not remember what that basis was. He spoke to me about the bondholders, asked me if I knew of any bondholders that they didn't know. He thought I might be familiar with some of them; and I gave him all the information in regard to it that I had at the time. I said to him, "Well, you get all the bonds in," and he said that if they got three-quarters in it would be sufficient, or something like that. There was a general talk about it. He said that the Union Pacific road had some of the bonds, and said that they would come in. I asked where the bonds came from, and the inference that I got—

Q. State what he said.—A. I don't remember what he said, but the inference I got was that they were Blaine bonds.

Q. Did he tell you how many the Union Pacific had?—A. No, sir; he did not; that is, I think he did not.

Q. Did he mention the name of Thomas A. cott?—A. I don't know that he did, and don't know but he did. I forget all about that. It is four or five years ago—five years very likely.

Q. Then, in this correspondence between you and Mr. Blaine touching a settlement about Little Rock and Fort Smith bonds, you treated the matter as if Mr. Blaine had gotten off a portion of them on the Union Pacific Company at a good price?—A. I don't know how I treated it; I might have indirectly or directly referred to it in that way.

Q. Do you recollect any references to this matter in a reply that Mr. Blaine wrote you?—A. No, sir; I do not.

Q. You do not recollect that he said in one of his letters that if he had gotten them off at a good price, he had not held the money long, but that it went to his friends in Maine?—A. I heard that part of a letter read.

Q. When?—A. While I was on the way either from Boston to New York, or from New York to Washington.

Q. On this present trip of yours to Washington?—A. Yes.

Q. And within the last few days?—A. Yes.

Q. Did you hear any other letter than this read?—A. Yes, sir.

Q. Can you state the points of the letters which you heard read—I do not mean with verbal accuracy, but substantially so?—A. No, sir; I could not.

Q. But you recollect substantially that in one of them Mr. Blaine said that if he did get these bonds off, as you had suggested in your letter, he didn't hold the money long, but that it went to his Maine friends?—A. Words to that effect.

Q. How long have you known Mr. Mulligan?—A. I have known Mr. Mulligan sixteen or twenty years.

Q. Have you known him intimately?—A. I have, sir.

Q. What is his character?—A. His character is the best. I would say that it is as good as, or perhaps better than, that of any man that I ever knew.

Q. What is his reputation for truth and veracity?—A. I never heard it questioned.

Q. Have you ever demanded from Mr. Mulligan the possession of these letters?—A. I have, sir.

Q. When?—A. Since I have been in this city.

Q. Had you ever demanded them until Mr. Blaine got possession of them?—A. I had, sir.

Q. When?—A. Since I have been in this city.

Q. At whose instance did you make that demand for these letters?—A. I made it at my own instance.

Q. Was it not suggested to you?—A. No, sir.

Q. Were you not requested to make that demand?—A. Not the first time I made the demand.

Q. Were you ever requested by anybody to make that demand after the first time?—A. I was.

Q. By whom?—A. Mr. Blaine.

Q. He asked you to demand those letters?—A. He did not ask me to demand them.

Q. Well, what did he say?—A. Mr. Blaine asked me to get Mr. Mulligan to give them to me.

Q. What were you to do with them if you got them?—A. I proposed to keep them if I got them.

Q. Was this after a reference had been made in his examination by Mr. Mulligan to the letters?—A. No, sir; but before that.

Q. When was it?—A. I think it was Tuesday night.

Q. I am under the impression, though I may be wrong, that nothing occurred between Mr. Blaine and Mr. Mulligan about the letters until Wednesday. Was there anything said between Mr. Blaine and Mr. Mulligan about these letters until after the first examination here?—A. I think not, sir.

Q. Then the request from Mr. Blaine to you to get possession of those letters from Mr. Mulligan was after Mr. Mulligan had spoken of the letters in his first examination?—A. Yes; I think that was so.

Q. Then you had better correct your first answer.—A. No; I say I had made the request of Mr. Mulligan to give them to me on Tuesday night.

Q. You had?—A. That was my first request.

Q. Was that after you saw Mr. Blaine?—A. I think it was.

Q. When you saw Mr. Blaine, was it mentioned between you and Mr. Blaine that Mr. Mulligan had these letters in his possession?—A. It was mentioned by Mr. Blaine that Mr. Mulligan had these letters.

Q. Did Mr. Blaine ask you to go and get these letters?—A. There was one letter that Mr. Blaine was very particular to get.

- Q. Did he or not ask you to go down and get these letters?—A. Yes.
- Q. And the request that you made of Mr. Mulligan to return these letters to you was after and in consequence of the request from Mr. Blaine?—A. Yes.
- Q. State what this letter was that Mr. Blaine was especially anxious to get hold of.—A. A letter relating to the Northern Pacific Railroad.
- Q. Was that the one he was particularly anxious to get?—A. Yes.
- Q. How did he know that Mr. Mulligan had such a letter?—A. I think that Mr. Blaine may have asked me the question whether such a letter was there, and I probably told him that I believed there was.
- Q. Did you tell him the contents of any of the other letters that Mr. Mulligan had?—A. I do not think I did, sir.
- Q. Were you present when Mr. Mulligan delivered these letters to Mr. Blaine the first time?—A. No, sir.
- Q. In Mr. Atkins's room I mean.—A. No, sir; I was not present.
- Q. You don't know anything about the delivery by Mr. Mulligan of these letters to Mr. Blaine?—A. No, sir.
- Q. Were you in Mr. Atkins's room when Mr. Mulligan came in and demanded those letters from Mr. Blaine?—A. I was.
- Q. Mr. Blaine refused to deliver them up?—A. He did. He refused to give them up.
- Q. Did or not Mr. Mulligan say to Mr. Blaine that he had gotten those letters up-stairs in his room under a promise to return them?—A. I believe he did.
- Q. Did Mr. Blaine deny or assent to the declaration of Mr. Mulligan that he had gotten the letters under a promise to return them?—A. He said that he had the letters.
- Q. Was that all he said in response to the demand of Mr. Mulligan for the possession of the letters?—A. Yes, sir; I think it was.
- Q. Did Mr. Blaine say to Mr. Mulligan or to you that the letters should be delivered up to you?—A. Yes, sir; he said that no third party should hold them; that they did not belong to them.
- Q. Did you agree or decline to take them?—A. I asked for them.
- Q. When?—A. Several times.
- Q. When Mr. Blaine had them?—A. No, sir; not when Mr. Blaine had them.
- Q. Now, I am speaking of the time after Mr. Blaine got possession of those letters.—A. No, sir; I don't think I said anything about them.
- Q. You made no response when Mr. Blaine said that you might have possession of these letters?—A. No, sir.
- Q. You would have received them all from Mr. Blaine?—A. Certainly, I should if he had given them to me.
- Q. Did he offer to give them to you?—A. He did not.
- Q. If he had given them and you had received them, what disposition would you have made of them?—A. I should have kept them.

By Mr. BLAINE :

- Q. What did Mr. Mulligan say, if anything, in your presence about his intention respecting these letters—what he would do with them?—A. He said that he should keep these letters; that in case his statements were questioned or doubted by anybody he would have these letters to refer to, and he should publish his statement with those letters.
- Q. Did he base his publication of them, or his intention to publish them, on the fact that I should question his statement, or that anybody should question it?—A. Anybody.
- Q. If anybody questioned his statement he would publish them?—A. Yes.
- Q. And that he would feel justified in publishing these letters?—A. Yes.
- Q. At any time?—A. At any time.

By Mr. HUNTON :

- Q. Was his purpose in publishing those letters to vindicate himself in case he was assailed?—A. Yes; to appear right before the world.
- Q. A good deal has been said about Mr. Mulligan's manner when Mr. Blaine got possession of those letters and refused to return them; state to the committee what was the manner of Mr. Blaine.—A. I did not see anything different from what he is at the present time.
- Q. He was not excited?—A. He walked the room a little.
- Q. But was his manner excited—were there any indications of excitement other than that of walking the room?—A. No, sir.
- Q. What was his manner and state of mind when you went to his house the night before?—A. I did not see any particular change in his manner or state of mind when I went to his house.
- Q. Was he calm?—A. I do not know whether he was calm or otherwise; he appeared the same to me that he has always appeared.
- Q. You did not see any unusual excitement?—A. No, sir.

By Mr. BLAINE :

- Q. How long have you and I been acquaintances, Mr. Fisher?—A. Since the month of June, 1852.
- Q. We became acquainted through whom?—A. Eben C. Stanwood.

Q. What relation was he to me?—A. Your brother-in-law.

Q. Through him our acquaintance began, and it has continued since that time?—A. Yes.

Q. You had business relations with him?—A. I was a partner with him. I served my time in his counting-room.

Mr. BLAINE. I desire to call attention to a fact in this memorandum-book. I suppose I am at liberty to do so?

The CHAIRMAN. Not in the shape of argument.

Mr. BLAINE. No; but a fact. I desire to call attention to the fact that there are but \$23,000 land-bonds sold to the State or Maine people, according to the evidence in the memorandum-book, [the memorandum-book produced by Mr. Mulligan.]

By Mr. HUNTON:

Q. If you had those letters now, Mr. Fisher, what would you do with them?—A. If I get the letters, sir, I will answer that question afterwards.

Mr. HUNTON. I notify you now, as a witness subpoenaed before this committee, that if you do get those papers you must not destroy them.

The WITNESS. I shall not destroy them, sir.

Mr. BLAINE. And I will pledge myself as a witness before the committee that the person having them will not destroy them.

Mr. Fisher desired to make a correction in his testimony, whereupon he was further examined, as follows:

By Mr. HUNTON:

Q. Did Mr. Blaine offer you those letters before you left your room or Mr. Atkins's room? Have I asked you that question already?—A. No, sir.

Mr. BLAINE. That was asked.

The WITNESS. No; I think not.

Mr. FRYE. It was asked. I heard it.

The CHAIRMAN. I asked him the question whether he had demanded a return of those letters from Mr. Mulligan prior to Mr. Mulligan's mentioning having the letters in his first examination. [To the witness.] But you can go on and make your correction.

By Mr. BLAINE:

Q. The question was, did I offer you these letters in the presence of Mr. Atkins?—A. You did.

Q. Did I do it once or twice?—A. You offered them to me.

Q. I offered them to you with emphasis; and did I not call Mr. Atkins's attention to the fact that I now offered to you those letters, and if you did not choose to take their custody I would?—A. Yes; words to that effect.

By Mr. HUNTON:

Q. Did you agree to receive them?—A. No, sir; I said I would not.

Q. You declined to receive them?—A. I declined to receive them.

By Mr. BLAINE:

Q. Then did I not state to you that I would retain them, and would not give them up to anybody else?—A. And you would bring them back at 9 o'clock or half past 9.

By Mr. HUNTON:

Q. Bring them back where?—A. To the room, at half past 9 or 10 o'clock that evening.

Q. Did he bring them back at half past 9?—A. That or 10.

Q. Was that the first time he got possession of them or the second?—A. When he had them in his pocket.

Mr. BLAINE. It was the final time when I got possession.

Q. It was when he got them and refused to return them to Mr. Mulligan?—A. Yes.

Q. He brought them back at half past 9?—A. About half past 9 to 10.

Q. And then what did he do with them?—A. Carried them back again.

Q. Did he offer them to you again?—A. I do not remember that he did; but he did the first time, before he left the room.

By Mr. LAWRENCE:

Q. Was Mr. Mulligan present when he offered them to you?—A. No, sir; I think not.

By Mr. BLAINE:

Q. Was Mr. Atkins present?—A. Yes.

Q. Did I call Mr. Atkins's attention especially to the fact that I offered them to you?—A. Yes.

By Mr. HUNTON:

Q. Why did Mr. Blaine come back with them at half past 9 or 10 o'clock?—A. Because he had agreed to.

Q. Agreed with whom?—A. Mr. Mulligan.

Q. Did he see Mr. Mulligan when he came back at half past 9 or 10 o'clock?—A. Not that night.

Q. Whom did he see when he returned at half past 9 or 10 o'clock?—A. He saw Mr. Atkins and myself.

Q. Why did he promise Mr. Mulligan to return with the letters at half past 9 or 10 o'clock; was it to return the letters to Mr. Mulligan?—A. That was the understanding, I guess. He said he would be back with the letters in his pocket at half past 9 or 10 o'clock.

Q. And the understanding was that when he came back, about half past 9 or 10 o'clock, he was to return them to Mr. Mulligan?—A. No, sir.

Q. You said so a while ago.—A. Then I did not understand the question.

Q. For what purpose was he to return with the letters at half past 9 or 10 o'clock?—A. It was a matter of agreement between him and Mr. Mulligan.

Q. What was the matter of agreement?—A. I do not know.

Q. Then how do you know it was a matter of agreement?—A. Because I heard them state it.

Q. What did you hear them state?—A. The fact that he would be back with the letters at half past 9 or 10 o'clock.

Q. What for?—A. I do not know.

Q. What did you understand for?—A. I did not understand at all.

Q. When he went off with those letters that he had got from Mr. Mulligan he promised him to come back with the letters at half past 9 o'clock?—A. Or 10.

Q. He did come back with the letters at half past 9 or 10 o'clock, but did not see Mr. Mulligan?—A. He did not see Mr. Mulligan to my knowledge.

Q. Is that all the correction you wish to make?—A. Yes, sir.

By Mr. BLAINE:

Q. I did not see Mr. Mulligan because Mr. Mulligan was not in the room?—A. Yes.

Mr. BLAINE. I went to the room where he had been, and I was there by agreement, but he was not.

By Mr. HUNTON:

Q. If you know that fact, you may state it.—A. That is the fact. Mr. Mulligan was not there.

Q. Where was Mr. Mulligan?—A. I do not know.

Mr. MULLIGAN. I was in the hotel all night. I was in the room when he came back with those letters, and I staid there for some time, and they began to talk to me for a long time about those letters, and I told them plainly that I would talk with him no longer upon the subject. He refused to deliver me the letters, and I went out.

Mr. HUNTON. That was when he came back at half past 9 or 10 o'clock?

Mr. MULLIGAN. Yes.

Adjourned to to-morrow morning at 11 a. m.

WASHINGTON, D. C., June 2, 1876.

JAMES MULLIGAN recalled.

By Mr. HUNTON:

Q. You stated yesterday that you thought you could state the contents of one of the letters which Mr. Blaine got from you which related to the subject-matter of the inquiry upon which you have been examined. I did not fully understand your answer to that question yesterday, and I would be glad to have you state it this morning. Give the date, who wrote it, and to whom it was addressed.—A. I cannot give the date.

Q. Can you approximate the date; can you give the year?—A. Well, I should say it was in this month, to the best of my knowledge.

Q. Who wrote the letter, and to whom was it addressed?

Mr. FRYE. Please to understand, Mr. Chairman, that Mr. Blaine does not waive any objection.

Mr. HUNTON. I understood him to object yesterday, and I understand the objection to continue.

A. It was written by Mr. Blaine, addressed to Warren Fisher, jr.

Q. Written by Mr. James G. Blaine?—A. Yes.

Q. Was this letter of Mr. Blaine addressed to Warren Fisher, jr., and a reply to a letter which Mr. Warren Fisher had addressed to Mr. Blaine?—A. Yes.

Q. Did you ever see the letter which Mr. Fisher addressed to Mr. Blaine, and to which this letter of Mr. Blaine is a reply?—A. Mr. Fisher had addressed different letters to him. Mr. Blaine was a man who would be absent at different times, and there might be probably a week or ten days' delay, and he would probably keep letters that time, and then answer them all in one.

Q. State, if you can, to the committee, what was the subject-matter of the letter which Mr. Fisher addressed to Mr. Blaine, and which drew from Mr. Blaine the letter in question.

Mr. FRYE. I object to that question. He has definitely said that he knows what the letter was that Mr. Fisher wrote to Mr. Blaine to which this was a reply. Will you have the kindness, Mr. Chairman, to address him first the question—Did you know what the contents were of the letter to which this letter was a reply?

Mr. HUNTON. I did ask him that, and he can go on and answer it.

Q. Do you know what the contents of the letter were, that this letter from Mr. Blaine to Mr. Fisher was a reply to?—A. I know the purport of these letters that they wrote.

Mr. FISHER. That is not a reply.

Q. State, if you can, to the committee, what was the object of the letter which Mr. Fisher addressed to Mr. Blaine, and which drew from Mr. Blaine the letter in question.

Mr. FRYE. I object to the question.

The question was modified as follows:

Q. Give the contents of those letters so far as they bore upon the reply of Mr. Blaine.

Mr. FRYE. I will object to that also in behalf of Mr. Blaine.

The committee decided that the answer should be made.

Mr. HUNTON. I think the inquiry should go to the contents of the letter or letters to which the one which is supposed to be material is a reply.

The WITNESS. Which reply to you mean?

Mr. HUNTON. I mean the reply which you adverted to yesterday—a letter from Mr. Blaine to Mr. Fisher, which is now in the possession of Mr. Blaine, and about which you were asked as to the contents yesterday, which bear upon these bonds of the Little Rock and Fort Smith Railroad Company, which afterward came into the possession of the Union Pacific Railroad Company.

The WITNESS. Mr. Fisher had been writing to Mr. Blaine at different times to get a settlement with him, and there was a good deal of correspondence between them about it. Mr. Blaine, in these letters, took the ground that he was at a great loss by this transaction in this Little Rock and Fort Smith Railroad business. Mr. Fisher took the ground that he was at no loss by it, and that he (Mr. Blaine) had sold all of these bonds, and got \$64,000 for them. Mr. Blaine, in his reply, says that if Mr. Fisher labored under the idea that he had made money out of that business he was mistaken, that the money that he received—

Q. What money did he receive?—A. That money that Mr. Fisher mentioned; that he had not had that in his possession forty-eight hours until he turned it over to these innocent parties; that is, the parties in Maine that he got into this transaction about these bonds.

Q. Is that the only letter that Mr. Blaine received from Mr. Fisher which contains a reference to the subject-matter of the inquiry, to wit, the Little Rock and Fort Smith bonds which went into the hands of the Union Pacific Railroad?

The WITNESS. Is that about the \$64,000?

Mr. HUNTON. Yes.

A. That is the only one I remember, sir.

Q. Did you repeat the same statement to Mr. Blaine that was in this letter of Mr. Fisher to Mr. Blaine that you have just alluded to?—A. I repeated to him—you refer to that conversation in Mr. Atkins's office?

Mr. HUNTON. Yes.

The WITNESS. Mr. Blaine, in that conversation in Mr. Atkins's office, repeated the same story about how much money he lost by these transactions, and made the reply that he had not lost money—just the same reply that Mr. Fisher had made; that he had not lost money, and that I knew where he had put these bonds, and got these \$64,000 on those bonds, and that they cost him nothing. That was the words I used.

Q. How did you know about his putting these bonds where he got the \$64,000, and that they cost him nothing?—A. What I mean to say by their costing him nothing—

Q. State what reply Mr. Blaine made to you when you said that.—A. He made no reply.

Q. Did you state where he had put these bonds and got the \$64,000, and that these bonds had cost him nothing?—A. What I mean to say by costing him nothing was, that he had got the bonds from Mr. Fisher, and that they cost him nothing excepting for his services for negotiating the sale of these bonds. He paid no money for them.

Q. State to the committee how you knew, if you did know, that Mr. Blaine got the \$64,000.—A. I repeated that yesterday. It was through Mr. Atkins that I knew it.

Q. Did you know it from Mr. Blaine either through previous conversation or letters?—A. Never; excepting in that conversation in Mr. Atkins's office.

Q. Had you at that time seen this letter to which you refer?—A. Certainly. This letter was previous to it.

Q. Then, was your remark to Mr. Blaine about his having received this money for those bonds founded upon what you had heard from Mr. Atkins as well as upon the letter from Mr. Blaine which you had seen?—A. It was founded upon what I had heard from Mr. Atkins.

Q. Did you keep copies of those letters that Mr. Fisher wrote?—A. I do not know, sir.

Q. Did you write the letters?—A. No, sir.

Q. Does Mr. Fisher keep a letter-book?—A. I do not think he keeps any private letter-

book. I was in the Adams Sugar Refinery, and anything I done for Mr. Fisher was merely a labor of love. I got no pay for it.

Q. You do not know whether he kept a letter-book at that time?—A. I do not think he did, sir.

By Mr. BLAINE :

Q. Do I understand you to say that this letter which is now in my possession speaks of receiving money from Thomas A. Scott?—A. No, sir; it does not mention his name.

Q. Nor from the Union Pacific Railroad Company?—A. No, sir.

Q. Or the sale of \$64,000?—A. No, sir; but it is only in answer to a letter which Mr. Fisher wrote, in which he made the allegation that he knew where Mr. Blaine sold these bonds for so much money, and Mr. Blaine gave back the reply that Mr. Fisher must have misunderstood the matter, because that money that Mr. Blaine had received he did not keep forty-eight hours, but turned it over to the other parties.

Q. But my letter did not mention the Union Pacific Railroad?—A. No, sir.

Q. Nor Thomas A. Scott?—A. No, sir.

Q. Nor \$64,000?—A. No, sir.

Q. Did you figure up from the memorandum-book what was the aggregate amount of bonds in that book that went to the Maine parties?—A. I had not figured it up.

Q. Have you got that book now?—A. It is in the hands of the committee.

Q. Outside of that book, how many bonds, to your personal knowledge, went to me?—A. Only \$40,000, of my own personal knowledge.

Q. How many did you have any knowledge of coming to me from Mr. Fisher?—A. Only those \$40,000, of my personal knowledge.

Q. That is all?—A. That is all.

Q. What bonds were those; were they land-grant bonds, or first-mortgage bonds?—A. Land-grant.

Q. When were they delivered?—A. On the 21st of September, 1873; that was the time of the final settlement.

Q. That is all the bonds of which you have any knowledge?—A. That is all the bonds I know personally were given to you, sir.

By Mr. HUNTON :

Q. You state that \$40,000 of the bonds were all that you know went into Mr. Blaine's hands?—A. Yes; all I know personally. Mr. Blaine claimed, the day of that settlement, that there was something like \$100,000 or \$101,000—[to Mr. Blaine.] I think that that is what you claimed on that day, sir. Mr. Fisher's account and yours disagreed, and it was finally settled to give you those \$40,000. It was the final settlement between you. There was \$36,000 that was still due to you on this commission.

By Mr. FRYE :

Q. Do you mean to say that Mr. Blaine claimed that he was entitled to receive \$101,000; that Mr. Fisher was still owing him \$101,000?—A. That was what he claimed in those letters to figure it down to, and that if he was to give him \$40,000 that would be a final settlement. Mr. Fisher said that he (Mr. Blaine) could look to Mr. Caldwell for the whole, if he pleased. This was in Mr. Fisher's office, on the 21st of September, 1872.

By Mr. HUNTON :

Q. That transaction to which you have alluded, in which Mr. Blaine got \$36,000.—A. No, sir; I gave him \$40,000.

Q. You gave him \$40,000?—A. Yes, sir.

Q. That was a settlement growing out of all these bonds to which you referred yesterday, and was not contained in this book?—A. Mr. Blaine claimed as an offset, before he settled this—he wanted all his business settled up with Mr. Fisher.

Mr. BLAINE. I do not want all my private matters gone into in this way.

Mr. MULLIGAN. I do not want to give any answer that I cannot give truthfully.

By Mr. HUNTON :

Q. You spoke of \$40,000 in bonds that he handed Mr. Blaine?—A. Yes.

Q. I want to know if that was a remnant of the bonds alluded to by you yesterday, and contained in that memorandum-book.—A. Yes.

ELISHA ATKINS recalled.

WASHINGTON, D. C., June 3, 1876.

By Mr. HUNTON :

Question. Do you know anything of the sale of bonds or stocks by any of the Pacific Railroads? You are connected with the Union Pacific, are you not?—Answer. I am; I don't know that I understand your question.

Q. I do not mean the Union Pacific; but have you any knowledge of any sale of bonds or stocks by any of the Pacific Railroad Companies which received subsidies from the Government?—A. No, sir. As to the Union Pacific, I know of their disposing of their bonds.

Mr. HUNTON. I except that, because I examined you as to it when you were on the stand before.

The WITNESS. I am familiar with that road. I do not know anything about the other Pacific roads.

Q. Do you know anything at all about the transactions of the Northern Pacific Railroad?—A. No, sir; never did.

Q. Do you know anything about the transactions alluded to by Mr. Aquila Adams in a letter published by him—if you ever saw that letter?—A. I saw it; I know something of the matters referred to in it.

Q. State them.—A. Mr. Warren Fisher proposed to me to take an interest with him in a block of stock of the Northern Pacific—

Mr. BLAINE. I have not the least objection to the whole statement about this matter, but I do not see, under the resolution upon which the committee is acting, that they have any authority to investigate it.

Mr. HUNTON. It seems to me that, under this resolution, the fullest investigation of all these Pacific Railroads which received subsidies from the Government is open.

Mr. BLAINE. Yes; as to the conduct of the companies, that is true.

Mr. HUNTON. I said a while ago to Judge Lawrence that if you preferred it, Mr. Blaine, we would commence at the beginning. I knew it would look as if we were skipping in order to come up to you by this question that I have asked; but I did that because I supposed that if it is going to come up to you at all, you would want it to come at once.

Mr. BLAINE. What do you mean by beginning at the beginning?

Mr. HUNTON. I mean investigating the conduct of these roads—it would take several months.

Mr. BLAINE. And the only feature you think worthy of discharge is the detailing of this transaction of mine?

Mr. HUNTON. I do not see how you could have misunderstood me to that extent. I say it is my duty to investigate the whole matter. Let me state my position fully in that respect. I stated to Judge Lawrence that this resolution called for an investigation of these companies—a work that would occupy us some months, and which I proposed to do as fast as I could do it. But it was alleged that a portion of this investigation would come up to you, and the question that I propounded to Judge Lawrence was, that as it was important to you to have a speedy examination of the matter, we would, if you desired, go right on with that portion of it now. With this explanation I do not think I can be misunderstood either in words or motive.

Mr. BLAINE. I have no disposition to object to its going on now, only that in reading the resolution, which I never did read until now, I did not see how it included it at all; that is, unless you conceive that the investigation which, under that resolution, you were ordered to make embraces every transaction between any two persons in the United States that may have taken place in Northern Pacific stock. I considered that to be a misconstruction of the resolution. What you want to get at is whether these companies have properly discharged their duties, and whether they have done anything corruptly or anything illegal or unlawful. Now, when they have disposed of their stock, and it is on the market, and may be sold from hand to hand, and in any direction, do you consider it to be within the scope of your resolution to investigate every transaction of that kind?

Mr. HUNTON. I do not.

Mr. BLAINE. Does not this transaction come within that?

Mr. HUNTON. No; I think not.

Mr. BLAINE. I do not object to it at all, but it does not occur to me that it has anything to do with the investigation.

Mr. HUNTON. The regular mode would be to begin at the beginning, but that will take several months.

Mr. BLAINE. There is no process of descent—even Darwinian descent—by which that investigating process would come to any transaction of this kind.

Mr. HUNTON. I cannot say as to that.

Mr. BLAINE. I never had a transaction with the Northern Pacific Railroad in my life.

Mr. HUNTON. A portion of this testimony already taken has alluded to you in connection with that Northern Pacific road.

Mr. BLAINE. Where?

Mr. HUNTON. The witness Mulligan said that one of those letters alluded to the Northern Pacific Railroad.

Mr. BLAINE. And do you take that as a foundation for an investigation wholly outside of the matter under consideration?

Mr. HUNTON. I would not take anything outside of the record as a foundation for an investigation, but that is inside the record.

Mr. FRYE. Whatever you find in relation to Mr. Blaine, would we be obliged to wait until you get through with your three or four months' investigation before having your report upon that?

Mr. BLAINE. I want a distinct understanding as to that. Do you propose to make this investigation which you are now proceeding upon a part and parcel of the prolonged investigation which you speak of?

Mr. HUNTON. There would be no reason for my making the statement I did a while ago if that were my intention. I said that on your account, if you wished it, we would investigate at the beginning; that that was pointing to you.

Mr. BLAINE. That is one thing; but is it your intention to report upon that separately?

Mr. HUNTON. That is my expectation, but I have not formed any determination on it.

Mr. BLAINE. I would like that to be distinctly understood, because burying me in a mass of Northern Pacific transactions, which you say yourself would take three months to investigate, would not be fair to me.

Mr. HUNTON. So far as that is concerned, it is the evidence that will acquit or condemn in the public estimation, and not the report of the committee.

Mr. BLAINE. I want it investigated thoroughly, but I want it investigated by such mode of procedure as will do justice.

Mr. HUNTON. I repeat that it is very far from me to do you injustice, but very much the contrary. [To the witness.] Go on, Mr. Atkins, and make your statement.

Mr. ATKINS. Shall I begin at the beginning?

Mr. HUNTON. Yes.

Mr. ATKINS. Mr. Fisher proposed to me on one occasion, to take an interest in a block of Northern Pacific stock or bonds, which he said he could probably get through Mr. Blaine. I said, "Yes; if you think well of the transaction, I will take an interest in it." Very little more was said about it. I think I never spoke to Mr. Blaine upon the subject at all, until the final close of it, and the thing went along for a year or so. I occasionally asked Mr. Fisher about this stock and these bonds, and he said there was some difficulty about getting them—that they were not as Mr. Blaine expected. Finally the account had been remaining open for a year. At that time Mr. Blaine, in company with Mr. Mulligan, as you have already heard, called at my office, partly for the purpose of correcting an error in my memory, and partly to settle up this Northern Pacific bond matter, in Mr. Fisher's absence, he being sick at home. I said to Mr. Blaine that the thing had been standing a year, and that no one of us wished the interest in the bonds then, even if we could get it; that I, for one, did not wish any interest in the Northern Pacific Railroad, and that the best thing he could do was to return the money. He said, "Do you think so?" I said, "Yes." "Then," he said, "I will do it." That was the end of the transaction.

Q. You did not go into any pool to buy stock?—A. I was in this \$25,000 pool.

Q. How much did you go in?—A. I think my firm took an interest of \$15,000.

Q. Who was your firm?—A. E. Atkins & Co. the style is.

Q. How many partners in it?—A. Now there are three partners.

Q. How many were there then?—A. Two.

Q. Fifteen thousand dollars out of what sum?—A. Out of \$25,000.

Q. What were you to get for that \$15,000?—A. I don't remember; it has passed of my mind entirely.

Q. What was to be the consideration of the \$25,000—the amount of the pool?—A. The consideration was to be a block of the stock and bonds.

Q. What do you mean by a block of the stock and bonds?—A. What the interest of the \$25,000 would carry.

Q. Well, what was that?—A. I don't remember.

Q. Was there any specific understanding as to how much that \$25,000 would buy of the stock and bonds of that company?—A. Not with me; there was no conversation in detail between me and Mr. Fisher about it.

Q. And you put in \$15,000 without knowing what you were to get for it?—A. I presume I did know at the time, but I say I can't recollect. I presume I knew the details at the time, as to how much stock and how many bonds, but I do not now remember. I thought the matter was in very competent hands, Mr. Fisher's, and I told him, "If it is a good thing put me down; I will take an interest with you."

Q. Who was this transaction made through?—A. Mr. Fisher.

Q. Through whose agency was it made on the other side?—A. I do not know. I never went beyond Mr. Fisher. I never exchanged a word with anybody else on the subject, any other party in interest except Mr. Fisher, until, as I say, the final settlement of the account.

Q. What became of that \$15,000 that you put in?—A. It was paid back by Mr. Blaine to Mr. Fisher. The whole \$25,000 was paid back, as Mr. Fisher told me, and I presume that is correct.

Q. You got your \$15,000 back?—A. Yes.

Q. Did you ever get possession of the stock and bonds?—A. No, sir; I never saw them; never could get them.

Q. Who was the president, at the time, of the Northern Pacific?—A. I don't know; I don't remember; I suppose I knew at the time.

Q. Is that the only transaction you ever had about bonds and stock of the Northern Pacific Railroad?—A. The only one. I never owned a dollar's interest in the road.

Q. Have you ever had any transaction with any of the following roads—the Northern Pacific?—A. No, sir.

Q. Kansas Pacific?—A. No, sir; not individually. I have had some as representing another corporation, but have had no interest individually in it.

Q. The Union Pacific?—A. I was director of the Union Pacific.

Q. The Central Branch?—A. No, sir.

Q. The Western Pacific?—A. No, sir.

Q. The Southern Pacific?—A. No, sir.

Q. The Sioux City and Pacific?—A. I am not quite sure, but I think not.

Q. Well, stop a moment and reflect upon it.—A. I could not tell unless I should refer to my books. I had an interest in some of these northern roads. Whether I ever had an interest in the Sioux City and Pacific I do not know. I think not. I certainly have no interest now.

Q. Will you refresh your memory when you go home, by reference to your books, and inform us of any transaction you may have had?—A. Yes, sir; I may have once bought some of their bonds—may or may not.

Q. Have you ever had any transaction with the Northern Pacific other than that which you have deposed to?—A. Never.

Q. Or with the Texas Pacific?—A. No, sir.

Q. Or with any other branch of the Pacific Railroad which received subsidies from the Government?—A. Well, I should say no, but I do not know that I could say what others there are. What others are there?

Mr. FRYE. I think that resolution names every branch.

Mr. HUNTON. That I don't know.

The WITNESS. If the Colorado Central is considered a branch of the Pacific Railroad, I have. Do you not consider that a branch?

Mr. HUNTON. I cannot tell you.

The WITNESS. Well, I can't tell either.

Mr. HUNTON. Is it a subsidy road?

The WITNESS. My impression is that it is not.

Mr. HUNTON. It would not be a subject of inquiry here unless it were a subsidy road.

The WITNESS. I think it was not a subsidy road. It was built mainly by the stockholders of the other road as a feeder.

By Mr. HUNTON:

Q. Has it not been consolidated with the Union Pacific?—A. No, sir.

Q. You don't know anything of the management and concerns of those roads other than you have spoken of?—A. No, sir; all those roads that you have detailed.

By Mr. BLAINE:

Q. Did you ever understand that I had any pecuniary interest in this transaction?—A. On the contrary, I understood that you would not have any interest. That was distinctly stated, not only that you had no interest, but would take no interest.

Q. Was the money returned with interest?—A. That settlement was made between you and Mr. Fisher. I suppose it was returned with interest.

Q. You got your money back with interest?—A. I got no money back except in settlement with Mr. Fisher. The money was paid to Mr. Fisher, and I got the money back in that way.

Q. Every dollar you put in?—A. All I put in.

Q. It was impossible, then, that I could have made anything on the transaction, was it not?—A. I don't see how you could.

Q. There was a letter in the associated press columns bearing your signature, the other day, was there not?—A. Yes.

Mr. BLAINE. I would like a copy of that to have it put in evidence.

The witness indicated in the Boston Journal of the 29th of May, the letter referred to bearing his signature, and made it a part of his testimony.

The letter is as follows:

"BOSTON, May 23, 1876.

"MY DEAR SIR: I have read the charges against you in the New York Sun of Saturday, concerning the North Pacific matter, and also your reported remarks in regard thereto. It is due to you that I should say that I considered your action in that matter was simply from a disposition to do a friendly act; that you had no pecuniary interest whatever in that transaction, and it was fully understood by the parties in interest that on no account would you become personally interested in the North Pacific shares. Your conduct was perfectly fair and honorable, and I am surprised that any one could see anything in it to complain of or to criticise. As the whole transaction literally ended without accomplishing anything, and as the party proposing to sell the North Pacific interest never delivered it, and those advancing money received it back again, [with interest, without the slightest deductions by you for commissions or expenses, it seems to me very absurd to make any reference to it. I shall give this letter to the public, as I think such a statement is due you from myself.

"Respectfully, yours,

"ELISHA ATKINS.

"Hon. JAMES G. BLAINE."

WASHINGTON, June 3, 1876.

WARREN FISHER recalled.

By Mr. HUNTON:

Question. State all you know about the transaction to which Mr. Atkins has alluded in his testimony this morning between yourself and the Northern Pacific Railroad.—Answer. I purchased an interest in the Northern Pacific Railroad, and paid \$25,000 for it.

Q. What interest did you purchase?—A. I do not know what the interest was.

Q. You paid \$25,000 for an interest without knowing what the interest was?—A. I knew at the time.

Q. From whom did you make that purchase?—A. From Mr. Blaine.

Q. Whom did Mr. Blaine represent in the purchase?—A. I don't know that he represented anybody.

Q. When was this purchase made?—A. December 1, 1870.

Q. I see published in the New York Sun of May 27, 1876, a letter purporting to be from Mr. Blaine to you on the subject-matter of this sale or purchase. [Hands witness paper containing the following letter:]

("Private.")

"AUGUSTA, MAINE, November 25, 1870.

"MY DEAR MR. FISHER: A year ago, and more, I spoke to you about purchasing an interest in the Northern Pacific Railroad for yourself, and any you might choose to associate with yourself. The matter passed by without my being able to control it, and nothing more was said about it. Since then the Jay Cooke contract has been perfected, the additional legislation has been obtained, and 230 miles of the road are well-nigh completed, and the whole line will be pushed forward rapidly. By a strange revolution of circumstances, I am again able to control an interest, and if you desire it you can have it. The whole road is divided into twenty-four shares, of which Jay Cooke and company have twelve. The interest I speak of is one-half of one twenty-fourth, or one one-hundred-and-ninety-second of the entire franchise, being that proportion of the eighty-one millions of stock that are being divided as the road is built, and a like proportion of the Land Company stock, that is formed to take and dispose of the 52,000,000 acres of land covered by their grant, as amended by the law of last session. The amount of stock which this 1-192 would have in the end would be about \$425,000, and the number of acres of land it represents is nearly 275,000.

"The road is being built on the 7-30 bonds, \$25,000 to the mile, which Jay Cooke takes at 90.

"Instead of mortgaging the land, they make a stock company for its ownership, dividing it *pro rata* among the holders of the franchise.

"The whole thing can be had for \$25,000, which is less than one-third of what some other sales of small interests have gone at. I do not suppose you would care to invest the whole \$25,000. I thought for a small flyer eight or ten of you in Boston might take it, \$2,500 each; for \$2,500 thus invested you would get ultimately \$42,000 stock and the avails of some twenty-seven thousand acres of land.

"Five of you, at \$5,000 each, would have a splendid thing of it.

"The chance is a very rare one. I can't touch it, but I obey my first and best impulse in offering it to you.

"All such chances as this since Jay Cooke got the road have been accompanied with the obligation to take a large amount of the bonds at 90, and hold them not less than three years.

"I will be in Boston Tuesday noon, and will call upon you. Of course, if you don't want it, let it pass. You will receive an immediate issue of stock to a considerable amount, and certificates of land-stock also. Of course, in conferring with others, keep my name quiet, mentioning it to no one unless to Mr. Caldwell. I write under the presumption that you have returned, but I have heard nothing.

"Yours, truly,

"J. G. BLAINE.

"This stock will be far more valuable, *at the worst*, than the Union Pacific, and see where that would leave it."

Q. Where is the original of that letter?—A. That letter, I think, is destroyed. I do not know.

Q. Who furnished this letter for publication?—A. Mr. Aquila Adams.

Q. How came Mr. Aquila Adams to have it?—A. I gave him a copy of it.

Q. When was that letter destroyed?—A. When I had a settlement with Mr. Blaine, I think, it was destroyed.

Q. Is that one of the letters that Mr. Mulligan brought here from Boston?—A. I do not know, sir.

Q. You did not read all the letters that he brought ?—A. No, sir.

Q. This was a proposition then, to you, to furnish for \$25,000, one eighth of one twenty-fourth of the franchise of the Northern Pacific Railroad ?—A. Yes.

Q. Are you willing to say that this is a true copy of the letter ?—A. To the best of my knowledge and belief, it is a true copy.

Q. What am I understand by "one-eighth of one twenty-fourth" of the entire franchise of that road ?—A. I cannot explain it, for I do not know.

Q. How did you know what you were buying, then, if you did not know what that meant ?—A. I do not know that I was positively sure what I was buying.

Q. Why did you risk your money if you were not sure what you were buying ?—A. I was sure, from the representations made to me, that it was a good thing.

Q. Let us hear what the representations were.—A. The representations were what are contained in that letter.

Q. Nothing except those ?—A. That is all.

Q. There is appended to the letter a postscript: "The stock will be far more valuable, at the worst, than the Union Pacific, and see where that would leave it." Was that a portion of the letter ?—A. I presume it was, sir.

Q. Underneath that is a receipt purporting to be signed by Mr. James G. Blaine, dated December 1, 1870, at Boston, reading:

"Received of Warren Fisher, Jr., \$25,000, in trust, in consideration of which I am to deliver to said Fisher properly-authenticated certificates of an interest in the North Pacific Railway Company equivalent to one-eighth part of one of the twenty-four principal shares in which the franchise-stock of said company are divided; certificates to be in the name of Elisha Atkins.

"Witness my hand.

"JAMES G. BLAINE."

Is that a copy of the receipt ?—A. I think it is, sir.

Q. Where is that receipt now ?—A. That receipt was destroyed on the 21st day of September, 1872.

Q. Why was it destroyed ?—A. It was because of a general settlement on that day which I made with Mr. Blaine.

Q. Did you write to Mr. Aquila Adams the letter of which this purports to be a copy :

"Private.

"OFFICE OF ADAMS'S SUGAR-REFINERY, 24 INDIA STREET,  
"Boston, November 8, 1871.

"MY DEAR AQUILA: Not having seen or heard from you recently, and being very anxious that you should recover your money back from Mr. Blaine, I inclose you a letter which I wish you to send to him at once.

"If he gets to Washington, there will be considerable delay in getting at him, and I do not wish any further delay in having the matter settled. This letter which I inclose has been submitted to Mr. Atkins, and it meets with his approval in every respect.

"Make my regards to your father and wife, and drop me a line when you are coming to the city.

"I remain, yours, &c.,

"WARREN FISHER, JR.

"Mr. Blaine's address is, 'Hon. James G. Blaine, Augusta, Me.' "

Is that your letter ?—A. Yes, sir; I think it is. I remember it.

Q. Tell the committee if you know how Mr. Blaine was able to sell to you and other gentlemen who raised the \$25,000 the one-eighth of one-twenty-fourth of the franchise of the North Pacific Railroad ?—A. I know nothing about it, sir.

Q. Did you hear him explain how ?—A. He never said anything about it.

Q. Did you ever have any conversation about it at all ?—A. No, sir.

Q. All you ever heard from Mr. Blaine upon the subject was contained in this letter ?—A. Yes, sir.

Q. Did you ever get any certificate of ownership of that franchise ?—A. No, sir.

Q. Did you ever demand it ?—A. Yes.

Q. Who from ?—A. Mr. Blaine.

Q. Why did you not get it ?—A. It was not ready to be delivered.

Q. Why not ready to be delivered ?—A. That is a question which I never asked, sir.

Q. Was Mr. Blaine, in this transaction, acting for himself in the sale, or as agent for the company or anybody else ?—A. I do not know, sir.

Q. Then how came the money to be refunded to you ?—A. It was not satisfactory to Mr. Blaine.

Q. What was not ?—A. The transaction, I suppose.

Q. In what particular ? Let us hear how it was not satisfactory.—A. I do not know in what particular, I am sure.

Q. How do you know, then, that it was not satisfactory to Mr. Blaine ?—A. Because I

don't think that if he thought it was satisfactory to me, and I was going to make a good thing out of it, he would have refunded the money.

Q. Was it not satisfactory to you?—A. It was not satisfactory to either of us.

Q. In what particular was it not satisfactory to you, and in what particular not satisfactory to Mr. Blaine?—A. I do not know, sir.

Q. Why do you say, then, that it was not satisfactory?

The WITNESS. O, to Mr. Blaine?

Mr. HUNTON. Yes.

A. I do not know why it was not to him: but for myself, he had not the certificate to deliver, and he wanted something done about it, and so he paid back the money.

Q. To whom did he pay back the money?—A. To me, sir.

Q. The \$25,000?—A. And interest.

Q. Did he tell you why he had failed to deliver this certificate of stock or franchise?—A. I don't remember.

Q. Don't you know why this bargain broke down?—A. No, sir; I don't.

Q. Did you ever hear why from any one else?—A. No, sir.

Q. You don't know, either of your own knowledge or by information from others, why it was that this bargain between you and Mr. Blaine broke down?—A. No, sir.

Q. Can you state to the committee how it was that Mr. Blaine was able to control this portion of the franchise of the North Pacific Railroad?—A. I know nothing about it, sir.

Q. He says in this letter to you: "By a strange revolution of circumstances, I am again able to control an interest; and if you desire it, you can have it." Do you understand what that revolution of circumstances was?—A. No, sir; I do not.

Q. You wrote to Mr. Aquila Adams that you were very anxious he should recover his money from Mr. Blaine. Why?—A. Because we got tired of holding it.

Q. Who got tired?—A. We; the parties in interest.

Q. Got tired of what?—A. Of paying the money and not getting anything for it.

Q. You didn't get tired of holding the receipt, then?—A. No, sir.

Q. You say: "I inclose a form of a letter which I wish you to send to him (Mr. Blaine) at once." What sort of a letter was that?—A. I don't remember, sir.

Q. Can't you recollect the form of the letter?—A. No, sir.

Q. Did you correspond with Mr. Blaine on this subject after the receipt of the letter from Mr. Blaine, dated November 25, 1870—the one that you have looked at here?—A. I could not say.

Q. And you cannot say anything at all about why this arrangement that was made between you and Mr. Blaine broke down?—A. No, sir.

Q. Didn't he inform you when he returned the money why he could not complete this contract with you?—A. I don't think he did, sir.

Q. Can you state as matter of memory that he did not?—A. I think I can, sir.

By Mr. ASHE:

Q. What did these certificates which you got from Mr. Blaine embrace?—A. I never had any certificates from Mr. Blaine.

Q. What did you get, then?—A. Nothing except his receipt.

Q. What did the receipt purport to convey, or promise to convey?—A. It promised to convey an interest in the North Pacific.

Q. Nothing but an interest in the franchise?—A. That is all, sir.

Mr. BLAINE. I would like the Aquila Adams letter to go in, which appears in the New York Sun of the same date as the letter of Mr. Adams.

Mr. HUNTON. I expect to have Mr. Adams here and the letter can then go in. It is not proved to be his letter yet.

Q. You don't know anything about that letter of Aquila Adams appearing in the same paper, the New York Sun of May 27?—A. No, sir.

By Mr. BLAINE:

Q. In this letter to you, (which was not read in full,) I stated that I could not touch the stock, did I not?—A. Yes.

Q. Did I ever propose to you in any manner whatever to have an interest in it when it was bought?—A. No.

Q. Did I not frequently say to you that I could not take an interest in it?—A. You did, sir.

Q. You never understood from me that I was in any wise interested, either as buyer or seller in the matter, did you?—A. Never.

Q. Was it not considered between us as a friendly act on my part toward you?—A. Yes.

Q. And there was no other feature to it?—A. No other motive, excepting to make some money out of it.

Q. That you might have an opportunity to do so?—A. Yes.

Q. I want that feature of the testimony to be as strong as you can make it, whether I ever, in any way whatever, suggested or hinted to you that I would like an interest in it, or would take an interest in it?—A. No; you never did.

- Q. The contrary was always understood by you?—A. Yes.
- Q. Had this matter of the North Pacific been a matter of conversation between us in the counting-room as I visited you before that?—A. Yes.
- Q. It was spoken of as an investment that might be desirable?—A. To myself and friends.
- Q. Was there ever a suggestion made that I wanted to go into it?—A. Never.
- Q. Your testimony states that when there was an inability to deliver it I paid you back the money with interest?—A. Yes, sir.
- Q. You did not know whose stock this was?—A. No, sir.
- Q. The fact that I was not able to deliver it proved to your mind that it was not mine?—A. Yes, sir.
- Q. You never understood that I owned it?—A. No, sir.
- Q. In the remotest manner?—A. No, sir; in fact you gave me to understand distinctly that you had nothing to do with it in the remotest way or shape.
- Q. I never had any interest in it whatever?—A. No interest in it whatever.
- MR. BLAINE. Of course, I could have delivered it if I owned it.

By Mr. ASHE:

Q. In these conversations with Mr. Blaine by what authority did you learn from him that he was disposing of this stock or this interest?—A. He didn't tell me what authority he had.

Q. When he was proposing to sell you \$25,000 of interest on that railroad, did you not inquire by what authority he received this lot of money and gave you a receipt for it?—A. No, sir; I did not. It was sufficient for me to know that he promised to deliver and could deliver the stock, and when he could not he gave the money back.

By Mr. BLAINE:

Q. You never had any fear that you would not get your money back if you did not get the stock?—A. No, sir; I had not.

By Mr. FRYE:

Q. Was Mr. Blaine to receive any consideration whatever for doing the business?—A. None whatever, to my knowledge.

By Mr. BLAINE:

Q. On the final settlement with you, was there anything like commission or percentage, or pay for my trouble, or anything of that sort, allowed to me?—A. On the 21st day of September, 1872, you paid me \$25,000 and interest.

Q. No deductions?—A. No deductions.

By Mr. HUNTON:

Q. As to these conversations I understood you, when I was examining you, to say that you never had any conversation with Mr. Blaine about this matter, and that all you knew about it was in this letter?—A. That was after.

Q. You had had before this?—A. Some months before.

Q. State when these conversations took place between you and Mr. Blaine; how he said he proposed to let you have this share in the franchise; whether he was the owner of it, and, if not, how he was to convey it?—A. The conversation was months before this purchase really took place. He merely mentioned this, as I remember it: that perhaps some time he might be able to get hold of an interest in the North Pacific road if my friends and myself wished to buy it.

Q. Said he could get hold of this stock?—A. He might be able to get hold.

Q. If you and your friends wished to buy it?—A. Yes.

Q. And did he ever tell you or not that he had gotten hold of this interest?—A. Not until I received that letter.

Q. That was the only information you had that he had gotten it?—A. Yes.

Q. Did he ever tell you between that conversation (to the effect that you might be able to get hold of it) and the writing of this letter that he had failed to get hold of it?—A. No, sir; I don't remember of his having mentioned the subject to me but once, and then the second time by letter.

Q. I understood you to say a while ago that Mr. Blaine had frequently told you things about that matter?—A. He might have talked about railroads and the North Pacific, and might not. I don't remember all the conversations that I have had with Mr. Blaine for the last five or six years.

Q. Do you know whether any of these letters that Mr. Blaine has, which Mr. Mulligan brought from Boston, refer to the subject-matter of this North Pacific Railroad?—A. I do not, sir.

Q. How many of them did you read?—A. Three or four, perhaps five.

Q. None of these that you did read had reference to this North Pacific Railroad?—A. No, sir.

Q. Or to this transaction about North Pacific?—A. No, sir.

Q. Had any of those letters which you did read, or which you otherwise recollect, any reference to any of the other Pacific railroads that I have enumerated in your hearing to-day?—A. No, sir.

WASHINGTON, June 3, 1876.

JAMES MULLIGAN recalled.

By Mr. HUNTON :

Question. I understood you to say yesterday that one of the letters which you brought from Boston, addressed by Mr. Blaine to Mr. Fisher, and which Mr. Blaine received from you, related to the North Pacific Railroad ?—Answer. No, sir; that is not a letter.

Q. What is it, then ?—A. I think that it is a synopsis of the law under which the grant was made to the North Pacific Railroad. There was a little memorandum in it, probably about as large square as this, [indicating a medium-sized envelope,] giving the figures of the amount of stock that was to be delivered under this contract.

Q. State all you can about that.—A. That is all I can state.

Q. Can you state what the figures were, or what the result of the figuring was ?—A. I cannot.

Q. Was there any writing on the paper, except by figures ?—A. Yes; there was some writing on it explaining about those figures, but I do not think it was much larger than that, [an envelope.]

Q. There were words written upon this paper which explained the meaning of the figures ?—A. Yes; I think so.

Q. Can you state what connection those figures had with the copy of the law which that paper contained ?—A. No, sir.

Q. Was it a printed paper ?—A. No, sir; it was a written copy.

Q. In whose handwriting ?—A. I cannot say, sir.

Q. In whose handwriting were the figures ?—A. I cannot say whose handwriting it was.

By Mr. BLAINE :

Q. Neither of them was in my handwriting, was it ?—A. No, sir.

By Mr. FRYE :

Q. Neither of those papers were numbered in your memorandum, were they ?—A. Yes; that contract was. The paper has "contract" written on the head of it.

Q. Don't you remember what number it has given to it on that memorandum ?—A. I don't remember.

Q. Where you mentioned this statement on your memorandum you call it a "contract" ?—A. Yes.

Q. And that expression "contract" covers this statement of the law and also the figures ?—A. The paper is headed on the top "contract of the North Pacific Railroad," and has in side of it this small paper with the figures on it.

Q. Does your memorandum refer to it under the head of a number ?—A. Yes.

Q. Do you remember what number ?—A. No, sir.

Q. And the reference that you make to it designates it as a "contract" ?—A. Yes.

By Mr. HUNTON :

Q. A contract between whom ?—A. A contract of the North Pacific Railroad, because it was giving, I think, a synopsis of the law under which this grant was made to the North Pacific Railroad.

Q. Why did you call it a "contract" ?—A. I don't know, I am sure; but that is what it was headed, sir.

Q. Was it headed so by you ?—A. By me. I only headed it that way instead of filing Mr. Blaine's letter. I said "contract of the North Pacific Railroad."

Q. Was there a letter accompanying it ?—A. No, sir.

Q. Can you state anything more distinctly so that we can understand something about that paper ?—A. No, sir; that is all I can say about it.

Q. This was a considerable piece of paper, as I understand you ?—A. A paper probably as large as that, [indicating an envelope,] on which the figuring-up was.

Q. I don't mean the part that had the figures on, but the part which had a copy of the law ?—A. That was a long sheet of, I think, foolscap paper; a sheet probably as long as this, [indicating a half sheet of foolscap.]

Q. That contained a manuscript copy of the law ?—A. I think so, but I hardly ever read it.

By Mr. FRYE :

Q. Do you mean to say you labeled it on the back, "Contract North Pacific Railroad" ?—A. Yes.

By Mr. HUNTON :

Q. Why did you label it "contract" ?—A. To distinguish it from a letter, so that if I was going to refer to it I should know what to refer to. Instead of saying "Letter from Hon. James G. Blaine," I put "contract" in this memorandum. I considered that if this stock was coming to them, it would show what it was. It was the figures of what stock would come to them under the \$25,000.

By Mr. ASHE :

Q. To show what was the one-eighth of the one-twenty-fourth ?—A. Yes.

By Mr. HUNTON :

Q. Were there any names upon that memorandum ?—A. No, sir.

Q. From whom did you get that paper ?—A. I got it from Mr. Fisher.

Q. Do you know where Mr. Fisher got it ?—A. No. I presume he got it from Mr. Blaine. I don't know.

Mr. HUNTON, (to Mr. Fisher.) State where you got that letter that Mr. Mulligan is now speaking about.

Mr. FISHER. I didn't hear his testimony,

Mr. HUNTON. He said it was a manuscript copy of the law making a grant to the North Pacific Railroad.

Mr. FRYE. A synopsis of the law ?

Mr. HUNTON. No ; a copy of it.

Mr. MULLIGAN. I never read it all through. I called it a " synopsis " of the law.

Mr. HUNTON. It was a portion of the law, and appended to that copy (or portions of the copy) of that law there was some figuring. Do you remember such a paper ?

Mr. FISHER. No, sir ; I don't.

Mr. BLAINE, (to Mr. Fisher.) Did you ever tell Mr. Mulligan that I sent such a paper to you ?

Mr. FISHER. I don't remember of my having it at all.

Mr. BLAINE, (to Mr. Mulligan.) Was there anything on that paper indicating that I sent it ?

Mr. MULLIGAN. No, sir.

Mr. HUNTON, (to Mr. Mulligan :)

Q. Where did you find this paper ?—A. Among Mr. Fisher's papers.

Q. With what other papers was it ?—A. All these were Mr. Fisher's private papers, and in his private drawer, where I got the others.

Q. Were they mixed up with any other papers than Mr. Blaine's and Mr. Fisher's ?—A. No, sir. There was other private correspondence there. Mr. Fisher's and Mr. Blaine's letters were all together.

Q. Was this among the letters of Mr. Blaine and Mr. Fisher ?—A. And other correspondence.

Q. The bundle did not contain alone Mr. Blaine's private correspondence ?—A. The bundle that I brought here did.

Q. But I mean the bundle in which you found this paper.—A. They were all scattered through the desk.

Q. Was there any paper that Mr. Blaine got from you and which you brought from Boston that has reference to this Northern Pacific Railroad at all ?—A. No, sir ; I don't think there is.

Q. Is there any paper among these letters which Mr. Blaine received from you that refers to any Pacific Railroad ?—A. No, sir.

Q. Is there any letter other than the one you speak of among that bundle that had reference to the Little Rock and Fort Smith transaction as connected with the Union Pacific Railroad ?—A. No, sir.

By Mr. BLAINE :

Q. And that only inferentially. There was no Union Pacific mentioned.—A. No, sir ; I have stated that.

By Mr. HUNTON :

Q. Then you know of no paper which you had, and which Mr. Blaine got from you, which throws any light upon the matter of the Little Rock and Fort Smith Railroad bonds, which went into the hands of the Union Pacific Railroad Company, or of any Pacific railroads ?—A. Only what I have stated, sir.

Q. Did you ever have a conversation with, or hear a conversation between Mr. Blaine and Mr. Fisher, in regard to this letter and receipt of Mr. Blaine's proposing to sell for \$25,000 or one-eighth of one twenty-fourth of the franchise ?—A. No, sir ; I don't think I ever saw that letter.

Q. Did you ever hear any conversation about it ?—A. I never heard it. All I know is they gave me the contract.

Q. What contract ?—A. The contract that Mr. Blaine gave ; this very thing that Aquila Adams gives a copy of. They gave that copy to me, and this receipt of Mr. Adams's, exactly as it is here, to keep.

Q. What was the contract ?—A. That is stated in the paper. There was a contract and a letter.

Q. There was a contract besides that letter ?—A. Yes.

By Mr. BLAINE :

Q. There was a contract besides that receipt, you mean ?—A. There was a contract in the first place besides that receipt.

Mr. BLAINE, (to the witness.) Read the whole of that receipt.

The WITNESS. I say that is a receipt which you gave for the money at the time, but there was a contract besides that.

Mr. BLAINE. I want you to read that receipt.

The witness read the receipt, as follows :

“BOSTON, December 1, 1870.

“Received of Warren Fisher, jr., twenty-five thousand dollars, in trust, in consideration of which I am to deliver to the said Fisher properly-authenticated certificates of an interest in the North Pacific Railroad Company equivalent to one-eighth ( $\frac{1}{8}$ ) of one of the twenty-four (24) principal shares in which the franchise stock of said company are divided.

“Certificates to be in the name of Elisha Atkins.

“Witness my hand.

“JAMES G. BLAINE.”

By Mr. BLAINE :

Q. That is what you mean by the contract ?—A. Yes.

Q. There was no other paper ?—A. No, sir.

By Mr. HUNTON :

Q. Did you ever hear any explanation of how Mr. Blaine was able to sell that much of the franchise ?—A. I never heard it, sir.

Q. Was that contract a subject-matter of the settlement which you had with Mr. Blaine ?—A. Yes.

Q. That contract was ?—A. Yes ; this receipt was in the settlement.

Q. Mr. Blaine was charged up with the \$25,000 ?—A. Yes ; and interest.

Q. Why was he charged up with the \$25,000 instead of delivering that one-eighth of one twenty-fourth ?—A. I understood he could not deliver it.

Q. Why could he not deliver it ?—A. Or that Mr. Fisher refused to take it after so long a time having elapsed. There was a certain period of time within which it was understood it was to be delivered, or else a “reasonable time.” It had run nearly two years, or a year and a half, any way. Mr. Fisher and the other party (Mr. Adams) refused to take the stock.

Q. Then, Mr. Blaine returned the money because Mr. Fisher declined ?—A. Because Mr. Fisher declined.

Q. He declined to take the stock on account of the delay in delivery ?—A. Yes.

Q. Why was that delay in the delivery ?—A. That I cannot tell you.

Q. Did Mr. Blaine explain why he had been delayed in delivering it ?—A. He never explained to me.

Q. Or in your hearing ?—A. No, sir.

Q. Is this all that you know about this transaction in regard to the Northern Pacific Railroad ?—A. All I know about it, sir, is that I paid him that money and he paid it back on the 21st day of September, 1872.

Q. Is that all you ever heard or knew about it ?—A. Yes, sir.

By Mr. BLAINE :

Q. Do you know any fact in regard to that paper that enables you to say that you sent it to Mr. Fisher ?—A. No, sir ; I said I supposed so ; that was all.

Q. When you were subpoenaed before this committee were you ordered to bring any papers ?—A. No, sir ; I was not ordered to bring any papers.

Q. What was your motive in bringing those papers ?—A. My motive was to refresh my memory about anything I might be asked.

Q. Did you know at the time you were summoned here in regard to this Northern Pacific matter ?—A. I did not know what I was summoned for ; I knew it must be about something of this kind. I knew when I saw this letter of Mr. Aquila Adams that there was no way that my name could have got into this matter except in that way. I never named to anybody that I knew anything about your transactions.

Q. And then you picked these letters all out that you thought might bear on this case ?—A. Yes.

Q. And all the documents you could get relating to the Fort Smith road ?—A. I had a pile of letters of yours and brought them with me. Mr. Fisher went down with me on last Sunday to the safe in Doane street, and helped me to take them out.

Q. The other day you stated under oath that you were friendly to me.—A. Yes ; I said I was not unfriendly.

Q. Have you ever had occasion to have any grudge against me ?—A. Well, no ; not to any great extent.

Q. Well, to how great an extent ?—A. Well, I have thought, as Mr. Atkins remarked the other day, that you didn't treat me exactly right in a settlement once.

Q. In what matter ?

The WITNESS. Do you want me to go into that?

Mr. BLAINE. As far as my questions go, I do.

The WITNESS. I am willing to go into the whole transaction. There is nothing in my whole life that I am not willing to show to the world, but I want the right to examine you (Mr. Blaine) afterward on the same subject. I am perfectly willing it shall be done before all these gentlemen, but it has nothing whatever to do with this matter. I can certainly say that I have no unfriendly feelings toward you, sir. I would not injure you in any way whatever.

Adjourned to June 5, 1876, at 10 a. m.

WASHINGTON, D. C., June 7, 1876.

#### LUTTRELL RESOLUTION.

Mr. Frye, on behalf of Mr. Blaine, requested that the committee should incorporate and print with the record the telegram from Josiah Caldwell.

Mr. HUNTON. The special committee will take the motion under consideration.

BENJAMIN F. RICE sworn and examined.

By Mr. HUNTON:

Question. State your residence and occupation.—Answer. My residence is Little Rock, Ark. I am an attorney at law.

Q. Have you ever had any connection, official or otherwise, with the Union Pacific Railroad Company?—A. No, sir.

Q. Or with the Little Rock and Fort Smith Railroad Company?—A. No, sir; but I will explain that the records show that I was once elected a director of that company, and had five shares of stock assigned me, which I never accepted. I have never acted as a director.

Q. For what purpose was that stock assigned to you, and by whom?—A. To qualify me as a director. I don't know by whom.

Q. Were you to pay for that stock, or just to receive it, so as to qualify you as a director?—A. I simply received it, so as to qualify me as a director. It was not delivered. I never knew it was transferred to me until in a suit in which I am attorney against the road, I found my name on the list of stockholders, with five shares of stock.

Q. You don't know who assigned that stock to you?—A. No, sir.

Q. You never heard who assigned it?—A. No, sir; I never heard that it was assigned.

Q. Until then?—A. Until then; within less than a year.

Q. And you heard nothing about it since?—A. No, sir.

Q. Have you ever been concerned, officially or otherwise, with any other Pacific railroad which received aid from the Government?—A. No, sir.

Q. Do you know anything of the 75 bonds of the Little Rock and Fort Smith Railroad Company which went into the hands of the Union Pacific Railroad?—A. No, sir.

Q. Nothing of your own knowledge or by hearsay?—A. Nothing only what I have seen in print recently.

Q. Do you know anything of the disposition of the Little Rock and Fort Smith Railroad bonds?

The WITNESS. By the company?

Mr. HUNTON. By Mr. Fisher or Mr. Caldwell or anybody.

A. No, sir.

Q. Do you know anything of the disposition of those bonds by the company?—A. They were transferred by the company in what was called an exhaustive contract, to Messrs. Denckla and Haney. That was the original transfer.

Q. Do you know of any money or bonds used by any of these Pacific Railroad companies for the purpose of promoting legislation?—A. No, sir.

Q. Have you heard of any?—A. I would have to study a little in order to say whether I have seen anything except what I have seen publicly.

Mr. HUNTON. Take your time, sir, and reflect upon it.

The WITNESS. [After a pause.] I do not think I have, except what I have seen in the public prints. I have not heard of any specific cases other than that.

Q. You don't know, then, of any of these Pacific bonds or stock used by those companies to promote legislation?—A. No, sir; I do not.

Q. And you have heard of no case?—A. None that I recollect—no specific case.

Q. Do you know of a case that is not specific?—A. I have heard a general rumor in regard to all these roads—that means were used to get their legislation, but I have not heard of any particular person or member of Congress, or any other official, or any given sum.

Q. State whether it was given to persons other than members of Congress.—A. Not that I know of.

Q. Have you heard of it?—A. Not to any given person.

Mr. HUNTON. I do not want to go into general rumor.

The WITNESS. I presume not.

Q. Do you know anything about the Northern Central Pacific?—A. Nothing whatever, sir.

Q. Don't you know anything about the sale of its franchise, or anything connected with it?—A. No, sir.

Q. You have never heard anything?—A. No, sir.

Q. Then you know absolutely nothing about the subject-matter of investigation that has been going on for several days here in your presence?—A. I do not, sir.

Q. You know it neither by your own knowledge nor by hearsay from any given person?—A. No, sir.

Q. Were you ever connected with the land-grants of any of these roads?—A. No, sir.

Q. Do you know anything about the commissioners appointed to receive the roads?—A. Nothing.

By Mr. ASHE:

Q. Do you know, either from your own knowledge or from what you have heard from any other person, anything in regard to certain bonds that were transferred to Thomas A. Scott?—A. No, sir.

WASHINGTON, June 7, 1876.

NATHANIEL S. HOWE sworn and examined.

By Mr. HUNTON:

Question. State your residence and occupation.—Answer. Haverhill, Massachusetts. I am not engaged in any business at present.

Q. Have you ever been connected officially or otherwise with the Union Pacific Railroad?—A. No, sir.

Q. Or with the Fort Smith and Little Rock Railroad Company?—A. I was land-commissioner of the Little Rock and Fort Smith for about four and a half years, and I was at one time a director in the company.

Q. Do you know of the disposition of the bonds of that company?—A. I do not.

Q. Do you know it of your own knowledge, or from hearsay—excluding what you may have heard from Mr. Caldwell?—A. No, sir; I should say not. I have heard a good deal of talk about the bonds, however.

Q. Do you know of the contract between the company and Warren Fisher?—A. No, sir; that was before I had connection with it.

Q. At what time did you become a director?—A. I should think I was a director in the fall of 1873, at the annual election of 1873 or 1874.

Q. Do you know anything of the bonds of the Little Rock and Fort Smith Railroad Company which afterward went into the hands of the Union Pacific Railroad Company?—A. No, sir.

Q. Have you heard anything on the subject?—A. Nothing except what has grown out of this case. I never heard the matter mentioned before.

Q. Do you mean that you never heard the matter mentioned before the publications on the subject growing out of this investigation?—A. That is what I mean.

Q. When was the first time you heard it mentioned?—A. Within three or four weeks—since the newspapers commenced talking about it.

Q. State what the market-value was of the Little Rock and Fort Smith Railroad bonds in the latter part of 1871.—A. I don't think I could state that.

Q. State it approximately if you cannot state it accurately.—A. I never knew of more than eight or ten bonds being sold, and those were at private sale. Those sold at from twenty-five cents up to sixty cents.

Q. What time was that?—A. I expect that was the fall and winter of 1871 and 1872, perhaps.

Q. They sold at from twenty-five cents up to sixty cents?—A. Yes. About eight or ten bonds.

Q. Who bought the bonds at sixty?—A. Mr. Thomas Saunders and Mr. Costell, of Little Rock.

Q. Did they buy them as a regular transaction, or was the company indebted to them?—A. No, sir; they bought them at private sale.

Q. Who from?—A. My impression is, from Josiah Caldwell.

Q. Had not those bonds been pawned as collateral?—A. I could not tell you, sir.

Q. How many bonds did they buy?—A. Three or four.

Q. Did they get with these bonds any bonus?—A. No, sir.

Q. It has been testified to here that in many sales of these bonds the purchaser bought

the bonds, and got with them other bonds of the company, and stock.—A. That was not the case with these bonds.

Q. Then you know nothing about these Pacific Railroads; how they got their subsidies from the Government, or anything else?—A. Nothing at all, sir.

Q. Do you know anything at all bearing upon the matters connected with the investigation that has been going on here for the two or three days which you have witnessed?—A. Nothing occurs to me.

Q. Well, think a moment, and see if anything will occur to you.—A. I know nothing about these bonds, sir, except those few bonds that I have referred to, and I never knew anything of the original disposition of the bonds by the Fort Smith Railroad, except by rumor that they were sold by Mr. Caldwell, as has been stated here.

Q. Did you ever hear from anybody that Col. Thomas A. Scott owned 75 of the Little Rock bonds?—A. No, sir; not until this investigation.

Q. You never heard anything on that subject from Colonel Scott or anybody else?—A. No, sir.

Q. Did you ever hear from any member of the board of directors of the Union Pacific Railroad Company as to how those 75 bonds of the Little Rock and Fort Smith Railroad Company were acquired?—A. No, sir.

Q. Are you acquainted with Mr. Rollins, who was at one time treasurer of the company, as I believe?—A. He was treasurer of the Union Pacific. I have met him.

Q. Did you ever have any conversation with him?—A. No, sir.

Q. Do you know James F. Wilson, the Government director of that road?—A. No, sir.

Q. Do you know Mr. Oliver Ames?—A. I have met him. I was casually introduced to him. I never conversed with him.

MR. BLAINE. I desire to call the attention of the committee, and of the public, to certain facts with regard to the date of the appointment of the subcommittee having this matter in charge. I stated that this committee had been appointed on the resolution of Mr. Tarbox. Mr. Knott stated that it had been appointed long before, on the resolution of Mr. Luttrell. Now, it appears from your records that on the 2d day of May Mr. Tarbox's resolution was adopted and referred to you, and on the 3d day of May Messrs. Hunton, Ashe, and Lawrence were appointed a subcommittee upon it. I want particular attention to this on the part of the committee and the reporters. Mr. Luttrell's resolution was adopted upon the 3d day of January, but the subcommittee, composed of Messrs. Hunton, Ashe, and Lawrence, was appointed upon the 3d of May. I stated in the House that this committee had been appointed on the Tarbox resolution, and the chairman of the Judiciary Committee stated that it had been appointed long before, under the Luttrell resolution.

MR. HUNTON. You are doing an injustice to Judge Knott, Mr. Blaine. If I remember his statement it was that this committee had been appointed on the Luttrell resolution, but when he came to look it up he found it had never been entered on the record.

MR. BLAINE. But Mr. Lawrence never heard of his appointment on the committee until after the Tarbox resolution was adopted.

MR. ASHE. What was your statement in regard to Judge Knott?

MR. BLAINE. My statement was that Mr. Knott contradicted me before the House, when I stated that this committee had been appointed in this manner. I objected to you two gentlemen being my triers.

MR. ASHE. Because we were in the confederate army?

MR. BLAINE. Yes.

MR. ASHE. Well, I never was in the confederate army.

MR. BLAINE. We will not mind about that now. There is a question of veracity between Mr. Knott and myself. He stated that this committee was appointed long before this resolution of Mr. Tarbox was adopted.

MR. ASHE. He stated that this committee was appointed before he heard of any charges against you in connection with this matter.

MR. BLAINE. But it was all based upon my explanation in the House, which was a week before.

MR. ASHE. I think the Tarbox resolution had reference to something else.

MR. BLAINE. Then you strangely misunderstood it. Had I not made my public explanation on this question in the House?

MR. ASHE. I did not hear your public explanation.

MR. BLAINE. But Mr. Knott did. What I stated was that this committee was appointed under the Tarbox resolution; then it was appointed on the Luttrell resolution the same day. I want that distinctly understood.

MR. ASHE. I did not see the issue between you and Mr. Knott about it.

MR. LAWRENCE. Mr. Knott says he designated a subcommittee on the Pacific Railroads away back of May, and he says that he came to my seat in the House and notified me that I was to be on a subcommittee on the Pacific Railroads. That fact had totally escaped my recollection when he called my attention to it this morning. I now believe that that is the fact; that he did come to my seat in the House, I think it must have been a month or more before May, and said to me that I was to be on a subcommittee on Pacific Railroads. At that time I had heard nothing about any investigation of Mr.

Blaine at all, and the first indication I had that I was on any subcommittee to investigate Mr. Blaine was the week before we went over to the Philadelphia celebration.

Mr. BLAINE. That corresponds exactly with the date, and with my statement.

Mr. HUNTON. Yes; but it corresponds with Mr. Knott's statement.

Mr. BLAINE. There is no record to sustain it.

Mr. LAWRENCE. Mr. Hunton said to me on the 3d of May, a week before going to Philadelphia, that I was on a subcommittee with him and Mr. Ashe, under the Tarbox resolution. He said, if I remember correctly, that that affected Mr. Blaine, and that I should say to Mr. Blaine that so far as he was concerned he felt disposed to consent Mr. Blaine's convenience about the time when he would commence the examination. That is correct, I believe?

Mr. HUNTON. I do not know about the exact phraseology.

Mr. LAWRENCE. Of course not; but that was the idea.

Mr. HUNTON. "Which was said to affect Mr. Blaine," was, I believe, the language I used.

Mr. LAWRENCE. Yes; that I do not recollect exactly; but that it was said to affect Mr. Blaine, and that I should say to Mr. Blaine that the committee would be disposed to consult Mr. Blaine's convenience about the beginning of the investigation. I said I supposed we would not commence until after we got back from Philadelphia. I saw Mr. Blaine, and he said that that would suit his convenience, and so the matter was laid over. That was the first time I heard of any subcommittee relating to Mr. Blaine at all.

Mr. HUNTON. I recollect very well that the first meeting we had was, I think, prior to the Tarbox resolution, in which an examination was held at my room in your (Mr. Lawrence's) absence, upon the question of the lost bonds of the Union Pacific Railroad.

Mr. BLAINE. Well, then, it was not on that resolution, because that was adopted May 2d.

Mr. LAWRENCE. There was a meeting on that evening, I believe, on the question of the lost bonds. I believe that Mr. Hunton notified me about a meeting on that question.

Mr. HUNTON. No; not a meeting on the lost bonds, but a meeting.

Mr. LAWRENCE. Well, a meeting.

Mr. ASHE. Yes; under the Luttrell resolution.

Mr. LAWRENCE. Yes; and I think he told me that there would be an examination upon the question of what was called the lost bonds.

Mr. HUNTON. Very likely I did.

Mr. LAWRENCE. Yes; you told me that. I told you, if I remember correctly, that as that was the subject of the inquiry, I supposed it was not material whether I should be there or not, and that probably I could not be there, but to go ahead notwithstanding.

Mr. HUNTON. I think you promised to be there, but did not desire that we should wait for you. I think you said that you would try to be there, but to go on if you should not get there.

Mr. LAWRENCE. Yes. Then we had another meeting and took testimony with relation to the question of what was called the lost bonds, at the room of the committee either on Revolutionary Pensions or the Pacific Railroad Company. I think that there we took the testimony of General Dodge.

Mr. HUNTON. You will recollect that long before that time Judge Knott had spoken to you about being on this committee.

Mr. LAWRENCE. Yes; one of a subcommittee on the Pacific Railroad question. At that time I had no idea or knowledge that there was to be any investigation of Mr. Blaine whatever.

Mr. BLAINE. I undertake to say that General Dodge's examination was after May 3.

Mr. HUNTON. Possibly so; nobody has dated General Dodge's examination.

Mr. BLAINE. Then it does not sustain the point that your committee examined General Dodge before this announcement.

Mr. HUNTON. Nobody says it does.

Mr. BLAINE. How do you establish the organization of that committee, then?

Mr. HUNTON. The organization was at my room before General Dodge was examined.

Mr. BLAINE. Who was examined on that occasion?

Mr. HUNTON. A Mr. Ham, I believe, was the man.

Mr. BLAINE. Before May 3?

Mr. HUNTON. I do not say that; I don't remember the date.

Mr. BLAINE. That is the whole point. Mr. Tarbox's resolution was passed on the 2d of May. Your committee was appointed on the 3d of May, and it then appears that they lapped it over, as I say, by having the Luttrell resolution given in their charge.

Mr. HUNTON. You can make what point you please about that, sir. We are getting at the facts of the case now; and, as I understand those facts, they are that Judge Knott told the three members of this committee, who have so stated to-day, that they were appointed members of this committee.

Mr. BLAINE. You will acknowledge that the records are on my side?

Mr. HUNTON. I will acknowledge from your statement—

Mr. BLAINE, (interposing.) The records justify my statement.

Mr. HUNTON. I have never looked at that at all. If there is any parol evidence outside of these, I have no means of knowing about it.

Mr. BLAINE. The record will show that Mr. Ham's examination was after May 3 also. What I want to get at is whether your committee as here constituted was appointed before Mr. Tarbox's resolution.

Mr. ASHE. I object to the members of the committee being put on the stand here in regard to Mr. Blaine's personal understanding of these matters.

THOMAS A. GREENE sworn and examined.

Mr. BLAINE. I want to say a word in regard to this examination, which, I believe, purports to be an examination into the Kansas Pacific Railroad.

Mr. HUNTON. How do you know, sir?

Mr. BLAINE. You so stated to me some time ago.

Mr. HUNTON. With reference to this witness?

Mr. BLAINE. Yes.

Mr. HUNTON. Well, if I have so stated I will not deny it.

Mr. BLAINE. I so understood you; I understood that this is to be a new feature—an investigation into the Kansas Pacific Railroad. I understand from outside authority, newspaper authority—General Boynton, of the Cincinnati Gazette—that this gentleman is called here to testify to certain transactions between myself and Joseph B. Stewart. Now, Mr. Joseph B. Stewart is within reach, and I want him here, before this witness is examined. You can get a summons to Mr. Stewart immediately at No. 35 Broadway, New York, and I want him here.

Mr. HUNTON. I gave notice two days ago that we would summon J. B. Stewart for you, or anybody else you may want.

Mr. BLAINE. I never received any notice, or heard of it until this moment.

Mr. HUNTON. I gave that notice to Mr. Frye.

Mr. FRYE. Yes; Mr. Hunton told me that.

Mr. BLAINE. Mr. Frye never communicated that fact to me.

Mr. HUNTON. Mr. Frye told me that he did not know that Mr. Blaine wanted Mr. Stewart examined.

Mr. BLAINE. Well, I never knew of that notice until this moment.

Mr. Hunton had a subpoena by telegraph issued for Mr. Joseph B. Stewart, whereupon the examination of Mr. Green proceeded.

By Mr. HUNTON:

Question. State your residence and avocation.—Answer. I reside at present at Saint Joseph, Missouri. I am a lawyer by profession.

Q. Do you know anything of the operations and details of the Kansas Pacific Railroad in regard to its bonds, stocks, and other matters?—A. I do, sir.

Q. State all you know, if you please.

Mr. FRYE. Mr. Blaine's request was that this witness be not examined until, as I understood him, Mr. Stewart should be present. Do I understand that request to be denied?

Mr. HUNTON. I did not so understand the request.

Mr. BLAINE. I did make such a request.

Mr. HUNTON. I do not mean to say you did not, but I say that I did not so understand it.

Mr. BLAINE. I should like to make it now, formally.

Mr. HUNTON. That will be considered. The only difficulty is that the committee has been charged with prolonging this investigation, and we want to use time as economically as possible.

Mr. BLAINE. Not this investigation, because this is only just begun. The Luttrell resolution is interpreted by this committee to refer to me.

Mr. HUNTON, (interposing.) No, sir.

Mr. BLAINE. I will venture to say that this witness will be asked a question in five minutes that will relate to me; the whole North Pacific matter was brought in here and you came directly to me, and now the whole Kansas Pacific matter, in all its relations to the Government—a large inquiry designed to elicit information as to its dealings with the Government—is to be gone into. I want to say that formally—not that I care for the investigation, but I want the country to look into the spirit of it. Here is the Luttrell resolution looking into all the relations of the Pacific Railroads with the Government, and inquiring whether or not they discharged their duty to the Government. In regard to the North Pacific it was a little bit of a transaction in Boston, and now Mr. Greene is summoned, as I understand, to testify to certain bond transactions between myself and Joseph B. Stewart. That is what I understand from General Boynton's dispatch to the Cincinnati Gazette, and of course I object to the whole spirit of the investigation.

Mr. HUNTON. You were informed, when we were going to take up this branch of the inquiry, that this was an investigation that would take months. It was charged in the newspapers and explained by yourself on the floor in regard to one, if not both, that a portion of this investigation would relate to you.

Mr. BLAINE. Not this, certainly. The Tarbox resolution I knew was aimed at me.

Mr. HUNTON. But did you not make an explanation in regard to the Kansas Pacific matter?

Mr. BLAINE. Yes; but what ground does that give you to—

Mr. HUNTON, (interposing.) None whatever; but if you let me finish my statement you will understand what I have to say. I was going on to say that when I informed you that this resolution of Mr. Luntrell's would require months of labor at the hands of this committee to complete it, and that as it had been charged that a portion of it would relate to you, and as it was your desire that the examination should be promptly made so far as you were concerned, I proposed, if it was agreeable to you, and for the purpose of promoting your views as to a prompt investigation, to come at once to those two roads in which you were supposed to be involved, and you said, "Go on."

Mr. BLAINE. I could not say anything else; but the idea of my being involved in them was—

Mr. HUNTON, (interposing.) I do not say that you were involved criminally in them, or in any other way, but there was enough to draw at least an explanation from you on the floor of the House.

Mr. BLAINE. Yes; and that ought to have ended it; but where you get authority under that resolution to go into my private matters is what I do not understand.

Mr. HUNTON. I do not, only so far as it affects that road.

Mr. ASHE, (to Mr. Blaine.) You expressed a willingness to have it gone into.

Mr. BLAINE. Certainly I did, but I want to say at the same time that it is a forced matter, and that it is done for a purpose; and I want to show, further, that after this committee was appointed under the Tarbox resolution, this Luntrell resolution was put in charge of the same committee for a purpose. That is what I want to show.

Mr. HUNTON. So far as I am concerned, as one member of this committee, I deny, out and out, that there is any personal purpose in this committee, and I desire you to so understand it, and when any statement is made to the contrary I want you to understand that I say that it is not so.

Mr. BLAINE. We will let the records stand. I withdraw my objection to the taking of Mr. Greene's evidence at this time.

By the CHAIRMAN:

Go on, Mr. Greene, and make your statement.

Mr. GREENE. Some time prior to 1864, or about that time, the Union Pacific Railroad, Eastern Division, issued about \$5,700,000, of what they called temporary construction-bonds. Those bonds were secured by a deed of trust on a large portion of the donation of public lands which the road had obtained from Congress; possibly at the option of the railroad company, money or other bonds were to be substituted for them. They were not negotiable instruments. About that time the company entered into a contract with Samuel Hallett, first, by resolution of the board and afterward by written contract, by which it agreed to give him all of its land-grant bonds and county bonds, (a number of counties and cities had issued bonds,) and all the bonds or subsidies that could be afterward obtain from Congress, for constructing the road. He took in with him John D. Perry, of Saint Louis, and very shortly afterward Thomas C. Durant, of New York.

By Mr. FRYE:

Q. Was the contract in writing?—A. Yes; it is here, {among his papers.}

Q. Have you got a copy of it?—A. Yes.

By Mr. HUNTON:

Q. You will make the contract a part of your record?—A. Yes; I will do so in its order. Thomas C. Durant was made the financial agent of these three parties, and all of those contract-bonds and all the assets, so far as I know, were placed in his hands to raise funds, &c., for building the road. About the 24th of October, 1864, Thomas C. Durant gave Joseph B. Stewart \$250,000 of these temporary construction-bonds; and if the committee will permit, I will read extracts from the sworn testimony of Thomas C. Durant as to the use to which he put them. I read from the printed depositions of Thomas C. Durant, in the case of Joseph B. Stewart against the Union Pacific Railway Company, Eastern Division, in the circuit court of the United States for the district of Kansas:

"45th question. When was it you got the bonds in New York? Give the date, as near as you can.

"Answer. In September or October, 1864, I gave an order first for 250. I got that 250 by Mrs. Train's order. The rest I got in a similar way by my orders, received by me from Mrs. Train. Mr. Crane managed the details. I gave the order on Mrs. Train for the bonds, and Crane did the business. All the bonds which I got in Washington came to me in this way in New York. The party bringing them on having deposited them in their own name, it required an order from them for the bonds, and this order I got through Henry C. Crane. The order was drawn by Mrs. Train upon Henry C. Crane, who had taken charge of the bonds for her, and who had deposited them in her name. I was not in New York at the time the bonds arrived. If I had been I would have got them myself.

"46th question. You say that you first received an order for \$250,000. Where did they go to ?

"Answer. I think they went to J. B. Stewart, but am not positive. I think there were 640 bonds of \$1,000 each. Of these \$250,000, or thereabouts, went to J. B. Stewart, as above stated. The remainder were held as security for a loan negotiated by Crane for me. I can give the particulars by referring to my books and memoranda, and will do so. I cannot now state whether the loan referred to was a single loan or several loans. Henry C. Crane is assistant treasurer of the Credit Mobilier, of which I am president, and he has heretofore been my cashier.

"47th question. Who is the J. B. Stewart referred to ; what is his business ?

"Answer. J. B. Stewart of Washington, a lawyer.

"48th question. What disposition was to be made of the bonds which Stewart received : and, if he parted with them, to whom did they go ?

"Answer. I don't know that I can give you the first name. Stewart was to dispose of them to pay obligations of the company. The details I don't know."

On page 43 of the same book, I read from the printed deposition of Joseph B. Stewart himself. He there, under oath, states his own case as follows, without having any questions put to him :

"I did act as the attorney of said corporation defendant ; I did so at the request and employment of said Hallett, Perry, and Durant.

"They wanted to increase their basis of capital, and to secure further aid from the United States Government, and I was employed for that purpose, and I was also employed to resist the action of John C. Fremont, who had organized a separate board of directors, and elected officers, of which said Fremont was president, and claimed the right to speak and act for the said corporation defendant before Congress, and had neutralized completely the action of said Hallett, Perry, and Durant. I accepted and performed such service, and besides framing many, if not most of the measures to be adopted, and appeared before the Pacific Railroad Committee and made repeated, written and oral, arguments, at one or more of which the said Perry, Hallett, and Durant were present ; and I further state that, when all other plans for strengthening the financial condition of said corporation had failed, I submitted, and I believe am entitled to be regarded as the author of the 10th section of the act of Congress of 1864, which doubled the capital basis of the corporation defendant, and other roads provided for in said act of Congress, during which time I was much complimented by the president and other officers, and representatives of the corporation defendant.

"I further state that, during the summer of 1864, I purchased and paid for one hundred and twenty-four of the said corporation defendant, series "B," bonds, and I was paid thirty of said bonds as a fee for my services, and I never received any other compensation. I purchased the hundred and twenty-four bonds in this way : said Hallett and Durant, acting for the corporation defendant, had issued various stipulations and agreements to be paid in bonds, and having faith in the success of said corporation, I was induced to purchase and take in said stipulations. I mainly purchased through George W. Chase, of New York ; but before I purchased any of them, I consulted with said Hallett and Durant, and I purchased some of them from said Hallett direct, who required money, and I was induced to let him have it, agreeing to take said bonds. I further state that, besides the hundred and twenty-four bonds I purchased, and the thirty paid me for my services, there were ninety-six of said bonds placed in my hands in trust for other parties, making in all two hundred and fifty of said bonds which came into my hands, which was the amount accredited to and agreed to be paid to me after the 2d of July, 1864, at which time I had a full and complete settlement with said Hallett and Durant, and surrendered to said Hallett the several orders for bonds which I had purchased, and took his general order on Durant for that amount, which the latter accepted and agreed to pay."

He further states that a number of the parties for whom he held the \$96,000 in trust were strangers to him. This matter went on for some time ; these temporary construction-bonds were not paid, nor were other bonds substituted for them.

By Mr. LAWRENCE :

Q. You say there were not ?—A. Not for awhile. Samuel Hallett got killed suddenly by one of his men, and a difficulty at once arose between the parties, Thomas C. Durant and others. There were about five or six law-suits commenced by the different parties, and injunctions issued from New York and other courts, until proceedings were entirely or almost entirely stopped. On the 6th day of January, 1866, a proposition was made by Mr. Stewart to Judge John P. Usher, attorney for the railroad company, for a general compromise. Judge Usher's address is Lawrence, Kansas. A settlement was made by which Thomas C. Durant—but I suppose the committee does not care about all this matter, except only such as bears upon these particular bonds.

Mr. HUNTON. Answer the question in such manner as you think proper, sir.

Mr. BLAINE. Bears upon what ?

The WITNESS. This compromise between Durant and the railroad company. Thomas C.

Durant was to receive \$25,000 cash down, and three notes of the company of \$25,000 each, payable in New York in six, nine, and twelve months, respectively. Durant to receive \$400,000 bonds of the company same date in \$1,000 ten-year bonds, interest at seven per cent., payable in New York, bonds to be secured by mortgage on the Government lands of the company. Durant was to have the option of \$25,000 of the same bonds, or \$100,000 in full paid-up stock on the basis of \$10,000,000. This compromise was to settle suits in New York by Durant and Crane against the company, and all Durant's claims against the company. It was to settle the Kansas suits; and also suits against John D. Perry, individually, and to settle the \$150,000 in contract going to Mrs. Train from T. C. Durant, but leaving Train's claims for \$350,000 against Hallett, with interest at seven per cent., *in statu quo*. It is stated in this book of testimony in the case of Stewart against the Union Pacific Railway Company that George Francis Train and wife got \$500,000, and Joseph B. Stewart \$250,000, making \$750,000 of those bonds which Thomas C. Durant had.

By Mr. HUNTON:

Q. I understand that Thomas C. Durant represented a construction company?—A. The Credit-Mobilier. He swears that it is the Credit-Mobilier of America. I do not know that it was organized; but it had both the constructing of the railroad and the control of the company.

Q. And as such representative of this company he received those bonds from the Kansas Pacific?—A. Yes.

Q. And disposed of them in the manner you state?—A. Disposed of them in the manner I state, to obtain the release by the Government of its first-mortgage bonds, of, I think, \$5,700,000, and allowing the company to issue other bonds to the same amount, \$5,700,000, and give the Government a second mortgage. That is what it was used for.

Mr. FRYE. Is not this the precise matter that was thoroughly investigated by the Wilson committee?

Mr. HUNTON. I think not.

Mr. BLAINE. Every inch of it; Credit-Mobilier No. 2 contains all of it.

Mr. FRYE. All this which the witness is giving sounds very familiar to me.

The WITNESS. These bonds that Durant got were to be exchanged for ten-year seven per cent. land-grant bonds, and were all exchanged by the company, but about \$154,000, which Durant, after the settlement, gave or conceded belonged to Joseph B. Stewart. Joseph B. Stewart was not known in the settlement at all. The suit in Kansas was commenced by Joseph B. Stewart against the Kansas Pacific Railroad Company to compel a specific performance of that contract, so far as those 154 bonds were concerned. Stewart had assigned the subject-matter of the bonds or the suit to Judge Bonney, of New York, and William A. Coit, to secure them in what they claimed, \$79,000.

Mr. HUNTON. Mr. Knott desires to make a statement at this point in regard to the appointment of the subcommittee.

Mr. KNOTT. I have just been told that Mr. Blaine has called attention to an entry on the docket of the Committee on the Judiciary, to show that this subcommittee was appointed on the third of May.

Mr. BLAINE. That is what the docket says.

Mr. KNOTT. Precisely, and I understand that Mr. Blaine has called the attention of the reporters to that fact in order to show that I told an untruth.

Mr. BLAINE. I said that you contradicted my statement, and that it was a question of veracity between us.

Mr. KNOTT. I did not contradict any statement you made.

Mr. BLAINE. When I had stated that this committee had been appointed to examine this matter, you rose and said this committee had been appointed before, and that you had not heard of my name in connection with the matter.

Mr. KNOTT. I understand that Mr. Blaine has called the attention of the reporters—

Mr. BLAINE. I called the attention of the committee and the reporters.

Mr. KNOTT. Precisely so. We will now have the facts, and I will be obliged to the reporters to give the facts as I state them. Some time after what is known as the Luttrell resolution was introduced, (how long I do not know, but within a comparatively short time,) I proposed to appoint a subcommittee to investigate the subject-matter of that resolution. I went to my friend Mr. Hurd and asked him if he would take a place on that subcommittee: he declined to do so, or asked to be excused. I went to Mr. Frye and proposed to him to take a place on the committee, but Mr. Frye remarked that he was in the minority and did not propose to do any more work than was necessary, or words to that effect. I then went to Mr. McCrary and asked him if it would be agreeable for him to serve on the committee. Mr. McCrary remarked that there was a gentleman of his State who was involved in those railroads in some way, and he would rather not serve on the committee. I then went to Judge Hunton and told Judge Hunton that I wanted him to take charge of that resolution, as chairman of the committee. He remarked that he would like to have me as chairman. I told him I would give him what assistance I could, but I wanted him to act as chairman of the committee. I went immediately to Mr. Ashe and told him also that I would appoint him on the committee, to which he assented. I then

went to Mr. Lawrence and told him that I wanted him to act on that committee, and he in his usual good-natured and pleasant manner, remarked in, I think, precisely these words, "Anything you say, Mr. Chairman." Now the precise date of this I cannot fix, but it was before Mr. Frye went North on the canvass. Whether I omitted to inform the clerk of the appointment of that committee or not, or whether I did inform him and he did not make the entry on the docket, I do not know. The committee, however, was appointed at that time, each gentleman consenting to act upon it. A day or two after the Tarbox resolution was passed, (I do not speak by the record,) the clerk of the committee asked me to whom I would refer it. I replied, "To the committee on the Pacific Railroad resolution." He looked at the docket and remarked that the names of the committee were not there, and asked me who they were. I responded, "Judge Hunton, Judge Ashe, and Mr. Lawrence." I suppose he made the entry at that time. I did not look to see whether he made the entries in both cases at that time or not, but those are the facts.

Mr. BLAINE. I desire to make a short statement at this point.

Mr. KNOTT. I desire first that those gentlemen who have heard me make my statement shall say whether I am correct or not.

Mr. HUNTON. So far as I know, your statement is, I think, the exact truth. I cannot state the day on which you mentioned this matter to me, but you had mentioned it to me, as chairman of the subcommittee to take charge of this investigation ordered by the Luttrell resolution, some long time before this other resolution was passed.

Mr. LAWRENCE. I do not think I was in the Hall when the Luttrell resolution passed, and I do not know under what resolution the subcommittee on the Pacific Railroad was appointed, but Mr. Knott called my attention to his having asked me to serve on the subcommittee, a fact which I had forgotten until he did call my attention to it, and I then remembered that he did, as he says, come to my seat, I think, in the House, and asked me to serve on that subcommittee; and I said to him, in substance, that anything he said, I would do. That matter escaped my attention entirely, as I have said, until he reminded me of it. There was nothing done under that appointment—

Mr. BLAINE, (interposing.) Until after the Tarbox resolution?

Mr. LAWRENCE. Until after the Tarbox resolution.

Mr. BLAINE. That is the point I want to get out.

Mr. LAWRENCE. When the Tarbox resolution was adopted on the 2d of May, General Hunton said to me that I was to act with him under the resolution, or something to that effect, and said to me that I should notify Mr. Blaine, or could notify him, and that he would arrange the time for commencing the examination to suit the convenience of Mr. Blaine. That was the first time that I had heard any intimation, so far as I can now remember, that there was to be any investigation of Mr. Blaine.

Mr. BLAINE. We found it out very quickly when the committee met, however.

Mr. LAWRENCE. Then it was arranged that nothing should be done until after we should return from the opening of the Exposition at Philadelphia the next week. Mr. Hunton notified me that he would commence the examination of witnesses on this subcommittee at his house on the evening of the 4th of May, which was the evening of Mr. Ham's examination.

Mr. BLAINE. That was the first thing that was done under the Luttrell resolution.

Mr. LAWRENCE. That was the first thing done under any resolution. I was not present at this examination, although I was notified of the time of meeting. The examination has gone on since, as we all know; that is about the condition of the matter, as I understand it.

Mr. KNOTT. Mr. Lawrence, at the time I came to you and told you that you were appointed on the subcommittee, that was a long time before the Tarbox resolution?

Mr. LAWRENCE. O, yes; a long time before the Tarbox resolution; and according to my recollection there was nothing said or thought of any investigation as to Mr. Blaine; at least I had not heard it spoken of so far as I can remember, and when I was notified by Mr. Hunton, the fact of our previous conversation had escaped my memory, and I supposed it was a new appointment.

Mr. FRYE. I desire to say simply that Mr. Knott, the chairman of the Judiciary Committee, notified me to serve on the committee under the Luttrell resolution, as my recollection is, as a member of the committee, but that I declined; that in a laughing way, in declining, I said to him, which I believed to be true, that the democrats were engaged in a great deal of dirty work, in which I, being of the minority, did not propose to help them. Thereupon I disappeared from the subcommittee, but that was before I went to New Hampshire in the political campaign of March.

Mr. BLAINE. You went to New Hampshire about the 10th of March.

Mr. FRYE. Yes, and it was prior to that time.

Mr. HURD. I desire to state that the chairman of the Judiciary Committee (Mr. Knott) about the time that Mr. Frye speaks of, requested me to act upon this committee, and that I declined on the ground that I was already on two investigating committees, and that I had got tired of the work of investigation so far as I was concerned, and did not intend to be on any more committees.

Mr. ASHE. I will state that so far as I recollect, as to the time when it was first announced to me that this committee was formed, my recollection corresponds with Mr. Knott's statement.

Mr. HUNTON. I desire to state that we held the first meeting at my room and took the testimony of Mr. Ham in relation to the lost bonds of the Union Pacific Railroad. Whether after or before that examination I would not be certain—

Mr. BLAINE, (interposing.) You held that meeting on the 4th of May.

Mr. HUNTON. I understand that.

Mr. BLAINE. That was before the Tarbox resolution.

Mr. HUNTON. I have not said a word about that. If you will let me finish my statement you will understand what I say. I say, whether it was before or after the examination of Mr. Ham, I am not able to say, but soon, after the introduction of the Tarbox resolution—probably after its reference (I am pretty sure) to the subcommittee to which the Luttrell resolution had been referred—I did send a message to Mr. Blaine, substantially as Judge Lawrence has stated it; and probably on the same day, (if I had to state it I would state that it was on the same day or immediately thereafter,) Mr. Blaine sent for me to come into the room of the Ways and Means Committee, and there this same statement was made by me to Mr. Blaine (except that it was fuller and more in detail) which I had asked Mr. Lawrence to tell him. I told him among other things that I desired to conduct this examination kindly and impartially, but that it should be as thorough as I could make it, and he requested me not to enter upon it at once, because he desired to go to the Centennial. This was the week before the celebration at Philadelphia, at which so many members of Congress attended.

Mr. BLAINE. Was not that rather mutual? Did it not transpire that you were wanting to go to your courts, and was it not a mutual arrangement?

Mr. HUNTON. No, sir; there was not a word about my courts.

Mr. BLAINE. But you did go to your courts.

Mr. HUNTON. Yes.

Mr. BLAINE. You say no mention of it was made between us?

Mr. HUNTON. No, sir.

Mr. BLAINE. My recollection of it is different.

Mr. HUNTON. Mr. Blaine said he wanted to go to the Centennial, and that he meant to get back in time to attend the meeting on the date for which the adjournment was then set. It was agreed that the examination of witnesses on the Tarbox resolution should be postponed until the week succeeding the Centennial week; I believe until the first day of that week. On that very day the examination began, and I have endeavored to live up exactly to what I told Mr. Blaine, namely, that the examination should be kindly, impartial, and thorough. I am wholly unconscious of having ever departed from that rule. There has been no delay, (as my colleagues on the subcommittee will bear me out,) in this investigation that could have been avoided by the committee. There have been several postponements of examinations, but they have generally been at the instance of Mr. Blaine. For the larger part of one whole week (I am speaking somewhat at random as to the time, but for a considerable period at least of one week) the examination was postponed from day to day because Mr. Blaine was sick and unable to be present at the examination of witnesses, and to cross-examine them if he pleased. The witnesses were kept here and the work of the committee postponed on account of his request to have it postponed that he might be in attendance, he being then sick at his house. On several occasions other than that the committee has failed to go on because of the absence of Mr. Blaine, notably on Monday.

Mr. BLAINE. O, no; not on any other day than during the time I was sick.

Mr. HUNTON. Yes, sir; I think so.

Mr. BLAINE. I think not, sir; never except when I was sick, so sick that I was in bed.

Mr. HUNTON. Well, that question is not up at any rate. The committee acted upon your request, and upon the statement that you were too sick to attend, and that you requested a postponement. The committee did postpone accordingly, and on last Monday met again at 10 o'clock. You again were not present. One of your friends, I think Mr. Hale, appeared in the committee-room and requested that there be no examination that day, because you had been informed by Mr. Frye that there would be no meeting on that day. The committee were all here, pursuant to our regular adjournment on Saturday, at 10 o'clock. It has been my earnest desire, and I feel assured it has been the desire of both my colleagues, to hasten this examination as fast as practicable, and, as far as Mr. Blaine was concerned in the investigation under either the Tarbox or the Luttrell resolution, to come to a conclusion at the earliest moment practicable.

Mr. BLAINE. Yes; but you mix the two up so that you never can get to a conclusion.

Mr. HUNTON. I cannot help it.

Mr. BLAINE. I could help it if I were chairman of the subcommittee.

Mr. HUNTON. Yes; I understand that. You probably could, but in the course of the examination that the committee have thought it their duty to make—

Mr. BLAINE, (interposing.) Has this any connection with the \$64,000 matter?

Mr. HUNTON. I did not say that it has.

Mr. BLAINE. I say, therefore, that you keep all these things mixed up together, and it is impossible to give me a report on that matter.

Mr. HUNTON. This is a separate matter from that.

Mr. BLAINE. Then why do you not finish that up?

Mr. HUNTON. Because the witnesses are not here; I have tried to get the witnesses here, but they are not here.

Mr. KNOTT. I want to say one thing before Mr. Blaine goes farther. Having appointed this committee under the sweeping resolution of Mr. Luttrell, when the Tarbox resolution was introduced, it being in the same line, and relating to the same subject, I for that reason referred it to the committee already appointed, without any reference to Mr. Blaine at the time. When I appointed the committee on the Luttrell resolution, I had never heard the remotest insinuation that Mr. Blaine would be involved in any shape or form, nor that anybody else would.

Mr. BLAINE. I now desire to make a statement. The fact has been stated by the chairman of the committee, (Mr. Knott,) and by the various gentlemen present who are members of the committee, that he went round to see if people were willing to serve on that Luttrell committee.

Mr. KNOTT. I told them that they were appointed.

Mr. BLAINE. I did not interrupt you, sir. I do not know anything about what you told, but what I do know is this: that the Luttrell resolution passed the House of Representatives on the 31st January last. That resolution Mr. Hunton represents as a very important resolution—a resolution so important that he could not possibly neglect any part of it; and yet this important resolution lay ninety-two days dead and dormant, and never had the breath of life breathed into it by the chairman or by Mr. Hunton until the 4th day of May. Mark that. This very important resolution was never taken up by any of you. There is not the slightest evidence anywhere that you ever gave that resolution the least attention until the 4th day of May, and that was the day after the Tarbox resolution was adopted. When the Tarbox resolution was adopted I said to Mr. Frye, (but he did not bear the message,) "I wish you would see Knott and tell him that I want northern democrats put on that subcommittee." I went so far as to specify Mr. Lynde and Mr. Hurd, although I had no acquaintance whatever, hardly, with those gentlemen. I did not want this resolution to go to the gentlemen to whom it has gone. Mr. Frye, however, did not think it was a prudent message to bear, and so did not deliver it. Instantaneously, on the passage of the Tarbox resolution—the ink was hardly dry on that resolution before I heard that Messrs. Ashe and Lawrence were appointed; and on the same day, as if designed, (I do not say that it was designed,) to give a larger jurisdiction to the gentlemen acting under the Tarbox resolution, and who found themselves very much restricted by its terms—on that very same day, as your record shows—and I appeal to that record—the Luttrell resolution was also given to you, and there is no record anywhere that it was ever given to you before that day. If it was in your hands ninety-two days before, it is certain that you never did anything under it until the 4th day of May, and you then examined Mr. Ham in regard to the lost bonds. Now, I do not pretend to raise any question of veracity, any further than the record itself. Questions of veracity are the last and most disagreeable to raise, but on that record I here state that that Luttrell resolution was never touched for ninety-two days, and that then it was referred to the same committee to which the Tarbox resolution went. My attention was not called to it until a certain question was asked one of the witnesses, and I think there were myriads of questions asked that were wholly irrelevant. So much was this so, that a committee of his own [Mr. Hunton's] party had to rein him in, the whole committee, I believe, by a large vote restricting the investigation. When I heard the question asked to which I refer, I was amazed at it, as having nothing whatever to do with the investigation; and when I inquired upon the subject, Mr. Hunton pulled out the Luttrell resolution. I said, "Why, what has that to do with it?" It looked as if the Luttrell resolution was a postscript to the Tarbox resolution, giving the committee an enlarged jurisdiction, and giving them powers that under the Tarbox resolution they did not have. I state here that the record shows that to be the fact. If that resolution was an important resolution, as in its scope it is, why was nothing done with it between the 31st day of January and the 4th day of May,—over three calendar months—five days in excess. That is the question which I wish Mr. Knott to answer.

Mr. KNOTT. I will answer it, sir.

Mr. BLAINE. Wait one minute. While answering that question I want to know also something to which I did not get a full answer the other day from the chairman of the subcommittee. When I asked him [Mr. Hunton] on the floor of the House if he knew of the possession, by the chairman of the Judiciary Committee, [Mr. Knott,] of a telegram from Josiah Caldwell, he told me that he [Mr. Hunton] would answer that question if it was not answered satisfactorily by Mr. Knott. It was not answered satisfactorily by Mr. Knott; and when I rose to claim the floor, in order to ask Mr. Hunton to fulfill his promise to give a satisfactory answer, I was cut off by the rules and could not ask it. I now ask the honorable gentleman, chairman of the subcommittee, if he knows of, and has read, a telegram from Josiah Caldwell?

Mr. HUNTON. Go on, sir.

Mr. BLAINE. I want an answer to that.

Mr. HUNTON. You shall have it.

Mr. BLAINE. And I want to know from the gentleman from Kentucky [Mr. Knott] whether he intends to produce that telegram.

Mr. KNOTT. I do, sir; this question of veracity has been raised by Mr. Blaine in my absence after having been assured by his friend that it would not be raised.

Mr. FRYE. I said it would not be raised in the House.

Mr. KNOTT. Did you know that it would be raised here?

Mr. FRYE. No, sir; I did not.

Mr. KNOTT. I did not suppose it would be after your statement, for I know you are a gentleman.

Mr. FRYE. You will find that there has been no double-dealing upon my part with you or any other gentleman.

Mr. KNOTT. Not in the least, sir; I never have found it so. I stated in the House and I state here, verified by Mr. Frye, Mr. Lawrence, Mr. Hunton, Mr. Hurd, and Mr. Ashe, that I appointed the subcommittee on the Luttrell resolution long before the Tarbox resolution was heard of.

Mr. BLAINE. May I ask a question just here?

Mr. KNOTT. Yes, sir.

Mr. BLAINE. Who subpoenaed Mr. Ham?

Mr. KNOTT. I do not know.

Mr. BLAINE. [To Mr. Hunton.] Did you subpoena Mr. Ham?

Mr. HUNTON. I think so, sir.

Mr. BLAINE. I am informed, and I would like that to be established, that Mr. Ham was subpoenaed by the chairman of the committee, [Mr. Knott,] and that therefore this Luttrell committee, as you call it, was not in organization at that time, but that after Mr. Ham came here, this committee having been appointed contemporaneously with the Tarbox resolution, he was turned over to them; therefore this committee was not in existence to subpoena him.

Mr. HUNTON. I think you are mistaken about that, sir.

Mr. BLAINE. I think not; I think that before that period there was no committee in existence to investigate that matter.

Mr. KNOTT. I have told the whole truth about this matter, and I have proved that this Luttrell committee was appointed long before the Tarbox resolution was thought of, and before Mr. Frye went to New Hampshire.

Mr. BLAINE. I will say that I do not consider nor admit that that has been proved.

Mr. KNOTT. Very well, sir; I do not care whether you do or not. You ask why this matter slumbered until the 3d or 4th of May. There were before the Judiciary Committee several investigations. There was an investigation of the Texas and Pacific Railroad Company, which consumed considerable time, and upon which Judge Hunton was engaged. There was at the same time going on (and it continued some time after that was dropped) an investigation of the safe-burglary conspiracy, upon which Mr. Ashe and Mr. Lawrence were engaged. In the mean time the impeachment of Belknap was referred to the Judiciary Committee, and Mr. Hunton was appointed on the subcommittee to investigate that, so that at that time the committee was absorbed, we were as busy as we could be, upon these matters. You have asked some question about that telegram.

Mr. BLAINE. Yes; I have several to ask if you will do me the honor to answer them.

Mr. KNOTT. What was your question?

Mr. BLAINE. I want to know whether you are going to produce that telegram to the House of Representatives?

Mr. KNOTT. I never had any other intention than to produce that telegram to the Judiciary Committee.

Mr. BLAINE. You had it in your pocket five days at the time I brought it into the House.

Mr. KNOTT. I am aware that I had it five days.

Mr. BLAINE. Did you, during Thursday, Friday, Saturday, or Sunday, deny to newspaper correspondents that you had heard from Josiah Caldwell?

Mr. KNOTT. I will make a statement about that telegram in full.

Mr. BLAINE. That is a question susceptible of a very direct answer.

Mr. KNOTT. I received that telegram on Thursday morning. I will state, as particularly as I can recollect, the circumstances. I had gone to my breakfast. After breakfast I took a walk as usual—somewhat protracted. I came back to my room and my wife called my attention to the telegram. I took it up and read it, and immediately started to the Capitol. That telegram excited my suspicion for this reason: A proposition had been made some time before, by some member of the Judiciary Committee, (I don't know by whom, for I was not present,) that a telegraphic dispatch should be sent to Josiah Caldwell to know if he would return to this country and testify. That proposition was resisted, as I was informed, by Mr. Blaine and by Mr. Blaine's friends.

Mr. BLAINE. On the ground that it was utterly and preposterously absurd, because you could not get him to come.

Mr. KNOTT. On the ground that he could not be got.

Mr. BLAINE. Yes; and that if he would not come, it would then be said that he would not come because his testimony would be unfavorable to me. It would be said, "O, yes; he cannot come; he is conveniently absent in Europe."

Mr. KNOTT. I do not desire to be interrupted any more in my statement. Some days

afterward the question was again raised in the Judiciary Committee as to whether a telegraphic dispatch should be sent asking Mr. Caldwell if he would come and testify. In that instance, also, Mr. Blaine's friends resisted the motion.

Mr. BLAINE. On the same grounds.

Mr. KNOTT. It nevertheless prevailed. The Committee on the Judiciary instructed me to send such a telegraphic dispatch to Mr. Caldwell. I did not know where Mr. Caldwell was to be found. I went to the Representative from Boston, Mr. Warren, thinking that he would know, and asked him where Mr. Caldwell might be found. He told me he did not know. I asked him to inquire, telling him that I had been instructed by the committee to send a dispatch to Mr. Caldwell. He said he would write to a gentleman in Boston and ascertain. In the mean time I went to Judge Hunton and told him I had a great variety of things on hand and asked him to take hold of that matter and find out where Mr. Caldwell was, and to telegraph to him in my name. Mr. Warren, some days afterward, came to me and told me that he had received a letter from his friend in Boston, informing him that Mr. Caldwell was somewhere, I think, in Italy. When, therefore, I received a dispatch from Mr. Caldwell, without having dispatched to him, it occurred to me that it was suspicious.

Mr. BLAINE. Would not the publication of it have exposed it?

Mr. KNOTT. I beg the gentleman not to interrupt me. Furthermore, there was simply at the top of the dispatch the word "London," no month, no day, no place, no street, no house. I knew nothing about these cable-dispatches—had never sent one in my life, and never even saw one before that. I have since been informed that it is customary in London to keep the addresses of persons sending dispatches, and not to put the address in the dispatch itself. I did not know it at that time, and I don't know it now except from information. As soon as I could, after reading that dispatch, I came to the Capitol and read it to Judge Lynde, and, I think, to Judge Lord, Mr. Jenks, and Mr. McMahon. I think it was to these four gentlemen that I read it; I know that these four gentlemen were present at the meeting, and my impression is that they were there when I read the dispatch. I am confident that Judge Lynde was. That was on Thursday. On Friday there was a meeting of the committee. A variety of subjects were under consideration, and this matter, so far as I know, was not mentioned.

Mr. BLAINE. You did not think of mentioning the telegram to the committee?

Mr. KNOTT. I did not think of it. The truth is, Mr. Blaine, I had a great many things to think of besides your presidential aspirations. I am free to say I do not recollect that it occurred to me at all.

Mr. BLAINE. I am not alluding to myself, but to the dispatch. That might have occurred to you.

Mr. KNOTT. I say I do not recollect that it occurred to me at all.

Mr. BLAINE. Did you read it to any other members of your committee besides Mr. Hunton and Mr. Lynde?

Mr. KNOTT. Those were the only persons.

Mr. BLAINE. Are those the only persons that you mentioned it to?

Mr. KNOTT. Let me get through. I have told you I did not want to be interrupted. On that same occasion, while we were in the committee-room, Mr. McMahon came over and described a scene which was taking place in this room, and in which he said Mr. Mulligan had stated that Mr. Blaine had come before him and got letters from him under promise to return them, almost getting on his knees, &c.—describing the scene as it had been described by the witness. Whether it was on the next day or on that same day I do not now remember, I mentioned the fact to Mr. Hunton that I had received a telegraphic dispatch from Mr. Caldwell, and repeated to him the contents of the dispatch. I did not read it to him. I told him of it, however.

Mr. HUNTON. And you stated your suspicions in regard to it?

Mr. KNOTT. I stated my suspicions in regard to it, saying I thought it was a trick. I did not regard the telegraphic dispatch as a matter of evidence in any sense of the word. Had a dispatch come from Mr. Caldwell saying that Mr. Blaine was guilty—that he had got the bonds from him—it would have been injustice to Mr. Blaine to have given it to the public.

Mr. BLAINE. You will permit me, however, to believe that it would have got out pretty soon.

Mr. KNOTT. What did you say, sir?

Mr. BLAINE. I do not think that you would have kept back testimony that would have hurt me; that is what I have said, sir.

Mr. KNOTT. Do you mean to say that I would have done you such injustice as that?

Mr. HUNTON. Let it be understood, gentlemen, that there must not be any interruptions.

Mr. BLAINE. I shall not interrupt the gentleman further; I know that the Cheeseborough dispatch—let me make that remark—

Mr. HUNTON. No, sir; the floor has not been conceded.

Mr. KNOTT. So far as the Cheeseborough dispatch is concerned, I know nothing about it. I have not read it. All I have to say is, that I have had a variety of other things to think about and to attend to, and I know nothing about it. So far as this dispatch is concerned, however, it was my object to verify it, if possible; but in any event to present it to the com-

mittee to do with as they saw proper, and to take any action that they saw fit. That was my intention even had not the scene taken place which did take place on Monday; that dispatch would have been presented to this committee, perhaps, on the next day.

Mr. BLAINE. Or some time along.

Mr. KNOTT. Before the report would come in and in time to subserve your purpose. I want to add here, and Judge Hunton will bear me out in it, that when the Tarbox resolution was introduced, he and I agreed that, in justice to Mr. Blaine, that thing ought to be investigated as soon as possible, and that he should be exonerated, if he were innocent. I understand it to be his desire, and the desire of his friends—

Mr. BLAINE, (interposing.) Yes; but in case this dispatch were *genuine*—

Mr. HUNTON. The rule must be observed that interruptions must not take place.

Mr. KNOTT. After the order of the committee had been made that I should telegraph to Mr. Caldwell I several times talked with Mr. Hunton and asked him if he had found out where Mr. Caldwell was. I will say further, that I considered it due to Mr. Blaine that Mr. Caldwell's testimony should be taken, if possible, and that if he refused to come at the request of the committee, Mr. Blaine could not be blamed for it. As to the statement that I was suppressing that telegraphic dispatch or that I had any intention of keeping it from the committee, I denounce here, as I have denounced elsewhere, all insinuations to that effect as absolutely false.

Mr. BLAINE. But I did not understand you to deny that you kept it in your pocket five days.

Mr. KNOTT. I say I kept the dispatch from the time I received it.

Mr. BLAINE. Now, if you are through, I will ask you a simple question or two.

Mr. KNOTT. I did not myself receive that dispatch, or receipt for it. I do not know who executed the receipt for it, but one night a boy, wearing the uniform of the telegraph company, came to my room and asked me to give him my initials, saying that there was a dispatch at the office which had been lying there for several days for Mr. Knott, and he wanted my initials to see whether I was the person to whom it ought to be brought. I picked up a piece of paper, wrote my full name upon it, and handed it to the boy. I did not anticipate that a report would be made in this case before this time, but I did intend that that telegraphic dispatch should be laid before the committee, and let the committee do what it pleased in the matter.

Mr. BLAINE. When were you intending to do that?

Mr. KNOTT. I had not fixed any particular time for doing it.

Mr. BLAINE. Then I understand that you do not call that suppressing a dispatch?

Mr. KNOTT. I do not.

Mr. BLAINE. Was it not suppressing it from the public for the time being?

Mr. KNOTT. What right had the public to it?

Mr. BLAINE. The same right that the public had to all the inculcating testimony against me that went out.

Mr. KNOTT. It was not my fault that it went out.

Mr. BLAINE. But it was your fault that that dispatch did not go out.

Mr. KNOTT. My colleagues will all bear me witness that in every investigation that has taken place before a committee in which I have been engaged, I have been particularly careful to prevent anything from getting out that would inculpate anybody before a report was made. I have been blamed by newspaper reporters for being so reticent, for the simple reason that I did not want any man to be blamed through me, by *ex-parte* statements made in a committee-room.

Mr. BLAINE. You stated that you wanted to hold that dispatch for the purpose of verifying its authenticity; you thought that there might be something indirect, or bogus, or "put up" about it. What steps did you take to verify its authenticity?

Mr. KNOTT. I wanted to find out Mr. Caldwell's address.

Mr. BLAINE. You had this dispatch in your hands from Thursday morning, the 1st of June, and never brought it to the notice of the public until I interrogated you on the floor of the House on Monday, the 5th of June. In those intervening five days what steps did you take to acquire information as to whether that was an authentic dispatch?

Mr. KNOTT. I took the only steps that I thought I ought to take to find out where Caldwell was, and to telegraph to him.

Mr. BLAINE. Did it ever occur to you to telegraph to the London office?

Mr. KNOTT. No, sir.

Mr. BLAINE. You are a lawyer, and, I presume, a lawyer of prominence, else you would not be chief of the Judiciary Committee. If a dispatch comes to you from Josiah Caldwell, what is the presumption as to its authenticity; that it is from Josiah Caldwell or that it is not?

Mr. KNOTT. That depends upon circumstances.

Mr. BLAINE. What is the presumption?

Mr. KNOTT. If I knew that Josiah Caldwell was in London, and if I had no other information to give me ground for suspicion, I would presume that the dispatch came from Josiah Caldwell.

Mr. BLAINE. You had information that he was building a railroad in Italy, near Turin;

and Turin is only forty-eight hours from London. During the course of Thursday, Friday, and Saturday, while you had this dispatch, did you not state to one or more newspaper reporters that you had not heard from Josiah Caldwell?

Mr. KNOTT. I will state about that. I was met in the rotunda by some gentleman whom I do not know, and who asked me if I had heard from Caldwell. Probably you [Mr. Blaine] know who that gentleman is. I do not, and would not know him now if I saw him. My reply to him was, "I have not yet found out where Caldwell is."

Mr. BLAINE. You got that dispatch on Thursday morning, and on that day there was a regular meeting of the Judiciary Committee.

Mr. KNOTT. No, sir; that was the day that Mulligan was examined here.

Mr. BLAINE. You were here on Friday morning, twenty-four hours after you got that dispatch.

Mr. KNOTT. Yes, sir.

Mr. BLAINE. And you had a called meeting of the Judiciary Committee on Saturday.

Mr. KNOTT. Yes, sir.

Mr. BLAINE. Specially on my case.

Mr. KNOTT. Yes, sir.

Mr. BLAINE. And it does not seem to have occurred to you at either of those meetings to say anything about that dispatch.

Mr. KNOTT. I will explain that. In the first meeting we were engaged in general business. In the second meeting we were engaged, from the time the committee convened until it broke up, in discussing the proposition presented to us in reference to the letters that you had obtained from Mulligan.

Mr. BLAINE. Did you recollect then that you had this telegram?

Mr. KNOTT. I do not know whether it occurred to me or not, and I do not know that I should have brought up the question at that time if it had occurred to me.

Mr. BLAINE. Is it not probable that if you did not recollect it when it was quite fresh you would have forgotten it afterward?

Mr. KNOTT. No, sir; I think not.

Mr. BLAINE. When it was fresh you forgot it, but you think that after it got old you would have recollected it? Do I understand you correctly in that? I merely want to wind up by having the world know that on the day that this dispatch came to Mr. Knott, Mr. Lynde, Mr. Lord, Mr. Jenks, Mr. McMahon, and Mr. Hutton, of the House of Representatives, all knew of it. Mr. Lawrence, of this subcommittee, I believe, knew nothing of it.

Mr. LAWRENCE. I heard nothing of it.

Mr. ASHE. [To Mr. Blaine.] I informed you this morning that I heard nothing of it before I heard it in the House.

Mr. BLAINE. I have not mentioned your name as one who had heard it.

Mr. KNOTT. I gave it as my impression that those four gentlemen, whom I first named, were present when I read the dispatch. I am confident that Mr. Lynde was present, and my impression is that the others were all present, too, when I read it out, without any reservation whatever, in the room of the managers at the Senate end of the building.

Mr. BLAINE. Can you tell me what processes or steps you are waiting on to publish the dispatch, or to give it to the House?

Mr. KNOTT. I am going to give the dispatch to the House through the regular channel; that is, through the Judiciary Committee.

Mr. BLAINE. You had a meeting of this committee, I think yesterday?

Mr. KNOTT. Yes, sir.

Mr. BLAINE. Did you bring that subject up?

Mr. KNOTT. I referred the matter of your resolution to the subcommittee. I suppose we will take our own way of transacting our own business.

Mr. BLAINE. Can you give any information to the public as to when you expect to produce that dispatch?

Mr. KNOTT. I do not choose to do so; I choose to transact business in my own way, so far as I am concerned. The public has had the substance of that dispatch from my own lips. I stated it on Monday.

Mr. BLAINE. You said then that Mr. Caldwell in that dispatch stated that he would send an affidavit if necessary?

Mr. KNOTT. Yes, sir.

Mr. BLAINE. That approaches to something like testimony. You said that that dispatch was no testimony. I understand you now to say that Mr. Caldwell offered to send an affidavit?

Mr. KNOTT. To send an affidavit if it were required or if it were necessary.

Mr. BLAINE. That looked a good deal like a man who was ready to give testimony.

Mr. KNOTT. It looked to me a good deal in this way: that if I had sent to a man in London, asking him to send over a dispatch exculpating me I would probably make that very suggestion; and if he were an intelligent man, he must have known that an *ex parte* affidavit made in London could not be received as evidence at all.

Mr. BLAINE. Do you mean to imply by that that you have any evidence of the slightest character that I have had, directly or indirectly, any communication with Josiah Caldwell?

Mr. KNOTT. I have never said that you had.

Mr. BLAINE. Your intimation just now meant that or it meant nothing.

Mr. KNOTT. Well, suppose it did?

Mr. BLAINE. I want you to state whether you have the slightest evidence of it; although I have heard that you have been rummaging the telegraph offices through the country for such evidence.

Mr. KNOTT. Then you have heard a lie; that is what you have heard.

Mr. BLAINE. I am very glad to hear it is a lie, but I want this to be understood, whether you have the slightest evidence that I have had, in any manner whatever, any communication with Josiah Caldwell.

Mr. KNOTT. I have no evidence of it, and I never have pretended that I had any.

Mr. HUNTON. I desire to make a brief statement in regard to the efforts to find Josiah Caldwell. I went to Mr. Knott a day or two after that order of the Judiciary Committee to telegraph to Caldwell was made, and asked him if he had sent the telegram. He said no; that he had not been able to find Caldwell's address. He asked me to assist him, and he authorized me, if I found Caldwell's address, to telegraph to him in his name. My first step, I believe, was (I am not certain that it was the first) to go to the Sergeant-at-Arms and give him a written memorandum directing him to find out from Arkansas people, or from any other source, the address of Caldwell. I asked several other gentlemen to assist in that work, and I myself went around to several persons and asked if they could inform me of Caldwell's address. From the moment that I went to Mr. Knott to know whether the telegram had been sent, I have been diligently (and I have reason to believe that several other gentlemen, at my instance, have been diligently) employed in seeking to get this information.

Now, in regard to the delay, Mr. Knott has stated correctly that after the reference of the Luttrell resolution to the Judiciary Committee, and after I was notified that I was to be chairman of that subcommittee, the labors of the Judiciary Committee have been of such a character that it was impossible for us to address ourselves to the Luttrell resolution. I was first engaged on the investigation of the Texas Pacific Railroad Company. Mr. Lawrence was on that subcommittee. This kept us many weeks. Not long after, and before that investigation was closed, (though it never has been formally closed,) this Belknap matter came up, and I was made chairman of the subcommittee to investigate that and to prepare the articles of impeachment, and to ascertain whether, on evidence, the articles could be sustained. It was not long after that committee was discharged when work was attempted under this resolution. On the 24th of April, (certainly before the Tarbox resolution was introduced and before anything had been said about Mr. Blaine,) a witness was summoned to the city of Washington to be examined under the Luttrell resolution.

Mr. BLAINE. By whom was the witness summoned?

Mr. HUNTON. He was summoned by myself, in my opinion.

Mr. BLAINE. That is a point on which I think you are in error.

Mr. HUNTON. It is possible, but I think I am not.

Mr. BLAINE. I think that that witness was summoned by Mr. Knott.

Mr. HUNTON. To what witness do you refer?

Mr. BLAINE. To Mr. Ham.

Mr. HUNTON. I refer to a different witness.

Mr. BLAINE. Who is he?

Mr. HUNTON. Mr. Spence. According to the stub of this book, from the room of the Sergeant-at-Arms, he was here on the 24th of April.

Mr. BLAINE. Before whom did he appear?

Mr. HUNTON. Before me.

Mr. BLAINE. Did Mr. Lawrence have anything to do with it on the 24th of April?

Mr. HUNTON. No, sir.

Mr. BLAINE. Then you fail to connect that committee at all with it. That committee was not appointed until the 3d of May.

Mr. HUNTON. I think, if you will wait a while, you will see the connection. I was informed, by a gentleman who had made an investigation in the case of the lost bonds of the Union Pacific Railroad Company, that Mr. Spence knew more than any body else about these lost bonds, and that he had in his possession memoranda, &c., which would guide the committee in its search for the lost bonds. Hence it was that Mr. Spence was summoned here first, so that I might see the memoranda and prepare for the examination. In the mean time, I was reading (as well as I could, in the multiplicity of my engagements) the proceedings of the Credit Mobilier investigation, to see how far that committee had gone into this question of the lost bonds of the Union Pacific Railroad Company.

Mr. BLAINE. (To Mr. Ashe.) Were you present when Mr. Spence was examined?

Mr. ASHE. Spence was never examined.

Mr. BLAINE. There is no mistake about Ham. He was examined on the 4th of May.

Mr. ASHE. He was examined before that.

Mr. HUNTON. On the 24th of April, according to this stub in the book of the Sergeant-at-Arms, which I presume is correct, Benjamin W. Spence was summoned. [To Mr. McGuire, a witness in the case.] Was it at your instance that I summoned him?

Mr. MEGUIRE. Yes, sir.

Mr. HUNTON. The summons ran in the usual way, signed by the Speaker and attested by the Clerk. Mr. Spence was here several days, and we were preparing to examine into this question of the lost bonds. I had several interviews with Mr. Spence and Mr. Meguire for the purpose of finding out how I should conduct the examination, and what Mr. Spence knew about it. It was determined that we would not examine Mr. Spence at that time. Mr. Ham was summoned. I find by the subpoena, which was issued in the regular way, that Benjamin F. Ham, of the office of the president of the Union Pacific Railroad Company, Nassau street, New York, was ordered to appear before the Judiciary Committee of the House of Representatives forthwith. This subpoena [reading from it and then handing it to Mr. Blaine] is dated the 1st day of May, 1876. Now these two facts show that before the Tarbox resolution was introduced in the House, two witnesses had been summoned by the committee under the Luttrell resolution.

Mr. LYNDE. I wish to make a statement, as my name has been brought in in this matter. Mr. BLAINE. Not by me.

Mr. LYNDE. No, but it has been brought in. I will state that the day when that telegram was received by Mr. Knott, (I presume on a Thursday, as stated,) Mr. Knott, when he came to the House, said to me, "I have received a telegram this morning which I want to show you." He took the telegram out of his pocket and showed it to me, and I read it. Whether it was in this room or in the room of the managers, I do not recollect, nor do I recollect who was present at the time. There were others present. I remarked to him when I read the telegram, "This is not evidence either before a committee or a court or anywhere, in the shape that it now comes."

Mr. FRYE. You did not know what kind of evidence they were receiving here?

Mr. LYNDE. I said to Mr. Knott, "It is necessary that you should ascertain whether this dispatch is genuine, and you ought immediately to ascertain whether Mr. Caldwell is in London, or where he is, and whether it is a genuine telegram." That, I think, was about all the conversation that passed between me and Mr. Knott at the time. My attention was called off to something else. If the telegram had been in reply to one sent by Mr. Knott, (after the committee had instructed Mr. Knott to telegraph to Mr. Caldwell,) the fact that it was in reply to a telegram addressed to Mr. Caldwell would have been sufficient, in my opinion, to have it introduced before the committee as testimony; but in the shape in which it was I thought that Mr. Knott had no right to make use of it before the committee or anywhere else until he had some evidence of its authenticity. That was my impression at the time, it is still my impression, and I believe it is in accordance with the principles of the law of evidence.

Mr. FRYE. Those principles have nothing to do with this investigation.

Mr. LYNDE. (to Mr. Frye.) I believe you have insisted before this Judiciary Committee over and over again, that a committee of investigation had no right to hear testimony that was not legal testimony: and the committee ruled in your favor on the question of evidence according to the principles of law.

Mr. FRYE. Yes; two or three times.

Mr. LYNDE. That was my view of this telegram. And further, I did not think, and I do not think now, that Mr. Knott had any right to report that telegram to the House until there was some evidence of its authenticity. He might have reported it to the committee for instructions, but he had been already instructed by the committee to telegraph to Mr. Caldwell.

Mr. BLAINE. That seems very reasonable, but according to Mr. Knott's statement, five days elapsed, and now two days more have elapsed, in which he has not taken the slightest steps to ascertain the authenticity of that dispatch.

Mr. KNOTT. I never said so. On the contrary, I have taken every step to find out where Mr. Caldwell is.

Mr. BLAINE. But Mr. Lynde states that he said to you that the dispatch should not be laid before the committee until process was taken to authenticate it, and to show that it actually came from Caldwell in London. The way to do that was just as simple as it is to walk down stairs, and yet, up to this time, Mr. Knott has taken no steps leading to it.

Mr. KNOTT. I say again that that is not true. I have taken every step to find out.

Mr. BLAINE. You have not telegraphed to the London office to find out whether Josiah Caldwell gave that dispatch to be sent.

Mr. LYNDE. In regard to telegraphing to the London office, that would be very faint evidence; for, if this were a spurious dispatch sent from London, (if it ever came from London,) the party who delivered that dispatch at the London office must have claimed to be Josiah Caldwell, and given his name and address, and any telegram addressed to Josiah Caldwell in London would be received by that man. Therefore it is very different from a telegram sent to a man at his residence, and delivered to him in the first instance before his name had been registered in the telegraph office, and a reply from him.

Mr. BLAINE. There is not an American of the slightest note or prominence living in London who does not register his name and address at the telegraph office, and it is the simplest thing in the world to identify a person. Your proposition goes on the assumption that the whole line of telegraph offices from Washington to London were in collusion to deceive this committee.

Mr. LYNDE. Not at all.

Mr. BLAINE. This dispatch must necessarily be a true and valid dispatch. The telegraph office here knows whether or not it came through the cable, and you could have telegraphed to the London office to know who delivered it there.

Mr. LYNDE. Could not I, if I were in London, have gone into the London office, presented this telegram, and signed my name to it as Josiah Caldwell, and would it not have come here just as it came?

Mr. BLAINE. But the slightest inquiry indicating a doubt as to whether the person was Josiah Caldwell or not would have led to an investigation as thorough as the law can make it, and you could have had the thing certified in 24 hours. If you had intimated a doubt from here that this was a genuine dispatch, you would have had all the enginery of the police at London to detect whether a trick had been played upon the telegraph office. I cannot imagine [to Mr. Lynde] that a man of your breadth of information does not know that.

Mr. FRYE. Is not the telegraph in England under the government?

Mr. BLAINE. Certainly, and an attempt to do that would be imprisonment in Newgate for 20 years. No one would attempt to do that.

Mr. HUNTON. Does any one else desire to make an explanation.

Mr. BLAINE. I should think it would be in order for Mr. Jenks and Mr. Lord and Mr. McMahon to make an explanation. I am glad to see that Mr. Ashe was anxious to have it noted that he did not know anything about that dispatch.

Mr. ASHE. I did not know anything about it.

Mr. BLAINE. I appreciate the fact that you wanted it to be known that you did not know anything about it.

Mr. ASHE. I want to state the reason why I wished it to be known. It is because, when you introduced your resolution in the House the other day, you said that it involved the honor of the Judiciary Committee.

Mr. BLAINE. I said so, sir.

Mr. ASHE. In saying that, however, I do not mean to reflect on my colleagues on the Judiciary Committee.

Mr. FRYE. I want to ask Mr. Hunton a question.

Mr. HUNTON. On what ground do you wish to ask a question?

Mr. FRYE. Because the Judiciary Committee is all here and we are all asking questions. I simply wish to ask whether information was conveyed to you a fortnight ago, (immediately after the dispatch to Caldwell was ordered,) giving the address of Caldwell and the address of his correspondent in whose care your dispatch could be sent?

Mr. HUNTON. That is certainly not so.

Mr. FRYE. I am glad to hear it, because I understood that it was so.

Mr. HUNTON. The nearest that I ever got to Mr. Caldwell's address was this: I went over to the Senate chamber and sent in, while the Senate was in secret session, (so anxious was I to find Mr. Caldwell's address,) for one of the Senators from Arkansas, and I asked if he knew the address of Caldwell. He told me that he did not; that he had heard he was making a railroad in Italy, one of the points of which was Milan, but he could not tell whether he was there or in London, or anywhere else.

Mr. BLAINE. You probably have seen a dispatch in the morning papers, dated Boston, June 6—

Mr. HUNTON. You do not propose to put a newspaper article into the proceedings of this committee?

Mr. BLAINE. You have examined lots of witnesses on mere newspaper reports.

Mr. HUNTON. I have asked them whether the reports were true or not.

Mr. ASHE. This resolution of Mr. Blaine's in regard to the telegram was referred, I understood, to the Judiciary Committee, and we are going on examining about it here before the committee has directed it to be taken up.

Mr. BLAINE. The committee has had forty-eight hours to consider it.

Mr. ASHE. And it has forty-eight hours more.

Mr. BLAINE. I am perfectly willing that it should take six months.

The committee adjourned until 10 o'clock to-morrow.

WASHINGTON, D. C., June 8, 1876.

Examination of THOMAS A. GREEN continued.

The WITNESS. The full record in the case of Joseph B. Stewart against the Kansas Pacific Railway Company is now on file in the office of the clerk of the supreme court of this city, and contains nearly 3,000 pages of manuscript, which has been printed, and makes about 1,100 pages of printed matter. In addition to that, in that case there were about 600 pages of printed briefs and arguments, which, altogether, makes an entire history of the Kansas branch of the Pacific Railway Company from its inception up to the time of the com-

mentement of this suit, some time in 1863, I believe. The facts brought out in that record show that Thomas C. Durant and those constituting the Credit Mobilier—

Mr. HALE (who appeared for Mr. Blaine) objected to the witness stating what the record would show, as the proper proof would be the production of the record itself.

After some discussion, the witness was allowed to proceed and continued, (resuming the sentence where he left off,) as follows: got Government lands under their contract with the company, estimated to be worth \$20,000 per mile for the line of the road, and United States 6 per cent 30-year bonds, amounting to \$16,000 per mile. Under the tenth section of the act of July 2, 1864, which Stewart says he pushed through Congress, the contractors of the Credit Mobilier got \$16,000 per mile again for the road, amounting in all to \$52,000 per mile, aggregating, at a guess, about \$18,000,000. The approximate estimate of the actual cost of building the road was about \$23,000 per mile, leaving the contractors about \$29,000 per mile over and above the expense of building the road, and amounting in all to about eight or nine million of dollars. The first evidence in the record showing Mr. Blaine's connection with the two hundred and fifty thousand dollars of construction-bonds placed in the hands of Joseph B. Stewart by Thomas C. Durant on the 24th of October, 1864, is a copy of a report in the form of a letter made by Joseph B. Stewart on the 23d of April, 1868, to John D. Perry, of Saint Louis, at that time president of the Kansas Pacific Railway Company. Here is the certified copy of the copy which is on file in the court at Topeka:

NEW YORK, April 23, 1868.

JOHN D. PERRY, Esq.,  
Pres. U. P. R. Co.:

DEAR SIR: In compliance with your request, I will state that the total claims on me for any portion of the Union Pacific Railroad, Eastern Division construction-bonds are as follows:

Thomas Ewing, jr.	10
— Blaine	15
C. T. Sherman	20
H. G. Fant	4
J. P. Usher	5
U. J. Keeler	5
Total	59

I have settled with all the other parties. The three last named, that is —

H. G. Fant	4
J. P. Usher	5
U. J. Keeler	5

14 bonds,

are to be paid in full as per orders. These were stipulated to be paid since the agreement of the 6th of January, 1866, and are for distinct and specific considerations: Fant's for money, Usher's for some railroad-stock I purchased of him, and Keeler's for a private contract between him and myself. But the Ewing 10, Blaine 15, and Sherman 20, are all subject to the amount of deduction (about 20 per cent.) agreed on between Mr. Durant and myself before and at the time he ratified the settlement of the 6th of January, 1866; which deductions, applying to the whole 174 bonds then outstanding, makes the difference between the whole amount (174) series B construction-bonds outstanding and the lesser amount in your hands to be exchanged. I was compelled to accede to the deduction in favor of Durant in order to induce him to agree to the settlement and compromise of the 6th January, 1866, and he was careful to draw the deductions as well on the 174 that were not returned at the time of the general exchange, as well as those that were exchanged, just leaving the exact amount in hand that were to be exchanged for the whole 174. Of this amount, 174 bonds, 50 are lost and gone, and have been for over two years; 20 I have here with Schiffer & Co., 38 Vesey street, pledged for \$12,000, borrowed for Charles T. Sherman; and 4 are with H. G. Fant, of Richmond, pledged by me. These are the four I recovered in the replevin suit against Bayne & Co.'s assignees.

There are, therefore, the 50 lost, the 20 here, and 4 in Richmond, in all, 74 bonds, that are in a condition to be relieved from all practical means of embarrassment to the Union Pacific Railroad Company, Eastern Division.

Those that I am specially pursuing are the 50 in the National Mechanics' Bank, 10 in the National Exchange Bank, 30 with Purvis's assignees, and 10 on the Latham order never received or accepted, in all, 100 bonds. These 100 bonds I am litigating for, but the 50 lost bonds I shall not spend more time or money about, as they are no longer important.

I must then pay—

Fant.....	4
Usher.....	5
Keeler.....	5
(less the amount paid him,) and these in full; and—	
Ewing.....	10
Blaine.....	15
Sherman.....	20

less the, say, 20 per cent deduction, as per agreement with Durant, and already received by him as stated. When the above is complied with I will stand right, honest, and square with all parties.

I will remark, too, that the 30 bonds reserved to me for my personal services rendered for the Union Pacific Railroad Company's cause were all more than absorbed in the, say, 20 per cent. conceded to Durant to secure the settlement.

This I was compelled to do to get the settlement made, so as to get what I could on those that I had traded for and bought, so that in any event, besides the loss of my whole time and labor and personal expense, (and it was large,) I must lose money out of my pocket on what I bought for a profit. This would be the case were I to-day to receive the full exchange for all the bonds after paying the parties above named, that is, Ewing, Blaine, and Sherman: the remark does not apply to Fant, Usher, and Keeler. And every additional bond that I am compelled to pay to get rid of the banks simply increases that loss so much. I am thoroughly punished, let even the most hopeful results come hereafter.

Now, to relieve myself and save my property from sacrifice here I thought the company might lend me, say, fifty bonds covering those that are lost, that is, loan them, not to me, but to Mr. D. Randolph Martin, president of the Ocean National Bank of this city, for my use, he giving his personal bond or obligation to return them on notice so to do. By this I could get the mortgage off of my property here, and sell it during the summer, and replacing the money borrowed could then return the bonds if no settlement was made in the mean time, which, I feel sure, would be done, as the banks never can escape from the position I now place them in. I inclose Mr. Martin's letter, expressing his willingness to receive the bonds and execute his obligation to return them. He is well known to Mr. Usher, and also to Mr. John E. Burrill here as his responsibility. This, I think, could be done without risk to anybody.

Or, I will say, give me one hundred of the bonds, less the five sold to Usher, four to Fant, and the five to Keeler, leaving 86 to be delivered to me. I will settle with Blaine, Ewing, and Sherman, and give the company a full release. This would give the company some \$30,000 to resist any annoyance the banks might be able to inflict upon them, and I firmly believe that the moment they discovered that their mere possession as against me done them no good, their only hope of forcing me to terms would be gone, and the whole matter would end. This I do not doubt.

But I do feel that the 50 bonds could be loaned to Martin for my convenience, as stated, and earnestly request that you will be so good as to do it.

The inclosed copy of my amended bill against the Baltimore banks will show Mr. Usher the grounds I take under the 29th section of the banking law. The facts, as stated in the amended bill, are copied from the answer to my original bill, and I require no other proof than bill and answer.

I know of nothing further I could say, and begging your immediate consideration of my request,

I am, your obedient servant,

JOS. B. STEWART.

(Indorsed:) No. 153 E. Statement Jos. B. Stewart, April 23, 1868. Exhibits of written testimony proposed by the defendant to be submitted to the master or to the court, as it shall be ordered. Filed December 3, 1873.

A. S. THOMAS,  
Clerk, (by Stewart.)

UNITED STATES OF AMERICA, *District of Kansas*, ss:

I, A. S. Thomas, clerk of the circuit court of the United States of America for the district of Kansas, do hereby certify the foregoing to be a true, full, and perfect copy of a paper, with the indorsements thereon attached, as an exhibit in testimony.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court at my office in Topeka, in said district of Kansas, this 29th day of May, A. D. 1876.

[SEAL.]

A. S. THOMAS,  
Clerk.

On the 3d of February, 1874, during the progress of said trial, the original of that statement was put in evidence, and here is the copy of the record which was used. It is exactly

the same as the other, except that the word "Blaine" is left blank in this, and the word "James" is before the name Blaine in the original.

The copy is as follows :

NEW YORK, April 23, 1868.

JOHN D. PERRY, *President Union Pacific Railroad Company :*

DEAR SIR : In compliance with your request, I will state that the total claims on me for any portion of the Union Pacific Railroad, Eastern Division, construction-bonds are as follows :

Thomas Ewing, jr.....	10 bonds.
James Blaine.....	15 bonds.
C. T. Sherman.....	20 bonds.
H. G. Fant.....	4 bonds.
J. P. Usher.....	5 bonds.
W. J. Keeler.....	5 bonds.
Total.....	59 bonds.

I have settled with all the other parties. The three last named, that is—

H. G. Fant.....	4 bonds.
J. P. Usher.....	5 bonds.
W. J. Keeler.....	5 bonds.
	14 bonds,

are to be paid in full as per orders. These were stipulated to be paid since the agreement of the 6th January, 1866, and are for distinct and specific considerations : Fant's for money, Usher's for some railroad-stock I purchased of him, and Keeler's for a private contract between him and myself. But the Ewing 10, Blaine 15, and Sherman 20 are all subject to the amount of deduction (about 20 per cent.) agreed on between Mr. Durant and myself before and at the time he ratified the settlement of the 6th of January, 1863, which deduction, applying to the whole 174 bonds then outstanding, makes the difference between the whole amount (174) series B construction-bonds outstanding and the lesser amount in your hands to be exchanged. I was compelled to accede to the deduction in favor of Durant in order to induce him to agree to the settlement and compromise of the 6th January, 1866 ; and he was careful to draw the deduction as well on the 174 that were not returned at the time of the general exchange, as well as those that were exchanged, just leaving the exact amount in hand that were to be exchanged for the whole 174.

Of this amount, (174,) 50 are lost and gone, and have been for over two years ; 20 I have here with Schiffer & Co., 38 Vesey street, pledged for \$12,000, borrowed for Charles T. Sherman ; and 4 are with H. G. Fant, of Richmond, pledged by me. These are the four I recovered in the replevin suit against Bayne & Co., assignees.

There are, therefore, the 50 lost, the 20 here, and 4 in Richmond, in all, 74 bonds, that are in a condition to be relieved from all practical means of embarrassments to the Union Pacific Railroad Company, Eastern Division.

Those that I am specially pursuing are the 50 in the National Mechanics' Bank, 10 in the National Exchange Bank, 30 with Purvis's assignees, and 10 on the Latham order never received or accepted ; in all, 100 bonds. These 100 bonds I am litigating for, but the 50 lost bonds I shall not spend more time or money about, as they are no longer important.

I must then pay Fant 4, Usher 5, Keeler 5, (less the amount paid him,) and these in full, and Ewing 10, Blaine 15, Sherman 20, less the, say, 20 per cent. deduction, as per agreement with Durant, and already received by him as stated.

When the above is complied with, I will stand right, honest, and square with all parties.

I will remark, too, that the thirty bonds reserved to me for my personal services rendered for the Union Pacific Railroad Company, were all more than absorbed in the, say, 20 per cent. conceded to Durant to secure the settlement.

This I was compelled to do to get the settlement made, so as to get what I could on those that I had traded for and bought, so that in any event, beside the loss of my whole time and labor, and personal expense, (and it was large,) I must lose money out of my pocket on what I bought for a profit.

This would be the case were I to-day to receive the full exchange for all the bonds after paying the parties above named, that is Ewing, Blaine, and Sherman. The remark does not apply to Fant, Usher, and Keeler, and every additional bond that I am compelled to pay to get rid of the banks simply increases that loss so much. I am thoroughly punished, let even the most hopeful results come hereafter.

Now, to relieve myself and save my property from sacrifice here, I thought the company might lend me, say, fifty bonds, covering those that are lost ; that is, to loan them, not to me, but to Mr. D. Randolph Martin, president of the Ocean National Bank, of this city, for my use, he giving his personal bond or obligation to return them on notice as to do.

By this I could get the mortgage off my property here, and sell it during the summer, and, replacing the money borrowed, could then return the bonds, if no settlement was made in the mean time, which I feel sure would be done, as the banks never can escape from the position I would place them in.

I inclose Mr. Martin's letter, expressing his willingness to receive the bonds and execute his obligation to return them. He is well known to Mr. Usher, and also to Mr. John E. Burrill here, as to his responsibility. This, I think, could be done without risk to anybody.

Or, I will say, give me 100 of the bonds, less the 5 sold to Usher, 4 to Fant, and the 5 to Keeler, leaving 86 to be delivered to me. I will settle with Blaine, Ewing, and Sherman, and give the company a full release. This would give the company some \$30,000 to resist any annoyance the banks might be able to inflict upon them. And I firmly believe that the moment they discovered that their mere possession as against me did them no good, their only hope of forcing me to terms would be gone, and the whole matter would end. This I do not doubt.

But I do feel that the 50 bonds could be loaned to Martin for my convenience, as stated; and earnestly request that you will be so good as to do it.

The inclosed copy of my amended bill against the Baltimore banks will show Mr. Usher the grounds I take under the twenty-ninth section of the banking law. The facts in the amended bill are copied from the answer to my original bill, and I require no other proof than bill and answer.

I know of nothing further I could say; and begging your immediate consideration of my request,

I am your obedient servant,

JOS. B. STEWART.

(Indorsed :) Statement Jos. B. Stewart. April 23, 1863. Filed February 3, 1874. Ross Burns, special master.

The copy was filed in the court on December, 1873, and the original on the 3d of February, 1874.

Mr. HALE moved that that part of the witness's answer containing the words "Showing Mr. Blaine's connection with the two hundred and fifty thousand dollars of construction-bonds" be struck out of the record.

Decision reserved.

Witness continuing: Prior to the interlocutory decree in the case, a stipulation between Joseph B. Stewart and John P. Usher, attorney for the railroad company, appeared in the evidence. This stipulation is in the name of John E. Blaine. Here it is:

"It is agreed in this case that John E. Blaine was the holder of fifteen of the bonds described in the pleadings in this cause as the construction-bonds of the defendant, series B, and that he received said bonds of the plaintiff, and which were returned to him by said Blaine; that afterwards, at the instance and request of the plaintiff, the defendant delivered to said Blaine twelve land-grant bonds, of \$1,000 each, in full satisfaction of the fifteen bonds in the hands of the plaintiff which have not been delivered to the defendant; that the delivery of the twelve bonds was made since the commencement of this suit, but said Blaine was the holder of the construction-bonds aforesaid in the year 1864."

By Mr. HUNTON:

Q. When was this agreement which you have just read filed in the case?—A. I cannot tell you the date. It was filed, however, before the interlocutory order.

Q. It is dated July 18, 1870. Can you form an idea from that date when it was filed?—A. No; I cannot.

Q. How long before the date in this paper, July 18, 1870, was it that this report of Stewart's was made, if it was made before?—A. It was made before, on the 23d of April, 1863. The stipulation was made on the 18th of July, 1870, and the report of Stewart to John D. Perry is on the 23d of April, 1863.

Q. Was that printed report which is in your hand, and the manuscript report which you have handed to the stenographer, of the same date?—A. Of the same date, and precisely the same, with the exception that in the copy filed the place for "James" was left blank, and in the original, which was afterward demanded and filed, the name James appears.

Mr. BLAINE. Never James G. Blaine?

The WITNESS. Never James G. Blaine. After the argument in the general case and interlocutory decree, Usher and Stewart got into a dispute about the stipulation, Usher charging that Stewart asked for it, and obtained it.

Mr. HALE. Are you now stating what occurred?

The WITNESS. I am stating what occurred, and what is in the reports, and what I heard, and everything about it. I was through the case as one of the counsel. It is in the printed arguments, and it was in the old arguments.

By Mr. HUNTON:

Q. Did you hear this misunderstanding between Usher and Stewart?—A. I heard a good

deal of it. It was a continual dispute between the two gentlemen, from the time the suit commenced until the end of it. After the interlocutory decree, the case was returned to a master. It went back to the court and it was referred to another master, Ross Burns, with power to take an account and to take additional testimony in the case. It was after the interlocutory decree that this copy was first filed by the railroad company, as I understood—I mean the first copy of that statement of Stewart's to Mr. Perry. A month or six weeks afterward the original was demanded and filed. There is also, at page 69 of Stewart's deposition, a power of attorney from John E. Blaine to Joseph B. Stewart, as follows:

*Exhibit No. 2, with Joseph B. Stewart's deposition.*

"STATE OF KANSAS, City of Leavenworth:

"Know all men by these presents that Joseph B. Stewart, of Washington, D. C., is fully empowered and authorized by me to settle my claims against the Leavenworth, Pawnee and Western Railroad Company, bearing date May 3, 1862, and to adjust the same on any basis that may seem to him fair and equitable; and to receive and receipt for in my name all dues to me from said Leavenworth, Pawnee and Western Railroad Company.

"Witness my hand and seal this 19th day of May, 1863.

"JOHN E. BLAINE. [SEAL.]

"Witness:

"THOS. P. FENLON."

That refers to the Leavenworth, Pawnee and Western Railroad, which subsequently became the Union Pacific, eastern division, and has since been changed to the Kansas Pacific.

Q. State, if you know, what the claim of John E. Blaine was.—A. I will read from Joseph B. Stewart's own statement, page 40. It is his deposition:

"My name is Joseph B. Stewart. I am a citizen of the State of New York. I am in the forty-ninth year of my age. I am attorney and counselor at law by profession and occupation. I am a plaintiff in the above-entitled action. I am well acquainted with the corporation defendant, sued as the Union Pacific Railway Company, eastern division, and now known as the Kansas Pacific Railway Company. I knew said corporation when it was the Leavenworth, Pawnee and Western Railway Company. I acquired my knowledge of said company from the inspection of the charter and evidences of corporate organization which, duly substantiated, were brought to Washington City, where I then had and still have a law-office, in 1861 and 1862, by J. C. Stone, A. J. Isaacs, John H. McDowell, and Thomas Ewing, jr., for the purpose of procuring the means from the Government of the United States for the building of said railway, the said company being but a paper corporation, without any capital for the construction of its road, and was in fact the private property of the said Stone, Isaacs, McDowell, and Ewing, the few shares outstanding in the names of other parties being but nominal, the parties above named having plenary power to speak and act for said corporation, as was shown by resolutions of the board of directors of said company, and ample authority under its corporate seal, which was seen and personally inspected by me, and from such inspection and information I was advised and believed and know the same to be true."

Q. Understand, from all the facts in the case, that John E. Blaine was the holder of some of this capital stock—the stock which Stewart says was only nominal; was that an accepted fact in the progress of the case?—A. I will state that about nineteen-twentieths of the entire record had not the remotest connection with the legal points involved in the issue. The law suit itself was within a very narrow limit indeed. Joseph B. Stewart dragged this history into it.

Q. Was it an accepted fact in the progress of the case that John E. Blaine did own a portion of the stock referred to in Stewart's deposition?—A. Not according to my understanding.

Q. State to the committee what evidence you have on which you have based the statements that John E. Blaine was the owner of a portion of that stock referred to by Mr. Stewart, and which was the claim alluded to in the power of attorney, I mean the stock of the Pawnee, Leavenworth and Western Railroad Company?—A. I have the statement of Joseph B. Stewart, and I have also seen the published statement of Thomas Ewing, that John E. Blaine was the owner of the stock, and I believe that a statement of that kind was in Mr. Blaine's letter which he read recently to the House.

By Mr. LAWRENCE:

Q. Do you know what the powers of attorney referred to are?—A. No, sir; only what the testimony showed, and what I learned from outside statements.

By Mr. HUNTON:

Q. Did that power of attorney from John E. Blaine to Stewart refer to his claim for that stock which you have just alluded to?

Mr. HALE objected to giving parol evidence as to the meaning of a power of attorney which was in evidence, and which spoke for itself.

After some discussion, the witness was allowed to proceed, and continued as follows :

This suit was brought by Joseph B. Stewart, to recover \$154,000 of bonds from the railway company, less \$30,000, which he threw off, in order to make a compromise with Thomas C. Durant, making the suit an action for \$124,000 of bonds. Stewart swears that he bought these \$124,000 of bonds, and swears that he got the \$30,000 (being equal to the amount thrown off) for services. These were temporary construction-bonds, and he brought his suit to convert the construction-bonds into land-grant bonds. He further swears, or states, that his service to the company was worth about seven millions of dollars. He swears that he put the 10th section through, and that that was worth about seven million dollars to the company. It really, I suppose, amounted to about \$5,760,000; so it is not a very wild statement, after all, if he did put that section through. He then further swears that he threw off the \$30,000 which he was to have for his services, and that the suit stands for \$124,000 of bonds which he purchased. That power of attorney is to collect a claim off the railroad company for John E. Blaine, and has no earthly connection, in any way, with Stewart's claim against the company for his bonds, so far as I know.

Mr. BLAINE. It is outside of the lobby interest that you spoke of?

A. Entirely, so far as I know; that is what I understood. It nowhere appears, nor does Stewart anywhere pretend that he ever purchased this claim from John E. Blaine, which is included in this power of attorney. The power of attorney itself shows that Stewart did not purchase it. Under the pleadings and testimony in the case, the power of attorney had no connection with the subject-matter of that suit with these temporary construction-bonds, for which Stewart was suing.

Mr. BLAINE. Those which were supposed (as you have interpreted it) to have gone to the lobby.

The WITNESS. I do not interpret the \$124,000. Stewart swears that he bought \$124,000 of the \$250,000 in bonds. There is a good deal of testimony contradicting him on that point, but that will be all found in the record. That is about all that I know about this instrument, unless the committee should ask for an explanation of the stipulation.

By Mr. HUNTON :

Q. What stipulation do you mean?—A. The stipulation between Stewart and Usher.

Mr. HUNTON. Make whatever explanation you have to make about it.

After some discussion on an objection by Mr. Hale, the witness continued as follows :

As a matter of fact, Joseph B. Stewart himself states that that stipulation is founded on that power of attorney, and they are both connected, so far as the suit is concerned. If the power of attorney applies to this case, or to the \$15,000 mentioned in this report, then the stipulation was a true stipulation as to John E. Blaine. There is no conflict in the testimony as to that stipulation except as to the name John E. Blaine. The amounts and the delivery of the bonds is not contradicted by any of the record.

Q. Then, I understand you to say that it was a fact that that agreement to which you have referred was the subject-matter of the power of attorney?—A. Yes, sir; so Stewart states.

Q. And that that power of attorney did not refer to the bonds involved in this suit?—A. No, sir; the suit was an action by Joseph B. Stewart to recover his individual bonds, and the other was a power of attorney from John E. Blaine to Stewart to collect a claim. The two hung together. The one is founded on the other as a question of fact. Here is Stewart's statement to the same effect, that the stipulation is founded on the power of attorney, [handing to Mr. Hunton a copy of the New York Tribune of 20th May, 1876.] He quotes the power of attorney in that letter, and refers to the stipulation. In Mr. Stewart's own deposition, on page 43, he states as follows :

"I further state that during the summer of 1864 I purchased and paid for one hundred and twenty-four of the said corporation-defendant's series B bonds, and I was paid thirty of said bonds as a fee for my services, and I never received any other compensation. I purchased the hundred and twenty-four bonds in this way : said Hallett and Durant, acting for the corporation-defendant, had issued various stipulations and agreements to be paid in bonds, and having faith in the success of such corporation, I was induced to purchase and take in said stipulations. I mainly purchased through George W. Chase, of New York; but before I purchased any of them I consulted with said Hallett and Durant, and I purchased some of them from said Hallett direct, who required money, and I was induced to let him have it, agreeing to take said bonds. I further state that besides the hundred and twenty-four bonds I purchased and the thirty paid me for my services, there were ninety-six of said bonds placed in my hands in trust for other parties, making in all two hundred and fifty or said bonds which came into my hands, which was the amount accredited to and agreed to be paid to me after the second of July, 1864, at which time I had a full and complete settlement with said Hallett and Durant, and surrendered to said Hallett the several orders for bonds which I had purchased, and took his general order on Durant for that amount, which the latter accepted and agreed to pay."

He nowhere states or pretends anywhere in the record that he ever purchased any bonds from John E. Blaine.

Mr. BLAINE. Or for him ?

The WITNESS. Or for him. He states somewhere in his testimony that he adjusted John E. Blaine's claim as attorney for John E. Blaine. That is the claim mentioned in the power of attorney.

Mr. BLAINE. What is the date of that power of attorney ?—A. 19th May, 1862. Mr. Stewart states in that paper [referring to the newspaper] that he adjusted it before the Leavenworth, Pawnee and Western Railroad became the Kansas Pacific Railroad. In his testimony he refers to it as some nominal claim. There were some nominal claims held by certain parties along the line of that road, and I understood that that power of attorney was for one of those claims.

Mr. HUNTON. Then I understand you that this suit, which was a suit of Joseph B. Stewart against the Kansas Pacific Railroad Company, was a suit to recover certain bonds which Stewart held of that company ?—A. Yes, sir.

Q. He claimed to have bought a portion ?—A. One hundred and twenty-four thousand dollars of them, and he claimed that the company gave him \$30,000 for his services, but that in the settlement with Durant he threw off 20 per cent. in order to bring about the settlement. He complained bitterly against the company for compelling him, after having rendered such valuable services as he claims to have done—to throw off so much in order to bring about the settlement. If the statements are true, the services rendered by Joseph B. Stewart to the Credit Mobilier were of very great value to them, and on the principle of "honor among thieves," I think it very mean in the company not to pay him his money. I state that in justice to Joseph B. Stewart. But the defense was that these bonds were for lobbying, and that the contract was immoral. It was that which called my special attention to the fact of Blaine's name being connected with them.

Mr. BLAINE. Please to repeat that statement.

The WITNESS. The general line of defense was that all these bonds were for lobbying purposes, and that it was an immoral contract, and, as I represented clients who claimed about \$79,000 of the money, my attention was called especially to every feature of the case which tended to show that the contract was immoral. I gave that up, entirely satisfied that that was the nature of the contract, and I fell back, in my argument to the court, entirely upon the compromise of the 6th of January, 1866, by which Durant made a general settlement of all his business and went out of the company. In that settlement, the company gave him a certain amount of these bonds, and he then recognized Stewart's claim to the \$25,000, less 20 per cent.

Mr. HALE. So that, as counsel in part of the case, you abandoned the lobby part of the defense ?—A. I abandoned any defense of the case except upon the agreement with Durant.

Mr. LAWRENCE. For whom did you appear as counsel in the case ?

The WITNESS. Joseph B. Stewart had made an assignment of the temporary-construction bonds (the subject-matter of the suit) to Benjamin Bonney, of New York, to secure him in something like \$30,000 of loaned money, and to William A. Coit, of New York, as security for a large amount of money. Stewart agreed with Bonney in writing to go to Topeka, Kans., and to commence a suit against the company in Stewart's name, and to enter it on record for the use of Bonney, and then Bonney was to pay Coit. Instead of that, Stewart went and commenced his suit, and made a subsequent assignment to Hamilton G. Fant, of this city, of the entire subject-matter of the bonds. I was then employed by Bonney's estate, (Bonney having died in the mean time,) by William A. Coit, to attend to their rights. As Coit and Bonney and Stewart were all citizens of the same State, and as the suit was pending in the United States circuit court, and as that court could not adjudicate questions of citizens of the same State, I could not file an answer and a cross-bill, but I commenced original suits in the same court, one for the estate of Bonney against the Kansas Pacific Railroad Company, taking Stewart's case against the company, and then alleging the assignment of it. I also commenced a suit in the name of William A. Coit against the company in the same way. That made three suits that were pending in the same court against the same defendant for the same subject-matter. Stewart then settled the Bonney case by stipulating that \$20,000 of the bonds, when recovered, should be held by him, and then the Coit and Bonney cases were consolidated, and, as my clients represented a large portion of the bonds in issue, the judge agreed that I should have control of the suit, and Stewart and I, with the assistance of some other attorneys, prosecuted the suit against the railroad company for the recovery of the bonds. The decree of the court held the bonds there for distribution to the parties entitled.

Mr. HALE. Do you refer to the decree of Judge Dillon ?

The WITNESS. Yes.

Mr. HALE. So that, practically, the suit was maintained ?

The WITNESS. Yes; on the compromise. The court held that the compromise was binding, and that there was nothing in the compromise to show anything immoral in the transaction. It was a very voluminous and difficult lawsuit, and one which I watched with very great care.

Mr. HUNTON. What was the style of that suit ?

The WITNESS. During the time that the case was tried against the railway company, it

was Joseph B. Stewart and William A. Coit against the Kansas Pacific, or the Union Pacific, Eastern Division, (which was the same thing.) After the interlocutory decree, Stewart agreed with me (as the record was so voluminous) that \$50,000 of these bonds, when recovered, should be held for William A. Coit, and we agreed to set aside the consolidation, so that the case appears here simply as Joseph B. Stewart against the Kansas Pacific Railroad Company.

Mr. LAWRENCE. You have no knowledge of any connection of James G. Blaine with those bonds at all?

The WITNESS. There was a good deal said during the trial.

Mr. BLAINE. I speak of your own knowledge.

The WITNESS. No; not of my own knowledge.

Mr. HUNTON. The scope of the inquiry is larger than that. [To the witness.] You may speak of your own knowledge, or from information derived from others, provided those others are within the United States.

Mr. LAWRENCE. My question was as to your own knowledge.

The WITNESS. I have no knowledge at all, except what I understood from Joseph B. Stewart, and from the testimony as the case progressed, and from conversation, and consultation.

Mr. LAWRENCE. The testimony is all in the record.

The WITNESS. Yes; but there were days and days of talking in court, and the conversation is not in the record.

Mr. HUNTON. [To the witness.] Now, I repeat Mr. Lawrence's question, and I desire you to answer it according to the practice of this committee. State what you know about it, from your own knowledge or information derived from others, provided those others from whom you derived the information are within the United States.

The WITNESS. From all the facts in the case, and from the conversations with Joseph B. Stewart—

Mr. LAWRENCE, [interrupting.] The purpose is not to ask your deductions or inferences or conclusions from what you have heard, but to state any facts you have heard.

Mr. HUNTON. State any facts within your own knowledge, or derived from others, provided those others are within the United States.

The WITNESS. All I can state is my understanding from conversations and the like.

Mr. HUNTON. Give the purport of the conversations.

The WITNESS. That is the only way I can do it, in order to be exact; and, as this is a vital point, I wish to be exact.

Mr. LAWRENCE. I object to the witness stating mere deductions, mere conclusions, mere inferences.

Mr. HUNTON. I have stated to the witness that I desire him to state, as nearly as he can, the conversations between him and anybody else, on which he proposes to answer the question.

The WITNESS. I will state precisely all that occurred, as nearly as I possibly can. As I before stated, my clients claimed a large amount of these bonds. As a lawyer, on the examination of the record, I was very much afraid of the defense, that it was an immoral contract. I turn my attention especially to the investigation and consideration of that point. I consulted with Joseph B. Stewart, and said to him that I was afraid of that point, and that I did not like the looks of Mr. Blaine's name connected with the case. I will correct that. My statement was that I did not like the looks of Congressman Blaine connected with the case.

Mr. LAWRENCE. Do you not know that Mr. Blaine was not in Congress when this claim against the company for bonds originated?

The WITNESS. The conversation took place while Mr. Blaine was in Congress. Mr. Stewart simply said that a large portion of the bonds were for lawyers' fees—attorneys' fees. (He called it attorneys' fees,) and he thought that we could make a good case. He never denied that Congressman Blaine was connected with it, nor did he say that he was not connected with it.

Mr. HALE. Did he intimate that he was connected with it?

The WITNESS. He did not.

Mr. BLAINE remarked that he wanted that answer of the witness emphasized.

Mr. HUNTON. I want this examination conducted in order, if you please.

Mr. BLAINE. So do I.

Mr. HUNTON. Any question that you want to ask, or that anybody wants to ask, shall be asked, but I do not think it right that third parties should interpose here to have a portion of an answer repeated or to have it emphasized, because I consider that a fact once stated is as much emphasized as if it were repeated a dozen times. Now, if you want to ask the witness whether Mr. Stewart intimated anything of that sort, I have not the slightest objection.

Mr. HALE. I think that Mr. Blaine is entitled to the emphasis of that denial.

Mr. HUNTON. I do not think that Mr. Blaine, or his counsel either, has a right to ask any question until the examination-in-chief is ended. By way of accommodation to you and Mr. Blaine, I agreed to let you do so, but if that is pressed too far, of course, the rule will have to be enforced.

Mr. HALE. As to your form of conducting the inquiry, there is no complaint.

Mr. HUNTON. I have no objection to you putting the question.

Mr. HALE. (To the witness.) Did Mr. Stewart ever intimate to you that James G. Blaine was connected with those bonds?—A. At that time, nothing more than was contained in the conversation.

Mr. HALE. Did he ever intimate to you that James G. Blaine was connected with him?—A. I cannot recollect that. Stewart and myself talked a great deal; he is a wonderful talker. I have no distinct recollection of any specific conversation except that one time. I have a distinct recollection of that particular conversation on the street after we came out of the court-house, and it was after Mr. Blaine was Congressman. The case was pending for about five years, commencing in 1868 and ending somewhere in 1874, I believe.

Mr. HUNTON. Did Mr. Stewart ever explain to you why, in the copy of this report of his to Perry, the name was simply Blaine, whereas in the original it was James Blaine?—A. The copy was made out in the office by Mr. Usher, attorney for the railroad company, and the record shows that the defendant (the railroad company) filed it as evidence and also filed the original. Joseph B. Stewart, as I understand it, was not the man who filed either the copy or the original. It was filed by the railroad company after Usher and Stewart had got quarreling and wrangling about the stipulation. This copy was made out, I think, by a clerk named Elias Shull, in the law office of Mr. Dennison, which was occupied by Usher while he was in Topeka attending to the case.

Mr. HUNTON. That is not coming to my question. Did or did not Mr. Stewart ever state in conversation, or did you ever hear him state why, in that copy now filed by you in manuscript, there was a blank before the name Blaine, while the original contained the name James Blaine?—A. I do not. Usher and Charles Brotherton, I think, will be able to state all about that. I wish to be specific in regard to what occurred between Stewart and myself in the before mentioned conversation. He neither said that Hon. James G. Blaine (that is always how he spoke of him,) was or was not the party whose name appeared as a party interested in the bonds. That will make my answer specific.

Mr. HUNTON. In speaking of the honorable Mr. Blaine, did he ever say James G. Blaine or James Blaine?

The WITNESS. Mr. Stewart always, so far as I know, spoke of him as the honorable James Blaine. I always spoke of him as Congressman Blaine, and as Speaker Blaine after he was Speaker of the House. I never used his first name. On page 66 of Stewart's printed book of depositions he speaks as follows: "I further state, as in direct examination, that the president of the defendant, Mr. John D. Perry, and its counsel, the Hon. John P. Usher, have both repeatedly stated to me, and, I believe, to others, that I was entitled to my bonds, and ought to receive them whenever I should be able to produce the said series B bonds. Among others, I am informed and believe that Mr. Usher made that statement to Mr. Alexander Hay and the honorable James Blaine, in Washington, and that Mr. Perry made it to General Robert E. Mitchell, of Kansas, and others, and I have never doubted their good faith toward me until disclosed in the defense now made against paying me my bonds." He spoke of Mr. Blaine there as the honorable James Blaine.

The committee here adjourned until 2.30 p. m.

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WASHINGTON, June 8, 1876—2.30 p. m.

THOMAS A. GREEN recalled.

By Mr. HUNTON:

Question. Have you now stated to the committee all that you know about the disposition of the bonds or other assets of the Kansas Pacific Railroad from its inception to the present time?—Answer. There were \$96,000 of those temporary-construction bonds that Joseph B. Stewart testifies he got in trust for other parties. Alexander Hay testifies that he exchanged \$76,000 out of those \$96,000 as the agent of Joseph B. Stewart. Joseph B. Stewart testifies that Alexander Hay exchanged \$76,000 for himself and other parties for whom he, Hay, held them in trust. That accounted for about one hundred and fifty-four that Joseph B. Stewart goes on, less the \$30,000 and the \$76,000 which Hay exchanged for unknown parties, leaving \$10,000 only that are not mentioned, so far as I know.

Q. Ten thousand dollars of what character of bonds?—A. Of the temporary-construction bonds.

Q. What was the original amount of those construction-bonds?—A. Two hundred and fifty thousand. \$150,000 Stewart sued on. He is only entitled to that amount, less \$30,000.

Q. Who got the \$76,000?—A. Alexander Hay, of Philadelphia, testifies that he, as the agent of Stewart, exchanged them for these new land-grant bonds.

Q. As the agent of Stewart?—A. Yes. Colonel Stewart testifies, as I understand it, that Hay exchanged them for himself and others not named.

Q. For Stewart and others?—A. Yes; others not named. This \$96,000 is over and above

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the \$10,000 to Ewing, \$15,000 Blaine bonds, and \$20,000 Sherman bonds. I will state here that the four bonds which were given to, and which are marked as due, H. G. Fant, and the five bonds to J. P. Usher, and the five bonds to W. J. Keeler, are wholly independent transactions. They bought from or traded with Stewart himself for those; the printed statement explains that; but the others are all subject to 20 per cent. discount. I make this statement because I know that to be so.

Q. You say that the four bonds to Hamilton G. Fant, and the five bonds to J. P. Usher, and the five to William J. Keeler, were owned by the parties respectively by purchase?—A. By purchase from Joseph B. Stewart or by trade. I will say purchase.

Q. How were the bonds of C. T. Sherman acquired by him?—A. It simply appears that they were delivered to Mr. Sherman. I do not know what they were for—only what I understand.

Q. Who is C. T. Sherman?—A. I think he is a Judge Sherman, of Ohio, and I think a brother of Senator Sherman. I will not be certain about that.

By Mr. BLAINE:

Q. Why did not you infer at once that they were Senator Sherman's bonds?—A. I examined into that matter very closely, and was satisfied that they were not Senator Sherman's bonds, so far as I could understand it. I thought at first they might be, so I investigated the matter and found that they were not.

By Mr. HUNTON:

Q. That they were not whose?—A. That they were not Senator Sherman's bonds, so far as my investigation went.

Q. You investigated the subject and found that they did not belong to Senator Sherman?—A. Yes; I investigated it.

Q. Do you know upon what consideration they were acquired by C. T. Sherman?—A. No, sir.

Q. Upon what consideration were the Blaine bonds given? State all you know about them.—A. I know of no consideration at all for the Blaine bonds, except the statement that Mr. Stewart makes.

Q. We do not know what Mr. Stewart did say.—A. Well, strike that out. I will just simply say that I know of no consideration at all.

Q. How did Thomas Ewing, jr., get his 10 bonds; for what consideration?—A. He testified that he acted as the attorney of Joseph B. Stewart in arguing a case, and was to have those bonds as attorney's fee. I will refer the committee to Thomas Ewing's own testimony on that subject. I read from page 148 of the report of the special master, Ross Burns, which contains the deposition of Thomas Ewing himself, in the suit of Joseph B. Stewart against the Union Pacific Railway Company, eastern division. On his cross-examination Thomas Ewing, jr., testifies as follows:

"First cross-interrogatory. Were you not, in 1866, owner of or interested in some of the bonds known as series B construction-bonds, purporting to have been issued by defendant? If yea, state the nature of such your interest; how acquired; to what bonds it extended; what disposition you made of such your interest; to whom, and for what consideration.

"Answer. The complainant became indebted to me in the sum of \$10,000 for arguing a cause in his behalf before the Solicitor of the Treasury, in Washington, and for other professional services rendered him in 1865-'66. Subsequently I verbally agreed to accept, in payment of that obligation, 10 of the construction-bonds of the defendant. Those bonds were not delivered to me, and no order or writing was ever given me for them. Subsequently, in the same year, I agreed to accept eight of the land-grant bonds of the defendant in lieu of the construction-bonds, and for those eight bonds I received the order dated in 1866, a copy of which is annexed to the interrogatories.

"Second cross-interrogatory. Did you or the complainant, or any person on your behalf, ever enter into any contract with the defendant for the exchange of said series B construction-bonds for other bonds? If yea, state fully when, how, on what terms, and under what circumstances such transaction took place.

"Answer. The complainant entered into a contract with defendant for the exchange of construction-bonds, series B, for other bonds; but he did not do it on my behalf, further than in this, that before that contract was made by complainant, I had consented to accept ten of the said construction-bonds of \$1,000 each in payment of the \$10,000 complainant then owed me, and soon afterward consented to take eight of the land-grant bonds, instead of the construction-bonds, in payment of the debt."

The case as it stands with Mr. Ewing is, that Mr. Stewart simply owed him for legal services and agreed to pay him ten of these bonds.

Q. And that is all you know on the subject of his ownership?—A. Yes. Mr. Stewart states that he had given, in all, an order for \$25,000 of these bonds, (I do not understand the matter except just as it appears in this book.) On page 28 of the special master's supplementary report, (I believe it is a supplementary report; there were two or three reports,) I find the following order:

"JOHN D. PERRY, Esq. President K. P. R. R. Co., E. D. :

"Please deliver to Thomas Ewing, jr., or order, eight of the land-grant bonds of your said company held for exchange for the construction-bonds claimed to have been made by the company, and by you placed in the hands of J. C. Kennedy, and now owned by me, and this shall be your receipt to the company for eight of said land-grant bonds, when said construction-bonds shall be presented for exchange.

"I have heretofore given to said Ewing an order on the company for the equivalent in land-grant bonds of twenty-five of said construction-bonds. This order now being given, the holder of the former order presenting it will be entitled to the equivalent in land-grant bonds of fifteen of said construction-bonds, instead of twenty-five.

"JOS. B. STEWART.

"WASHINGTON, October 29, 1866."

Q. Why was he to get twenty-five; there are only ten mentioned here?—A. That seems to be a remainder; I do not know, sir; I will take that back; I will let it stand just as it is here:

"This order now being given, the holder of the former order presenting it will be entitled to the equivalent in land-grant bonds of fifteen of said construction-bonds, instead of twenty-five."

Q. Are there any other papers that you have with you that bear upon this question at all?—A. There is a paper that bears upon the question of that power of attorney of John E. Blaine, if I recollect, from the Kansas Pacific Company.

By Mr. LAWRENCE :

Q. What is the date of the power of attorney?—A. It is the first power of attorney.

Mr. HALE. It is dated May 13, 1863.

The WITNESS. That power of attorney purports to be a power from John E. Blaine to Joseph B. Stewart, dated May 19, 1863, to collect an obligation against the Leavenworth, Pawnee and Western Railroad.

By Mr. HUNTON :

Q. Does the power of attorney say "obligation"?—A. I will have to ask some gentleman to read it; I do not remember exactly the terms.

Mr. HALE read the power of attorney, which proves to be a power to settle a "claim," bearing date May 23, 1862, of John E. Blaine against the Leavenworth, Pawnee and Western Railroad Company, the power of attorney being dated May 19, 1863, signed by John E. Blaine, and witnessed by Thomas P. Fenlon.

Q. You use the word "obligation;" you mean to say a "claim"?—A. Yes, a claim. On the 3d of February, 1864, Samuel Hallett entered into a contract with Thomas C. Durant with regard to the building of the Kansas Pacific Railroad.

By Mr. HALE :

Q. What paper are you now referring to?—A. [Indicating a paper in his hand.] This is a contract entered into between Hallett and Durant in regard to the building of the road.

Q. Was the contract with Durant, or with Perry?—A. It was between Hallett and Perry.

Q. You said Durant; it was really with Perry?—A. It is really between Hallett and Durant, this one is; it is between Thomas C. Durant and Samuel Hallett. This contract is headed by a schedule of all the debts and assets of the railroad at that time, and the contract is made to depend entirely for its validity upon the truthfulness of the schedule of indebtedness and assets of the company at that time. There is nothing at all in this schedule which shows that the road was at that time indebted to John E. Blaine.

By Mr. LAWRENCE :

Q. Or to Sherman?—A. No; Sherman did not pretend to have it until afterward.

Q. Or to Ewing?—A. Yes; this schedule shows a lawyer's fee of \$2,500 for Ewing in the case of Ross, Steele & Co.; you will have to determine whether it was due or not.

Q. Who made that schedule?—A. This is made by Samuel Hallett.

By Mr. HALE :

Q. It is no adjudication, is it? It is simply a memorandum for the convenience of the parties who were making a trade, is it not?—A. It is a memorandum, or schedule, made by Perry to Durant, and the validity of the entire contract with Durant depends upon the accuracy of the schedule; that is the provision of it.

By Mr. HUNTON :

Q. Of the debts reported and the credits due?—A. Yes.

Q. What was that contract about? State in brief.—A. That is this Credit Mobilier contract that I spoke of in my examination above.

By Mr. HALE :

Q. It is a contract to build the road?—A. Yes. The contract is as follows :

*Contract between Thomas C. Durant and Samuel Hallett.*

The conditions of the Union Pacific Railway Company, Eastern Division, as to stocks and rights to subscribe for stock, now is the same as it was when Fremont, Hallett & Co. purchased of J. C. Stone, A. J. Isaacks, T. Ewing, jr., and J. H. McDowell, except as herein-after mentioned. For the condition thereof at that time, I refer to their agreement of May 28, 1863, and the exhibit accompanying the same.

Grading on forty miles of the main line completed.

Bridging completed, except the draw on Kansas River. This draw is delivered to the company, and is in transit from Chicago. The piling for this draw-bridge was not quite completed when Mr. Hallett , but I suppose it is now.

Telegraph-poles set, and insulators will be on in about a week ; wire purchased and delivered.

The ties are distributed on the entire forty miles. The iron for the forty miles of main line and necessary side-tracks is delivered and in transit, together with the chairs and spikes for the same.

The following equipments are delivered :

3 locomotives, (2 first-class and one small one.)

2 first-class passenger-cars.

4 second-class passenger-cars.

30 box freight-cars.

30 platform freight-cars.

1 mail-car.

This mail-car is not yet delivered, and the payment of the same is not provided for.

The right of way and station-grounds are all obtained, including the station-buildings, except the station grounds and buildings at Lawrence, which are not yet provided for. But if the line as now located is adopted, the station will be on the company's lands.

The machine-shops are provided for, except as above stated, and with the following exceptions, viz :

Amount due from Hallett's draft to N. B. Kidder, being in one draft of \$1,800 and two drafts of \$1,000 each.....	\$3, 800
There are two other small drafts that will not exceed together .....	200
Due on draw-bridge.....	6, 000
Due Hubbard, agent, for tents and blankets.....	10, 000
Due on excavation.....	3, 000
Due on Wyandotte-station grounds, in cash.....	4, 000
Due on Holley's drafts in Canada, about.....	4, 000
Due Wyandotte, Kansas City, and Armstrong station-buildings, and payable in stock .....	40, 000

Amount claimed of the company :

Thomas Ewing, charges for legal services in the Ross, Steel & Co. case.....	\$2, 500
General Stone charges salary.	
A. J. Isaacks.	
S. A. Stinson.	
Claims due Isaacks & Stone, \$2,000 each.....	\$4, 000

Due for some ties delivered by contract, the exact amount of which I do not know, and a small amount due for bridging.

The last two items are on the Lawrence branch ; on branch about twenty miles graded and bridging commenced, but not much done : about 40,000 ties delivered. I cannot say as to the ties correctly on the branch ; telegraph-poles out, but not yet delivered on the line of the road.

Right of way and station-grounds all procured.

The above-named work and lands all paid for, except as herein stated.

**ASSETS.**

Stock said to be full paid, about.....	\$500, 000
Stock subscribed for.....	9, 500, 000
(See statement of May 29, in contract of Stone & Co.)	
Government bonds, 16 per mile, (360 miles).....	5, 760, 000
Land-grant bonds, 20 per mile.....	7, 200, 000
Wyandotte County bonds.....	100, 000
Lawrence City bonds, not yet concluded.....	200, 000
Kansas City bonds.....	150, 000
Ferry rights, valued at.....	100, 000

**BRANCH.**

Bonds convertible into Government bonds, if Government gave bonds to aid in construction .....	\$480, 000
Leavenworth City bonds.....	200, 000
Fort-lands, valued at.....	500, 000

The land-grant bonds are secured by a mortgage which is a lien on the road and equipments, subject to Government lien only, and a first and only lien upon the lands granted by Congress to aid in the construction of the road, and upon the lands acquired by the company by Indian treaties, except the amount due the Government.

See land-grant bonds attached.

The present condition of securities :

None of the land-grant bonds are yet issued.

No city or county bonds have been used. No bonds issued upon the Leavenworth section. The only bonds issued are \$640,000 on the first section of forty miles of the main line (Government bonds) to J. D. Perry, \$95,000 of which are not yet used. The remaining \$545,000 are to secure Mr. Perry's advance of \$500,000 and a commission of \$45,000, or one-ninth of \$400,000 commission. This arrangement with Mr. Perry is to continue for nine sections; that is, Mr. Perry is to advance \$500,000, as required for construction, on \$545,000 of the bonds, receiving upon each section \$45,000 of the bonds as commission for such advance, and also to do all he consistently can to aid the completion of the road.

Mr. Winchell, under a contract with S. Hallett & Co., was to have \$100,000 for what he has done, and for his services to the time the road is completed, which amount is to be paid as each section of the road is completed and accepted, in the securities that may remain in the hands of Messrs. Hallett & Co., as profits on the construction of the section of the road so completed.

Two hundred and fifty thousand dollars to sundry parties, (S. I. McD.), payable in same manner as Mr. Winchell; and for services rendered and to be rendered, \$50,000 to T. J. Stead, conditioned on his making loan of \$500,000, which has not been done.

To McDowell for difference in what he realized from Mariposa stock (one-fourth interest) and what he allowed Mr. Fremont. The whole stock received amounting to not more than \$20,000 or \$30,000 at its par value; difference small, if any.

The road is being constructed by S. Hallett, and no part of the same is sublet, and no contracts are out for materials, except for the ties for the next forty miles, which are under contract to be delivered at 28 to 30 cents each. In addition to the material and equipments on hand, as heretofore enumerated, are the tents and blankets, six patent excavators, engineering instruments, carts, machines, oxen, patent-right to use excavators on the Pacific Road and its branches, for \$10,000, on which \$2,000 has been paid; horses, shovels, picks, and everything in the way of tools and outfit required for the rapid prosecution of the work.

Mr. Hallett states the above to be the present condition of the enterprise. That he holds a good and valid contract for building the road by resolution of the board of directors, and is entitled to a formal contract for the same from the company, providing for the delivery to him of all the securities and stock mentioned in this statement, which now are, or hereafter shall, be under the control of the company.

Mr. Fremont or Messrs. Hallett & Co.'s contract, in which Mr. Haskell was interested, was never ratified by the board of directors, but was made void by a resolution and notice given to all parties in writing, with a personal service in each case. No resolution is on record giving General Fremont any control or transfer of either stock or bonds.

Mr. Haskell has no interest whatever in the contract. The Indian lands are to be paid for and the money to be invested in the land-grant bonds of the company under an agreement already made.

A resolution authorizing S. Hallett to do all acts and make transfer of securities belonging to the company has been passed and is on file with the Secretary of the Treasury, dated December 18, 1863. All outstanding stock upon which the company has received no payment is to be forfeited unless payments are made as fast as called for by the company, only five thousand dollars (Winchell) is recognized as *bona-fide* stock which can be transferred since Hallett has had control.

Mr. Lane has the assurance of the President that the Government commissioner shall be appointed when forty miles are completed. \* \* \* The advances of Mr. Perry are to be paid as hereinbefore noted. Of the money advanced by Mr. Hallett's New York house, \$25,000 is not yet provided for, and is to be paid in cash. The \$200,000 advanced by Hallett's family to stand advanced to the contractor until such time as the securities of the company are available at fair prices. This advance to be repaid out of the securities upon the first section of forty miles.

#### SUMMARY.

Money received of Mr. Perry .....	\$500,000
Money received from other sources .....	75,000
Money received from J. S. Hallett .....	200,000
	<hr/>
Loss expended on branch, estimated .....	775,000
	100,000
	<hr/>
	675,000
Paid for transportation of men, to be paid in cash .....	25,000
Cost required to complete draw-bridge and track-laying .....	26,000
	<hr/>
	736,000

Due on liabilities in cash .....	\$30,600
Due on liabilities in stock .....	40,000
Forty miles track-laying, say .....	20,000

Amounts to become due on outstanding contracts :

To Clark Bell, as per contract .....	\$10,000
To G. W. McDowell, on land-grant bonds .....	100,000
To Geo. Fras. Train in kind, as Hallett has left for profits .....	300,000

For the city and county bonds hereinbefore mentioned, the company are to issue full paid shares of the company's stock in amounts equal to such bonds respectively.

The foregoing statement of facts in relation to Union Pacific Railroad Company, Eastern Division, and its road, business, contract, and operation, and the situation of the company and its officers, being made by Samuel Hallett to Thomas C. Durant; thereupon, on the basis of said statement and on condition of the same proving to be correct, said Durant enters into the following agreement with said Hallett:

[U. S. revenue 5-cent stamp.]

All the above-mentioned securities and all securities to come from said company to said Hallett, including railroad shares, United States bonds, and land-grant bonds, city bonds, county bonds, and other obligations shall be delivered to said Durant as often and in such quantities as may be requisite, to be held, managed, used, and disposed of by him as follows:

Said Durant will undertake to raise money on said securities by sale or pledge thereof to enable said Hallett to perform his contract for constructing and equipping the said railway, and in case said Durant shall himself make advances for that purpose, he shall have the right to re-imburse himself by sale or pledge of said securities for such advances. Said Durant shall keep full accounts of all said securities and the proceeds thereof, which shall be open to the inspection of said Hallett, and said Hallett shall keep full accounts of transactions in the construction and equipment of said railway, which shall be open to the inspection of said Durant.

For the services and advances of said Durant to be done and made under his agreement, he is to have from said Hallett one-third part of all the net profits made and to be made by and under said contract of said Hallett with said company, to be ascertained by deducting the actual cost of construction and equipment of said railroad from the amounts received from said company for the same; such net profits to be determined, and such payments to be made as to each section of forty miles of said railroad upon the completion of such section, and the occupancy of the same by the United States Government, and the re-imbursement of all advances made thereof; and the remaining two-thirds of such net profits belonging to said Hallett, whether in the hands of said Durant or of said company, all to be placed in the hands of John D. Perry, trustee, and not to be sold or put on the market until the completion of the whole of said railway, except by the written consent of said Durant.

Before making up any estimate of net profits, the items in said statement of facts consisted of \$200,000 received from John S. Hallett, and \$75,000 received from other sources, shall be reimbursed to said John S. Hallett, or his order, in land-grant bonds, at par, out of those which shall be received for the first section of forty miles of said railway, and in estimating the net profits of each section of forty miles of said railway, the actual cost of construction of such section shall include one-ninth part of all other items payable by said Hallett, as mentioned in said statement of facts, except the amount payable to George Francis Train, for his services heretofore rendered, which last-mentioned amount is to be paid by said Durant for said Hallett to said Train out of said Hallett's securities pertaining to his two-thirds part of net profits. Such \$300,000 to be paid in the above-mentioned securities at par, in like proportion of each class of said securities as the same shall be received from said company, payable one-ninth part on and contemporaneously with the payment of said Hallett of securities for his two-thirds of net profits upon the completion and acceptance of such section of forty miles of said railway. Such securities of said Train to be held by said Durant as trustee for the benefit of W. D. Train, wife of said George Francis Train, and not to be sold or put on the market before the completion of the whole of the said railway without the written consent of the said Hallett and said Durant.

Said Durant shall also pay, at his own expense, to said George Francis Train, for the same services in like manner, at like times, and in like proportions, and held on like terms for said W. D. Train's benefit, other \$150,000. All payments for items mentioned in said statement of facts, except said \$275,000 and said \$300,000, above provided for, and except \$100,000 to G. W. McDonnell, (which is to be paid in land-grant bonds at par,) shall be made in such above-mentioned securities as shall be received from said company, and remains on hand after all of the payments for each section respectively, and the same (including said securities paid to said McDonnell) shall be placed in the hands of trustees, and be held and not sold, nor put on the market until the whole railway is completed, without the written consent of said Hallett and said Durant.

Any deduction which may be made in any of the amounts to be paid, or any item in said statement of facts contained, shall be included in said net profits.

One-half of the shares of stock of said company, to which said Hallett shall become entitled as part of his two-thirds of the profits, shall be put in the name of said John D. Perry, as trustee for said Hallett, it being the intention of the parties to this agreement that said Durant, said Hallett, and said Perry each, shall have the power to vote on one-third of all shares of said company which may be received from the company.

Said Hallett is to procure the choice of a board of directors, a president, and a treasurer of said company, who shall be satisfactory to himself, and said Perry and said Durant.

Said Hallett, once a month shall furnish to said Durant, copies of the pay-rolls, vouchers, and statements for the month, and copies of all monthly estimates of the work.

No salary or wages shall be charged for Thomas Hallett nor for John S. Hallett.

The Leavenworth section of said railway, and the securities to come from the same, as mentioned in said statement of facts, are included in this agreement, but said Hallett is not to do any work on that section without said Durant's written consent.

No subcontract for work or material, nor any large operation affecting the interest of the parties hereto, shall be made or done by said Hallett without the written consent of said Durant, and no sacrifice of securities nor any large sale thereof shall be made by said Durant without the written consent of said Hallett.

Said Hallett agrees to procure the execution of a formal contract from said company conformable to the matters in relation thereto in said statement of facts contained.

The said Thomas C. Durant and the said Samuel Hallett, in consideration of the premises and of the mutual agreement in these presents contained, do mutually agree severally to perform and fulfill their several and respective agreements above written.

The telegraph is included under the term "railroad," and the profits of said Hallett from using both, and subject to all the above provisions as to profits of construction.

In witness whereof the said parties last above named have hereto set their hands and seals this 3d day of February, 1864.

THOMAS C. DURANT. [SEAL.]  
SAMUEL HALLETT. [SEAL.]

Sealed and delivered in the presence of—

N. B.—Last page those lines inserted in the margin by writing in the margin.

EBENEZER COOK.

[U. S. Int. rev. stamp, five cents.]

It is hereby further agreed and understood that in case the said Durant does not raise the money necessary under the above statement of facts, and contract to prosecute the work upon the said railroad and telegraph line to meet the equipments of the act of Congress, then and in that case, if the said Hallett shall through J. D. Perry or other responsible parties, raise the money for the purpose above specified, the said Durant shall transfer a reasonable amount of the securities to be placed in his hands, under the above agreement to said John D. Perry or other parties, but said securities shall not be sacrificed or disposed of in any large amount without the written consent of said Durant, and the proceeds of such securities, when disposed of, shall be applied to the payment of the money so raised, and all such advances shall be reimbursed, the same as if made by said Durant before any division of profits so made, as in the agreement hereinbefore provided.

THOMAS C. DURANT. [SEAL.]  
SAMUEL HALLETT. [SEAL.]

Sealed and delivered in the presence of—

JOHN E. HENRY.

[U. S. Int. rev. stamp, five cents.]

Supplementary agreement between Thomas C. Durant and Samuel Hallett:

Said Durant is to pay five thousand dollars to said Hallett in hand on account of the advances mentioned in the principal agreement.

Said Durant is not to make any other advance until the contract with the company is executed according to the principal agreement and the securities are placed in his hands.

He is also to raise or advance the money required to complete the first forty miles, say twenty thousand dollars, and to pay the six thousand dollars due on bridge and other indebtedness of said Hallett, as shown in his statement of facts, including the amount paid for transportation of men, it being understood that said payments shall be extended by said Hallett, say four months after the said contract shall be executed and securities delivered as aforesaid, if said Durant so desires. Beyond the above sums said Durant shall not be under any obligation to advance any money faster than he raises it on securities received from the company, according to the principal contract.

In witness whereof the said parties have hereunto set their hands and seals this third day of February, A. D. one thousand eight hundred and sixty-four.

THOMAS C. DURANT. [SEAL.]  
SAMUEL HALLETT. [SEAL.]

Sealed and delivered in the presence of—

CHAS. TRACY.

(Indorsed :) No. 153. The United States circuit court for the district of Kansas, in chancery. Joseph B. Stewart, complainant, vs. The Union Pacific Rail Company, eastern division, case No. 153, Exhibit A.

DENTHETT & SPENCER AND GEO. W. HOYT,  
*Complainants' Soli's.*

Filed May 26, 1869.

A. S. THOMAS,  
*Clerk.*

By Mr. HUNTON:

Q. Then the claim which was mentioned in this power of attorney from John E. Blaine to Stewart in 1863 was not mentioned as a debt of this company in 1864, when that contract was made?—A. No, sir; it is not mentioned, unless I have made a mistake in examining it. I think I have examined it very carefully; of course, if I have made a mistake, it will appear.

Q. Does that paper [indicating pamphlet in the hands of the witness] contain anything about the contract and the schedule?—A. This is Mr. Stewart's original bill in this suit, with the exhibits; he makes that contract an exhibit, and it is a certified copy of the original bill in the case filed by Stewart, with all its exhibits. Those contracts are all exhibits.

Q. Do you know anything of any contract between Stewart or the Kansas Pacific Company and John E. Blaine, by which the company or Stewart became indebted to John E. Blaine after the date of that contract?—A. I know of none.

Q. Have you any reasons or facts to give the committee which would indicate whether there was anything due John E. Blaine after the date of that contract?—A. Yes; I have Mr. Stewart's sworn testimony in regard to it. On page 40 of Mr. Stewart's printed book, his deposition appears as one of the depositions in his case against the Union Pacific Railroad, eastern division. That deposition of his is verified on the 22d of November, 1871, before Frank B. Hoff, notary public. In that deposition I find this allegation: "I knew said corporation when it was the Leavenworth, Pawnee and Western Railway Company. I acquired my knowledge of said company from the inspection of the charter, and evidences of corporate organizations, which, duly substantiated, were brought to Washington City, where I then had, and still have, a law office, in 1861 and 1862, by J. C. Stone, A. J. Isaacs, John H. McDowell, and Thomas Ewing, jr., for the purpose of procuring the means from the Government of the United States for the building of said road, the said company being but a paper-corporation, without any capital for the construction of its road, and was, in fact, the private property of the said Stone, Isaacs, McDowell, and Ewing, the few shares outstanding in the names of other parties being but nominal, the parties above named having plenary power to speak and act for said corporation, as was shown by resolution of the board of directors of said company, and ample authority under its corporate seal, which was seen and personally inspected by me, and from such inspection and information I was advised, and believed, and know the same to be true." I know of no connection with the claim of John E. Blaine, unless it was included in those nominal claims outstanding in connection with General Ewing's statement that John E. Blaine's claim was founded on stock. These shares that Stewart states were merely nominal I supposed were worthless in some way, or of no validity.

Q. Does Ewing claim that his claim was for stock?—A. It was so stated in some letter or paper that was published, and which I believe Mr. Blaine read in his vindication. It was there stated, I understand, that this claim was for stock that John E. Blaine obtained from this Leavenworth road, and this is the only mention I find in it. Mr. Stewart swears positively that all that stock belonged to Isaacs, McDowell, Ewing, and Stone, except a few outstanding shares, which were merely nominal. Isaacs, Stone, Ewing, and McDowell, in their contract of sale to Hallett and other parties, state that there are some outstanding claims, that they will not determine whether they are binding or not binding, but that they will not be responsible for them. Taking that all in connection with Ewing's statement, I take it that that refers to the outstanding claims; they are the only claims I know of included in the testimony anywhere.

Q. They stated that they would not be bound by them?—A. They had nothing to say about them; they would not pass any judgment as to whether they were legal or not legal, but that Stone, Isaacs, McDowell, and Ewing would not be responsible for them. If there was any validity in them, the Union Pacific Railroad, eastern division, was, according to them, to be responsible for them. Joseph B. Stewart himself, in his deposition, swears that they were merely nominal.

Q. Have you any other fact that you can give the committee upon which you formed the impression that that claim of John E. Blaine's had been settled prior to this contract?—A. Not in the record, that I can remember.

Q. Do you know of any other fact in connection with these shares that are put down in one report to "Blaine," and in another to "James Blaine"?—A. No, sir, except the statement made in the papers by the different parties.

Q. I mean, have you any other fact bearing upon that question, whether from the record or otherwise?—A. I read from Joseph B. Stewart's statement in the New York Tribune, of May 20, 1876, as follows:

"But fortunately every one of the 174 bonds mentioned in my letter to Mr. Perry can be accounted for.

"1. The 20 belonging to Sherman, and pledged by me to Schiffer & Co., were paid, and taken up by the company, as shown by a further stipulation proposed and signed by Mr. Usher on the part of the company, and added to the Blaine stipulations at page 97 of the record, just two days later, as follows:

"It is further stipulated that Samuel Schiffer was the holder of 20 of the construction-bonds, series B, described in the proceedings in this cause; that he obtained them from the plaintiff in 1864, and that he held them in his possession until 1867, when he exchanged them with the company for certain income-bonds of the company; and this statement is made to be read in evidence in this cause.

"J. R. USHER, *Solicitor for Defendant.*

"JOS. B. STEWART, *Complainant, in person.*

"These were the Sherman bonds, and were exchanged and are in possession of the company. It is shown by the report of the special master, Burns, that I presented for exchange 124 of the construction-bonds, and made proof of the loss or destruction of 50 bonds that were in the Union National Bank, Baltimore, thus accounting for 174, all of which, except the 50 that were stolen or destroyed in 1866, are in the registry of the United States circuit court at Topeka, Kansas, under the control of the special master, Ross Burns. As suggested by Mr. Riddle, it is very easy to see whether the name of James W. Knowlton appears as a witness to the transfer thereof, and I shall immediately address a request to the special master to inspect those bonds, and if he finds the name of Mr. Knowlton, as must be the case if the statements of General Boynton, Mr. Knowlton, and others are true, to be so good as to send a certified copy of the fact to the Hon. A. G. Riddle, General Boynton, or General Mussey, to use in such manner as their duty to the public may prompt them."

That statement is mostly incorrect.

By Mr. LAWRENCE:

Q. That is, Mr. Stewart's statement is mostly incorrect?—A. Yes, it is mostly incorrect. Mr. HALE. Do you propose to allow the witness to read a letter (which has not been put in his testimony) of a party who has not been here as a witness, in order that the witness may go on and contradict what there may be in that letter?

Mr. HUNTON. Yes; I did not know what he was going to say; but if I had known, I should have asked him to go on and say whether he agreed with the facts therein stated; and, if not, in what respect he differed from them.

Mr. BLAINE. How do you know that Mr. Stewart wrote the letter?

Mr. HUNTON. His name is signed to it.

Mr. BLAINE. It is only a publication; it is not proved to be Mr. Stewart's letter.

Mr. HUNTON. I do not know anything about the letter, nor whether it was written by Mr. Stewart or not, except that his name is signed to it. [To the witness.] State to the committee, without putting this letter in evidence, any facts that you may know that are stated differently in that letter.—A. There are only 74 bonds of all the 250 on file with the master in Topeka, Kansas; there are 50 such bonds that Colonel Stewart got credit for, making, as I figure it, 124 bonds. I examined those bonds, in connection with the master in chancery, a week ago last Monday or Tuesday.

Q. What bonds?—A. The 74 that are on file with the master in Topeka; those bonds all belonged to other parties, having been assigned by Joseph B. Stewart to other parties, and delivered there, by them, as his assignees, except, possibly, ten, that I do not know who delivered.

Q. State who filed those bonds.—A. Hamilton G. Fant files four; they are put up and labeled in his name; Birdseye & Crosby, of New York, file five; William A. Coit, of New York, files five; Baldwin (of Baltimore, I believe) files fifty; ten are not labeled, but they are included in two or three assignments to Joseph B. Stewart, Bonney, Coit, Fant, and others. As to what purports to be the fifteen Blaine bonds, it is stated in a stipulation as to Blaine and Schiffer, page 71 of the pamphlet that I have quoted from, that the bonds were received by Mr. Blaine from the plaintiff, and were returned to him by said Blaine, showing that the Blaine bonds went back to Joseph B. Stewart. That stipulation is as follows:

"*Stipulation as to Blaine and Schiffer.*

"It is agreed, in this case, that John E. Blaine was the holder of fifteen of the bonds described in the pleadings in this cause, as the construction-bonds of the defendant, series B, and that he received said bonds of the plaintiff, and which were returned to him by said Blaine. That afterward, at the instance and request of the plaintiff, the defendant delivered to said Blaine twelve land-grant bonds of one thousand dollars each in full satisfaction of the fifteen bonds in the hands of the plaintiff, which have not been delivered to the defendant. That the delivery of the twelve bonds was made since the commencement of this suit, but said Blaine was the holder of the construction-bonds aforesaid, in the year 1864.

"This statement is made to be read in evidence in the cause by the plaintiff, July 16, 1870.

"It is further agreed that Samuel Schiffer was the holder of twenty of the construction-bonds, series B, described in the pleadings in this cause; that he obtained them from the plaintiff in 1864, and that he held them in his possession until 1869, when he exchanged them with the company for certain income-bonds of the company; and this statement may be read in evidence in this cause.

"J. P. USHER,

*"Solicitor for Defendant.*

"JOS. B. STEWART,

*"Complainant, in person.*

"JULY 18, 1870."

This shows that the fifteen Blaine bonds, as specified, never were deposited with the master, and never were in court at all, and that there are only seventy-four of the bonds actually there. There are no assignments upon the back of those bonds. All the assignments that I saw were made on separate pieces of paper. The bonds were regarded and conceded by every one not to be negotiable, and were only legally assigned and transferred in writing. Stewart's assignments were always on separate pieces of paper, and not upon the back of the bonds, so far as those I saw were concerned, and I saw at least five or six in all.

Q. Are there any other facts stated in this alleged letter of Mr. Stewart's which are not, in your opinion, true?—A. All I can do is to make a general statement about it. This statement of Colonel Stewart's in the New York Tribune is a perversion of the facts and a collection of misstatements almost from the beginning to the end.

Q. Is there any other fact or paper, within your knowledge, or derived from information from others, with the exceptions heretofore alluded to, that bears upon the subject of this investigation? If so, state it.—A. I know of none, except General Ewing's statement.

Q. Have you got that?—A. No, sir.

By Mr. HUNTON:

Q. Is that in the depositions?—A. No, sir; I know of no more in the depositions at present. I cannot think of anything.

Q. Have you any statement in the paper purporting to be from Mr. Ewing already mentioned?—A. I have, sir.

Q. State whether the facts are stated correctly in that publication; and, if not, in what particulars are they not correctly stated?—A. Mr. Ewing states that this claim of \$15,000, Blaine bonds, was due John E. Blaine for stock that he held in the Leavenworth, Pawnee and Western Railroad. If so, it has no possible connection with the subject-matter of the suit of Joseph B. Stewart. According to the record, Joseph B. Stewart does not pretend to have bought it, nor does he pretend to have it. He does not relate it in his petition. On the contrary, he puts a power of attorney there, which shows that he does not pretend to have bought it. He does not pretend to have bought any claim of John E. Blaine for stock, or to have any rights accruing under such claim. His sole claim in the suit is for his bonds—temporary construction-bonds.

Q. Whose sole claim?—A. Joseph B. Stewart's. The claim in his petition is for the thirty bonds which he was to have for his services, and the one hundred and twenty-four which he says he bought.

Q. And of those construction-bonds which he claimed to have, the fifteen mentioned in those papers to "Blaine" or to "James Blaine," formed a part of it, as I understand it?—A. Yes; part of the construction-bonds.

Q. And had no sort of reference to stock?—A. No, sir; had no sort of connection possible, according to the record, with the stock. There was no such claim made, or ventured, or alleged, or agreed in the case.

Q. Is there any other fact within your knowledge?—A. Not unless my attention were called to something. I wish, however, for my own protection, here to state that in stating from memory what I saw in the papers I do not pretend to be perfectly accurate, unless I have the papers before me. I further state that in my estimation of the amounts throughout I do not pretend to be correct, but merely make rough approximations in my mind as to the Credit Mobilier transactions of the company.

By Mr. HALE:

Q. When did you first come into association with this suit of Stewart against the company, acting, as you did, for the Bonney estate?—A. I cannot state, without the record, accurately when it was. The suit had been pending for a year or two before there was much done in it; but Coit and Bonney supposed Stewart was prosecuting it for their benefit.

Q. At what time did you come into it?—A. I think along somewhere about 1870 or 1871 it was that I became identified with the suit, but I will not be positive as to that date.

Q. Previous to that, had you had any association with the company, either as counsel or otherwise?—A. None at all, sir.

Q. Had you in your business any transactions that led you to a knowledge of the company's doings and workings?—A. None at all; nothing till that time.

Q. Had you then any knowledge of your own as to the origination of the claim of John

E. Blaine, or of the transaction of the original Leavenworth and Pawnee Railway Company?—A. None, except what I got from the facts connected with the suit.

Q. None, except what you got from the developments of the suit?—A. Only what I got from the developments in the suit, and the statements referred to in the papers.

Q. Then, at the time of the origination of the claim of John E. Blaine in 1862, of the date of his power of attorney to Stewart in 1863, and of the settlement made by Stewart with Blaine, had you any knowledge whatever of the transactions of the company?—A. None at all; that was all prior to any knowledge that I had of either the parties or their business.

Q. Had you had any acquaintance with the parties at that time?—A. I think not with any of the parties until I was brought in contact with them in the suit.

Q. In what years?—A. 1862, 1863, 1864, and 1865.

Q. Where were you living then?—A. At Galena, Illinois.

Q. Where are you now living?—A. At Saint Joseph, Missouri.

Q. You have referred to a statement of the parties who mainly owned this corporation in its early stages, as stated by Mr. Stewart, in which he gives the names of the owners, and in which he says that those comprehend all excepting nominal amounts—you say that that was the only knowledge you had of anything in which James E. Blaine's amount could be embraced—the mention of "nominal amounts"?—A. In connection with Mr. Ewing's statement, that it was in connection with those bonds.

Q. You mean by that, that they were small amounts as compared with the others?—A. Yes; and merely nominal; I supposed that they were merely nominal—small amounts along the line of road.

Q. Have you no knowledge?—A. No; I will state that I never inquired particularly into that, except what was in the record.

Q. And that is the extent of your knowledge of those transactions running back a period of about ten, twelve, or fourteen years?—A. That is the extent of it, yes, sir. I derived all my information from the suit, and what I learned in connection with the suit, and from these statements in the papers recently made.

By Mr. BLAINE.

Q. Your elaborate participation in those suits of course gave you a large knowledge of the affairs of the Kansas Pacific Railroad in all its details?—A. Yes; a considerable knowledge.

Q. It would take you a long while to exhaust that knowledge in your testimony?—A. I do not suppose I could do it in a great many days.

Q. You said in answer to the chairman (Mr. Hunton) that you had stated all that you knew bearing upon the subject of this investigation; you mean by that the Blaine bonds?—A. Yes.

Q. You understood that this investigation was not an investigation into the Kansas Pacific Railway, but into the Blaine bonds?

Mr. HUNTON. That is not what I meant by the question.

Mr. BLAINE. I want to get what the witness understood as to what he is brought here for.

The WITNESS. I supposed an investigation into the Credit Mobilier, and all the parties in it.

By Mr. BLAINE:

Q. You stated when you were asked to relate all you knew of the subject of this investigation, you understood that to mean the Blaine bonds; you have answered to that effect—that that is what you thought you came here for.—A. I thought I came here to give testimony in regard to the workings of the Credit Mobilier, and the disposition of all the bonds that I had any knowledge of.

Q. Those bonds that you spoke of going to John E. Blaine were never in the Credit Mobilier, were they?—A. That is what I insist all through, that they were not.

Mr. BLAINE. I merely wanted to point out that this investigation, like these other large investigations into railways, are investigations of myself.

Mr. HUNTON. It is not right to point out any such thing to the witness.

Mr. BLAINE. I can only do it by his testimony. When he is asked to relate all he knows about this subject, he says he has related all he knows upon the subject of this investigation; whereas he tells you that if your object is to inquire into the affairs of the Kansas Pacific Railroad, it would take him a great many days to do it in; of course it would.

Mr. HUNTON. What is your object, Mr. Blaine?

Mr. BLAINE. I only want the country to understand that.

Mr. HUNTON. What you want the country to understand must come from the questions which are asked, and the answers which are given by the witness.

Mr. BLAINE. Yes; let me rehearse the questions and answers: I took him, I think, in regular legal form, although I am not a lawyer. I asked him whether his long connection with these suits did not give him an intimate knowledge of this Kansas Pacific Railroad. He said it did. I asked whether he could tell all he knew about it in a short time. He said it would take him a great many days to tell all he knew about it. Then I asked him what he

understood by [your question, which required him to tell all that bore upon the subject of this investigation; and he answered], like a truthful man, that it was upon the Blainet bonds, as he understood.

By Mr. HUNTON:

Q. When I asked you if that was all you knew about the subject-matter, I meant about the disposition of the bonds and the other assets of this Kansas Pacific Railroad—anything which bears upon the subject-matter of this investigation, or anything connected with that road, in which they had violated their charter, misapplied their assets, or been guilty of any fraud toward the Government. That is what I meant by it, and I supposed you so understood it, and had answered it. I repeat that question now with that explanation.—A. I have stated all that I know in particular in regard to the transactions of the railroad company with the Government of the United States, and the disposition of the bonds and assets of the railroad company. The records of course explain the matters more fully than I have done; for instance, the contract between Hallett and Durant shows the particulars of the amount received for building the road, and estimates throughout of what the road cost. I have, however, mentioned every name that I know of that was connected with the bond business, except it may be Frémont, and there were two boards of directors. I do not really know who constituted one of the boards of directors, but John D. Perry was controlling the road at the time.

Q. I will direct your attention to some other parts of the case to which, I supposed, you had already responded; but it seems that you did not understand the scope of the question: Do you know anything of the disposition of the lands of this company granted to it by the Federal Government?—A. The contract between the railroad and Hallett, I think, turns over all the lands, together with the land-grants obtained from the Indians, to Hallett, Perry, and Durant, being the parties constituting what I call the Credit Mobilier of the Kansas branch of the road. It is all recited in the contract, which mentioned bonds, including county bonds, of which there were a large amount, and everything else.

Q. Do you know anything of the disposition of their lands, other than that recited in the contract?—A. No, sir; except that they have issued a great many land-grant bonds, to secure which, I presume, they have given mortgages and deeds of trust upon the lands. I suppose they take them subject to those.

Q. Do you know anything about those land-grant bonds, or are they those which you have been talking about?—A. The temporary construction-bonds were really a kind of land-bonds; there was a deed of trust executed to secure them, and they were made to trustees; the deed of trust was afterward canceled by decree of the court of chancery, and the entire amount of temporary construction-bonds legally blotted out by that decree, and these other land-grant bonds were substituted for the temporary construction-bonds.

Q. Did they fulfill the requirements of the law in regard to their lands and bonds?—A. I cannot state that.

Q. Do you know anything about the commissioner of the Government going out to receive the road, so that they might get their lands?—A. Nothing specific.

Q. Do you know of any instance in which this company has defrauded the Government in any particular?—A. I can specify no particular instance except in lobbying operations.

Q. And that refers to the bonds which you have already spoken of?—A. Yes; I think that that was a huge swindle upon the Government; that is my opinion of it.

By Mr. LAWRENCE:

Q. Which was a huge swindle?—A. The lobbying business; I suppose there is no controversy about that.

By Mr. HUNTON:

Q. Then you do not know of any other instance in which this company has defrauded the Government or failed to discharge its obligations under its charter and amendments?—A. I know of no specific matter.

By Mr. LAWRENCE:

Q. Have you any knowledge of your own of any lobbying by the company or its agents?—A. Only just what I learned from the declarations of the officers of the company and stockholders and from the depositions of the parties.

By Mr. HUNTON:

Q. Did you learn anything on that subject?—A. Let me make an explanation here: When I speak of the company, I refer to Durant, Hallett, and Perry, who constituted the Credit Mobilier, and had control of the company.

Q. Do you know anything about this lobbying business other than that you have described in your preceding examination?—A. No, sir; I do not.

Q. You do not know of the use of any money, or how any money was used in the lobby?—A. No, sir.

Q. Have you never heard how it was used?—A. I will state that in the examination of

Joseph B. Stewart, John P. Usher, attorney for the railroad company, subjected him to about 128 searching cross-interrogatories, a portion of which were intended to find out what Stewart did with the \$250,000 of bonds that were placed in his hands by Thomas C. Durant, but utterly failed to trace all the bonds into the hands of the parties who had received them.

Q. Did he not in that examination refuse to answer what he did with them?—A. He evaded it; he did not say what was done with the \$96,000 trust-bonds.

Q. What do you mean by the \$96,000 trust-bonds?—A. I mean that Stewart states that \$96,000 of the \$250,000 were put in his hands in trust for other parties.

Q. He refused to tell what he did with those?—A. He refused to tell what he did with those except that he states that Alexander Hay; of Philadelphia, exchanged \$76,000 of them for Hay himself and other parties for whom he, Hay, held them in trust. Hay states that he exchanged them as the agent of Joseph B. Stewart; \$154,000 of the \$250,000 he accounted for.

Q. That leaves \$96,000 unaccounted for?—A. Yes; except as I have above stated. I will state furthermore that there were a number of assignments made of these bonds, portions of those one hundred and fifty-four in trust for different parties. Several assignments went to Hay and several to Fant, that were made in trust for other parties. The names of the *cestui que trusts* were not given.

Q. Is that all you have to say on the subject-matter of the investigation in the enlarged sense to which I referred awhile ago?—A. I believe I have stated in the first part about Train and his bonds—yes. I believe I have stated now all, unless I should refresh my memory.

Q. I request that if any other fact bearing upon this investigation in the enlarged sense to which I have called your attention, comes to your recollection, you will communicate it to the committee.—A. I will do so. As to those bonds of Train's I have no means of tracing them, but the record shows that George Francis Train and his wife got \$500,000 of those temporary construction-bonds.

By Mr. BLAINE :

Q. For what consideration?—A. I do not know. The proposition upon which the settlement of January 6, 1860, was made is, that it settles as to the \$150,000 in contract coming to Mrs. Train from T. C. Durant, but leaves Train's claim for \$350,000 against Hallett, with interest, *in statu quo*, without recognizing it.

Q. He never got it, did he?—A. Afterward Durant states that he did get it. Furthermore, this record shows that George Francis Train and his wife got \$500,000 of those bonds in all, for services.

By Mr. HUNTON :

Q. George Francis Train got \$500,000, as you understood, for lobbying?—A. As I understood, yes, sir; George Francis Train and his wife.  
Adjourned.

WASHINGTON, D. C., June 10, 1876.

The committee met, to proceed with the examination of Joseph B. Stewart.

Mr. BLAINE asked that, in consequence of the absence of his two colleagues, (Messrs. Hale and Frye,) and of the absorption of his own time, the examination be postponed.

After an interchange of views between the members of the committee, Mr. Blaine, and the witness, it was agreed that the examination of the witness should be postponed till Monday next.

The following proceedings then took place :

Mr. HUNTON, (to Mr. Blaine.) The committee has instructed me to request the production of those letters which you obtained from Mr. James Mulligan.

Mr. BLAINE. The Judiciary Committee?

Mr. HUNTON. No, sir; the subcommittee.

Mr. BLAINE. You know the ground that I have taken in respect to the proper ownership of those letters?

Mr. HUNTON. Yes, sir.

Mr. BLAINE. I have not changed it.

Mr. HUNTON. Then you decline to produce them?

Mr. BLAINE. Yes, sir.

Mr. HUNTON. The committee also requests the production of the memorandum made by Mr. James Mulligan.

Mr. BLAINE. I cannot vary my ground as to matter of right on that.

Mr. HUNTON. You decline also to produce that?

Mr. BLAINE. I do, on the ground that if I have the right to the letters, that is a right which involves a protection against the multiplication of copies of them, and the abstract was of the nature of a multiplication of copies. All goes to the question as to who had the right to the ownership of the letters. One follows the other. If I have the right to my letters, I have the right to copies of them.

Mr. LAWRENCE. It seems to me, so far as we have had any evidence before us, and without reference to what was in the letters as they were produced in the House, that there is but one of them that seems to have any pertinency to the subject-matter before us.

Mr. BLAINE. The witness has sworn to that.

Mr. LAWRENCE. I do not myself see how, acting under the resolution, we can ask the production of any letters unless they have some pertinency to the subject-matter of inquiry.

Mr. HUNTON. [To Mr. Lawrence.] Have you any definite proposition to make?

Mr. LAWRENCE. It was stated that the subcommittee required the production of these letters.

Mr. HUNTON. That is true, is it not?

Mr. LAWRENCE. Certainly. I am merely stating my view.

Mr. BLAINE. You did not concur in it.

Mr. LAWRENCE. I did not.

Mr. BLAINE. I am glad to have that noted—that it is a majority report, and not a report of the entire committee.

Mr. ASHE. [To Mr. Lawrence.] Do you think that the committee has a right to call for the production of that one letter?

Mr. BLAINE. I offered to give you that; I will send you that letter; that is, I will send you that letter provided you put your request for the letter which, according to the evidence, bears on the case. I am not going to send you that letter on the ground that you can have that and then ask for the others; but if you put your request on the ground that you have no right to any letter except that which, you have some evidence, bears upon the case, I will comply with your request. But if you ask for a general rummage of my correspondence, I decline it.

Mr. HUNTON. We do not ask for any general rummage of your correspondence; we ask for letters which you got from the witness Mulligan. Our request to you is in writing, and it is for the letters which you obtained from James Mulligan. That request you have declined.

Mr. LAWRENCE. Mr. Ashe asked me a question that is entirely pertinent, and I will answer it. I think that we have a right to require the production of that one letter which, we have evidence, may be pertinent to the inquiry.

Mr. HUNTON. [To Mr. Blaine.] Without waiving the request of the committee for all the letters delivered to you by James Mulligan under the circumstances described heretofore, the committee requests that any one or more of the letters, and especially the statement of Mr. Mulligan, be produced by you.

Mr. BLAINE. That does not change the original proposition. I have declined.

Mr. HUNTON. Then you decline to produce any one of them?

Mr. BLAINE. Under the general assumption of authority that you have the right to call for all of them, I do.

Adjourned.

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## THE BEARDSLEE CADET INVESTIGATION.

JUNE 30, 1876.—Ordered to be printed.



IN THE HOUSE OF REPRESENTATIVES, March 9, 1876.

The following resolution was offered by Mr. Lewis, and was adopted :

Whereas Charles Hays, a member of this House, did on the 4th day of March, 1875, nominate one Guy Roosevelt Beardslee for appointment as a cadet of the United States Military Academy from the fourth congressional district of the State of Alabama; and whereas it is reported that said Hays did falsely certify to the Secretary of War that the said Beardslee had been an actual, *bona fide* resident of the said district for over two years previous to the nomination aforesaid; and whereas it is extensively reported that the mother of said Beardslee paid to said Hays the sum of \$3,000 to obtain said nomination for her said son; and whereas it is justly due to said Hays that a thorough investigation should be had in order to ascertain the truth or falsity of said reports: Therefore,

Be it resolved, That the matters aforesaid be referred to the Committee on the Judiciary, with authority to investigate the same and send for persons and papers.

WASHINGTON, D. C., March 11, 1876.

ELIE CHARLIER sworn and examined.

By Mr. LORD :

Question. State your residence and occupation.—Answer. I reside in New York; I am a school-teacher.

Q. What kind of a school do you teach?—A. I have a private school for boarding, and day-scholars.

Q. Is it a military school?—A. No, sir.

Q. How long have you been engaged in that business?—A. I have been almost twenty-one years the principal of a school.

Q. In what part of the city of New York?—A. For nineteen years I was on East Twenty-fourth street, and for the last eighteen months I have been on West Fifty-ninth street, at Central Park.

Q. Do you know Guy R. Beardslee?—A. I do.

Q. Has he been a student of yours?—A. Yes; for five years.

Q. What is his age?—A. About seventeen and a half or eighteen.

Q. Where did he reside when he was at school with you?—A. So long as his father lived he resided in Herkimer County, New York. His father died about two or three years ago, and after that he resided with me.

Q. Where was his actual residence?—A. I do not know that he had any. I know where his mother lived. She lived in Herkimer County.

Q. After her husband's death, did she not go to some other place?—A. She traveled a good deal here and there.

Q. Did she not reside in Utica about two or three years on account of her father?—A. Yes; her father died there while she was there.

Q. Then, from the time she lived in Herkimer County up to the time her father died, she lived in Utica?—A. Yes; so far as I know. I was generally acquainted with her movements. I know that the bulk of her property is in Herkimer County.

Q. About when did her father die?—A. I think about a year and a half ago.

Q. Did you ever know any other residence of Guy R. Beardslee than Herkimer County and Oneida County, and his being at school with you in New York City?—A. I know that they had taken another residence.

Q. State all about that.—A. It is difficult for me to state, unless you allow me to tell a little story.

Q. If you know any other residence which he had besides New York City, Herkimer County, and Oneida County, state what other residence he had.—A. Alabama.

Q. When did he go to Alabama?—A. In March, 1875.

- Q. Where is he now ?—A. In West Point.
- Q. How long has he been there ?—A. About nine months.
- Q. When was he appointed there ?—A. He entered there last June. He was appointed some time last March.
- Q. Then he was appointed in the same month that he moved to Alabama ?—A. I understand it so.
- Q. Do you know whether Mrs. Beardslee has paid any sum of money to bring about such appointment ?—A. She did.
- Q. How much ?—A. \$3,000.
- Q. Is that all that she paid ?—A. She paid me \$3,000.
- Q. Is that all that you know of ?—A. That is all that I know of. She paid me \$3,000 to bring it about.
- Q. Bring about what ?—A. To bring about the appointment of her son as cadet to the Military Academy.
- Q. What did you do with the money ?—A. I paid it to a lawyer in Washington City.
- Q. To whom ?—A. To W. Lilley, attorney and counselor at law, 1317 F street.
- Q. Is that his present place of business ?—A. Yes.
- Q. Have you seen him since he has been in the city ?—A. Yes, sir.
- Q. State the precise amount which you paid him.—A. \$3,000.
- Q. When did you pay it to him ?—A. On the 5th day of March, 1875.
- Q. For what purpose ?—A. For the purpose of procuring the appointment of Guy R. Beardslee to the Military Academy.
- Q. What arrangement did you make with him in regard to it, and what arrangement did you make with Mrs. Beardslee ?—A. I made an arrangement with Mrs. Beardslee that she would re-imburse me my expenses.
- Q. Then, in addition to the \$3,000, she paid you your expenses ?—A. Yes ; some \$50 which I spent in coming to Washington two or three times.
- Q. That is all she paid you in addition to the \$3,000 ?—A. Yes, sir.
- Q. What arrangement did you make with her in regard to the \$3,000 ?—A. Since the death of young Beardslee's father, I became almost the father of the young man, and have taken full charge of him. While the father lived he wished the boy to go to West Point ; and when the father died, the mother consulted me, and I advised her strongly to have him go to West Point. I told her it was the best thing for the young man, and I think so still. The young man had a certain amount of fortune, and I told her that the discipline at West Point was the thing for him. I advised Mrs. Beardslee to have her son go to West Point. Then she gave me full power in the matter to do what I thought best. Then I applied to a lawyer in Washington, (this Mr. Lilley,) who informed me that if I paid him \$3,000, and would not circumscribe him to any State or place, and would comply with all the conditions which he would impose on me, he would procure an appointment for me. He made certain conditions—that the young man would go and reside in the State of Alabama for sixty days, and should declare his *bona-fide* intention to become a citizen of Alabama ; and that if he did so, he would procure him the appointment. I accepted the conditions and complied with them all.
- Q. Did he tell you from whom he was going to procure the appointment ?—A. Not beforehand ; but when it was questioned to go to Alabama, and when the district was mentioned, I had only to take an almanac to find out who was the member from that district.
- Q. State what he said on the subject.—A. He never told me anything on the subject.
- Q. How did you know what district and what State Guy R. Beardslee was to be appointed from ?—A. I knew it by Lilley.
- Q. When did you become possessed of that knowledge ?—A. On the 5th of March, 1875.
- Q. Do you know the date of the young man's appointment ?—A. No, sir.
- Q. What communication, if any, did you make to Mrs. Beardslee in regard to it ? What did you tell her or what did she tell you ?—A. As she had given me full power to act, I wrote to her what I had done.
- Q. What did you write to her ?—A. I wrote to her what I had written to Washington and what answer I had received ; that I had written to a lawyer in Washington to ask him first if he could get me an appointment, and that he had answered yes, if I would not restrict him to any State or place, but would give him all latitude in the matter and give him \$3,000 on the date that appointment would be put in my hands.
- Q. Did you see Mrs. Beardslee, personally, on the subject ?—A. No, sir.
- Q. How did you receive the \$3,000 ?—A. By a draft on New York.
- Q. Where did you pay the \$3,000 to Lilley ?—A. In my house in New York City.
- Q. Did you take any receipt from him ?—A. No ; I took the papers which he handed me.
- Q. What papers did he hand you ?—A. The appointment of the young man to a cadet-ship to West Point.
- Q. What date was that ?—A. 5th March, 1875.
- Q. Had the boy been in the State of Alabama at that time at all ?—A. No, sir.
- Q. Then he went to the State of Alabama to reside after he received the appointment, and after you had paid the \$3,000 ?—A. Yes, sir.

Q. Is that the first appointment of the kind that you have ever procured?—A. Personally, yes.

Q. Is it the first appointment that has ever been procured for boys of your school?—A. No, sir; a good many have been procured for the boys of my school, but I never had any personal dealing with them.

Q. Have you any knowledge of the circumstances of these appointments?—A. Not in detail; merely that appointments were procured, more or less, for the last twenty years.

Q. By whom were they procured?—A. By brokers and lawyers in Washington.

Q. Can you give the names of any of those brokers and lawyers?—A. I cannot.

Q. I want to know what you know yourself as to the qualifications of a cadet for West Point. I put you on all your experience, and ask you what you know and believe as to the qualifications for a cadetship at West Point?—A. I know that the law puts the appointment into the hands of Congressmen. I know that many Congressmen have very often nobody in their districts to appoint, and I know that oftentimes these Congressmen, having nobody in their districts to appoint, are very glad to find an eligible young man to appoint; that has been told me a good many times.

Q. Did you ever know any other case where money, or valuable consideration, or presents were paid for an appointment?—A. I have never known any case whatever, where any Congressman has received any money or compensation of any kind; but I know a great many cases where donations (if I may use that word) have been made for certain purposes, sometimes to a church, sometimes to a charitable institution by people who could afford it.

Q. That is, the parents of these cadets would make presents to some church or charitable institution?—A. Yes, sir.

Q. State how large a present you have known to be given to a charitable institution or church in such a case.—A. I have heard, but I cannot vouch for the fact, that as high as \$5,000 has been given.

Q. To whom was that \$5,000 given?—A. I cannot say exactly, because at the time I did not take any note of it. I merely speak from memory.

Q. Was that for a student of your school?—A. I know a case where a young man was appointed to West Point, and the collegiate education of another young man was paid for on account of that appointment.

Q. Now about the \$5,000; when was that paid?—A. I cannot tell you. It is a great many years ago.

Q. Was it for a student of your school?—A. I think not; I cannot say; I never went into the details.

Q. Do you know who gave it?—A. No; I cannot tell the name now.

Q. Do you know who received it?—A. No, sir.

Q. Could you tell by an examination of your papers at home?—A. I think not. I made no notes whatever of these things. Young Beardslee is the first one that I have dealt with personally. In all the other cases, it was always the family that attended to the appointment.

Q. Where did that \$5,000 case originate; where did the parties live?—A. In New York City, I suppose.

Q. Do you know the district from which the young man was appointed?—A. No, sir.

Q. Have you any means of information on the subject?—A. No, sir.

Q. Do you know whether the boy was a pupil of yours?—A. I do not. I cannot say no or yes.

Q. Do you recollect any case besides this of Beardslee's that has occurred from your school?—A. I remember the case of a young man who was appointed to West Point, and I understood that his father had paid \$1,500 to some broker or lawyer to get the appointment.

Q. Can you give the name in this case?—A. I believe the name was Haldane. I remember that there was some talk about it, and that the father had to come to Washington to testify about it.

Q. Do you recollect the name of the Congressman in regard to whom he testified?—A. I do not.

Q. How long ago was that?—A. Five or six years ago.

Q. Was that the South Carolina case?—A. I do not recollect.

Q. Do you recollect any other case that occurred at your institution?—A. No, sir.

Q. Where presents were given for churches or charitable institutions?—A. I cannot give you any names or facts. All my information is from hearsay.

Q. How long was it after you paid this lawyer Lilley the \$3,000, and after you received the appointment or nomination of young Beardslee to West Point, that he went to Alabama?—A. He went almost immediately; perhaps in three or four days, or in a week after.

Q. How long did he stay there?—A. Sixty days or more.

Q. Did any one go with him?—A. No, he went alone; but his mother, a few days afterward, joined him there.

Q. Did you see him on his return?—A. Yes; he came back to my house on his return. He came to finish his education with me, and to prepare himself for his examination.

Q. How long was he at your place before he was examined?—A. About a month.

Q. Then he must have returned to your place about the first of May?—A. No; it was later.

Q. Will your books show when he returned?—A. Yes, sir; they ought to show.

Q. Will you furnish a memorandum of the date to the committee?—A. Yes, sir; I can see by my school-record when he went and when he returned.

Q. Was this negotiation with Lilley all the negotiation that you knew about in the matter?—A. Yes, sir.

Q. Did you know of no negotiation in the county of Oneida?—A. No, sir; I did not know of any negotiation in the county of Oneida.

Q. Did you ever have any correspondence or talk with Mrs. Beardslee in regard to an appointment being made elsewhere than from Alabama?—A. Yes, sir; a good many talks.

Q. State what place you proposed to have the boy appointed from.—A. When the question came up, I asked her to have the boy appointed by the member from the district in which Herkimer County is, or Oneida County. That was in 1875; and I understood that at that time there was to be a competitive examination of candidates for the cadetship; but the boy was taken sick with measles, and was sick for six weeks, when that examination took place, so that it was utterly impossible for him to attend it.

Q. When did you say that that competitive examination was to take place?—A. Some time in the spring of 1874.

Q. Was there any other competitive examination in that district after 1874, until the one last month?—A. Not that I know of; on the contrary, it was that fact that determined me in my action, or which influenced my action.

Q. The point is, whether you advised Mrs. Beardslee to procure the appointment of this boy in that district?—A. I did; I should have liked to have the boy appointed from that district.

Q. When was that advice given to her?—A. In the years 1873 and 1874.

Q. Did you not advise the same thing in 1875?—A. No; because I was told that it was a perfect impossibility.

Q. What were you told on the subject?—A. I was told that the Congressman from that district had appointed a cadet, and that, as the young man was to be in West Point for four years, there would be no vacancy in that district for that length of time.

Q. Did you know who was elected Congressman in that district in the fall of 1874?—A. I may have known, but I do not know now.

Q. Did you know that there was a Congressman elected in that district in the fall of 1874?—A. I may have known it, but I do not recollect now.

Q. Do you know Mr. Whitehouse, of the Poughkeepsie district?—A. I do.

Q. Did you send Mrs. Beardslee to see him?—A. No; I did not send Mrs. Beardslee to see him.

Q. Did you advise her to go and see Mr. Whitehouse?—A. No; I saw him myself.

Q. In her behalf?—A. In behalf of the boy.

Q. Did not Mr. Whitehouse tell you that he could not appoint the boy?—A. Yes.

Q. And did he not give his reason that the boy was not a resident of his district, and that he could not give any certificate unless the boy had been there for two years?—A. He did not state two years; he did not name any time.

Q. But he did state that it was impossible for him to appoint the boy because he was not a resident of his district?—A. Yes.

Q. When was it that you saw Mr. Whitehouse?—A. I cannot precise the date. It was some time in February, 1875. I came to Washington on purpose to see him.

Q. What other Congressman did you see in regard to it?—A. I didn't see any other.

Q. Mr. Whitehouse was the only one you saw?—A. Yes, sir.

Q. Did you not advise Mrs. Beardslee to procure an appointment from the Congressman of the district in which she lived after the 1st of January, 1875?—A. I could not have done so since I knew it was impossible.

Q. Did you not have any conversation with her on the subject?—A. I have had with her so many conversations that I cannot precise what conversations I had with her.

Q. When did you see her next after the first of January, 1875, and where?—A. I cannot answer the question precisely. I know that I saw her once in New York, when she saw Mr. Lilley in my house.

Q. Was she present when the \$3,000 was paid to Lilley?—A. No, sir; I have received no money from her yet.

Q. She met Mr. Lilley at your house?—A. I believe so.

Q. State that interview, and when it was.—A. If my memory serves me faithfully, I wrote to her that Mr. Lilley would be at my house on such a date. I remember that I paid Mr. Lilley on the 5th of March. I find it on my books.

Q. I am now speaking of the interview before you paid the money.—A. That was the only time that Mr. Lilley was in my house.

Q. Then it was the time when the money was paid and Mrs. Beardslee was there?—A. Mrs. Beardslee was not present at all. It seems to me that she came afterward, and that Mr. Lilley came a second time to my house the same day, or the next day, and saw Mrs. Beardslee.

Q. She was not present when the money was paid?—A. No, sir.

Q. Between the 1st of November, 1874, and the 5th of March, 1875, how many times did you see Mrs. Beardslee?—A. I cannot tell.

Q. State to the best of your recollection.—A. She used to come to New York irregularly.

Q. You saw her between those dates?—A. Yes, but whether I saw her once, twice, or three times I cannot say. I may have seen her three or four times, and I may have seen her only once.

Q. At every time you saw her did you have a conversation with her upon the subject of a cadetship?—A. No; I think not.

Q. Did you not know that the young man, who was appointed from the district in which she lived in the spring of 1874, was rejected on examination?—A. No; I do not know that.

Q. Do you not know that a young man named Sturgis was appointed?—A. Yes; I have heard it, but only a few days ago.

Q. Did you not know that Mr. Sturgis was appointed after the rejection of the other, and that he was making such a record at West Point that every one understood he could not remain there, and that, therefore, Mrs. Beardslee thought there would be a chance for the appointment in the district in which she lived. Did she not advise you of all that?—A. I cannot say as to that. I have no knowledge of that. Mrs. Beardslee may have told me, but I have entirely forgotten if she did.

Q. In view of these facts did you not advise Mrs. Beardslee to get the appointment in the district where she lived?—A. I should have preferred at all times that she got the appointment there.

Q. Did you not so advise her?—A. My preference being so, I certainly must so have advised her.

Q. Did you not advise her to pay in that county a sum of money as counsel-fee in order to induce the appointment?—A. Only exactly as I paid a lawyer here.

Q. Then you did advise her to pay a counsel-fee, as you would pay a lawyer here?—A. Yes; if she could get somebody to get the appointment.

Q. Do you know whether Mrs. Beardslee is in Washington City?—A. I suppose not. She was not here when I first came here. I do not think she is.

Q. Do you know John F. Seymour, of the city of Utica?—A. I do not.

Q. Did you write him a letter, that if Mrs. Beardslee's son could be appointed you would be willing to pay a respectable fee?—A. I have no recollection whatever of having written such a letter.

Q. Will you swear you did not?—A. If the letter was produced I should recognize my handwriting.

Q. I want to know how positive you are about it.—A. I have not the slightest recollection of it.

Q. Do you know John F. Seymour?—A. No.

Q. Do you know Governor Seymour?—A. I know him from reputation.

Q. You know both of them by reputation?—A. Yes; I know who they are.

Q. State whether you mean to testify, on your oath, that all the money which Mrs. Beardslee ever paid to you, connected with the appointment of her son to a cadetship at the Military Academy at West Point, was \$3,050.—A. Yes, sir.

By Mr. CAULFIELD:

Q. You paid this money in New York?—A. Yes, sir.

Q. At your own house?—A. Yes.

Q. To Mr. Lilley?—A. Yes.

Q. Mrs. Beardslee was not present?—A. No.

Q. How long had you that money in your possession?—A. No time. Mrs. Beardslee reimbursed me afterward.

Q. You paid your own money first?—A. Yes.

Q. And she paid you back?—A. Yes.

Q. How long was it after you first saw Lilley in Washington about it until you finally got it?—A. I never saw Lilley in Washington about it. I corresponded with him.

Q. You did not come to Washington to see him?—A. No, sir; I came to Washington to see Mr. Whitehouse. One day the father of one of my pupils came to my house, and said, "If you go to see Mr. Whitehouse, you may get an appointment from him for your *protégé*;" and I started for Washington to see Mr. Whitehouse.

Q. You did not see Mr. Lilley at all at Washington?—A. No, sir.

Q. How long had you been corresponding with Lilley before you obtained the appointment?—A. A month, more or less.

Q. Then you began to correspond with him about the 1st of April?—A. About.

Q. Was it the appointment or the nomination you received from him?—A. I suppose it was the nomination.

Q. By whom was it signed?—A. By the Secretary of War.

Q. Did you ever see Mr. Hays in regard to the matter?—A. Never.

Q. Have you ever seen Mr. Hays?—A. Never.

Q. Do you know him?—A. No.

Q. Did Mrs. Beardslee see Mr. Hays?—A. I do not know whether she saw him while she was in Alabama or not. I know that the young man has seen him.

Q. How came you to apply to Mr. Lilley?—A. It is pretty difficult for me to answer that question. I had heard of Mr. Lilley, and I wrote to half a dozen parties in Washington about this appointment—parties who had been designated to me by different persons. I cannot tell their names because they have not remained in my memory.

Q. There were several persons named to you as agents who could procure this nomination for you?—A. Yes.

Q. And you do not recollect the name of any of them?—A. No.

Q. Do you keep copies of your letters, and do you retain the letters you receive?—A. I retain all the letters which I receive, and I keep copies of all the important letters which I write, but not of all my letters.

Q. Have you got at home the letters which you received in regard to these persons at Washington who could get this appointment for you?—A. I suppose I have some of them. I would not swear that I have them all.

Q. You do not know who recommended Lilley to you or how you got into correspondence with him about it?—A. I cannot say positively.

Q. Give us your best recollection.—A. I think it was somebody who told Mrs. Beardslee, and Mrs. Beardslee named him to me.

Q. Had you written to Washington, to ascertain from any one here who could give you this appointment?—A. I had written to get a list of all the vacant appointments.

Q. To whom did you write?—A. I wrote to the Secretary of War's Office direct.

Q. Was your letter directed to the Secretary of War?—A. To him or to some person in the office. I do not recollect.

Q. Did you get a reply?—A. I do not recollect. I must have got a reply, since I got a list of the vacant appointments. I remember that I made my wife write to her sister; and this lady wrote to Washington, to a retired officer here, who went to the War Department, and said that he could not get the list, as they were not allowed to give it out.

Q. Where does your wife's sister live?—A. She lives in Chester, Pa. My wife is an American, and has friends all over.

Q. Why did you write to your wife's sister?—A. Because I wanted, through her, to get that information through some person living in Washington.

Q. Did you know that she had means of getting that information?—A. Yes; through her friends.

Q. What friends did you know that she could get it from?—A. She wrote a letter to General Thomas, an old retired officer here, who answered that he could not get me that information.

Q. Was it he who replied that he had tried to get that list from the Department, and could not get it?—A. Yes.

Q. How was this list finally obtained?—A. I have in my possession a list that was printed in one of the newspapers giving the names of all the vacant districts at West Point, so that these lists have been published in the papers.

Q. I understood you to say that you got a copy of it from the War Department in some way?—A. I believe I did, but I am not certain.

Q. Can you tell by examining at home where you got that list?—A. I can, certainly.

Q. Examine at home and find if you have such a list; and, if so, how you obtained it, and from whom?—A. I will; but, evidently, these lists have been published, since I have in my possession a printed list of the vacancies last October.

Q. Did you obtain a list of the vacant cadetships at West Point before you saw it published?—A. Yes; but not a reliable one.

Q. Where did you get that unreliable list?—A. I prefer not to answer that question.

(Question repeated.)—A. I prefer not to answer it because I do not want to put anybody else in trouble. Many of my former pupils have become officers in the Army, and if I ask them, as a matter of friendship, to do a thing for me, I do not wish to put them in trouble.

Q. Was it one of your former pupils through whom you obtained it?—A. I know that I wrote to one of my former pupils, and he gave me a partial list, which he would not vouch for.

Q. Where was this former pupil, to whom you wrote?—A. He was in the Army.

Q. Located at what point?—A. I beg you to excuse my answering that question, as it would be a betrayal of confidence.

By MR. LORD:

Q. Was he an official in the War Department?—A. No, sir.

By MR. CAULFIELD:

Q. Do I understand you that this was an officer of the Army to whom you wrote, but that he was not officially connected with the War Department?—A. Yes, sir; I said so.

Q. He was not a resident of Washington City at the time?—A. No, sir.

Q. Was this vacant place from Alabama on the list which you obtained from this officer?—A. I think not.

Q. When did you obtain that list?—A. Some time in 1874.

By Mr. McCrary :

Q. You say you received letters from Mr. Lilley on that subject ?—A. Yes, sir.

Q. Did you bring them with you ?—A. I brought one or two with me, but not all.

Q. Can you produce now the letters that you brought with you ?—A. They are at my hotel, and I will produce them.

Q. And all the other letters that Mr. Lilley wrote you on the subject ?—A. Yes.

Q. Why did you bring part of them, and not all of them ?—A. I received the subpoena on Saturday evening. I have a school of 240 pupils ; a large number of them boarding pupils. My work is extremely heavy, and on Monday I told my book-keeper to go through all the letters for the first six months of 1875, and to get me all the correspondence between me and Lilley. Just as I was starting yesterday evening he handed me some of the letters, saying that he could not say they were all there ; and on opening one of them I found that half of one of them was missing.

Q. Will you file with this committee the letters that you brought with you, and also procure for the committee, at the earliest possible moment, the remainder of them ?—A. I am perfectly willing to send you all that I have.

Q. I understood you to say that one of the conditions made by Mr. Lilley was that the boy should reside sixty days in Alabama before the appointment could be made ?—A. Yes.

Q. How do you explain the fact that the appointment was actually made before he went to Alabama ?—A. I understood that the nomination was made, but that the appointment was not made. The young man when he went to Alabama declared that he had been for four or five years at boarding-school at New York, and that he was going to Alabama to take residence there. That is what has been affirmed by Mr. Lilley.

Q. Did you not know that, before the nomination could be made, it [was necessary for Hays to certify that the boy was a *bona-fide* resident of his district ?—A. I was told that that was not necessary.

Q. Who told you so ?—A. Lilley. It was necessary for the appointment but not for the nomination.

Q. Were you not aware of the fact that the appointment followed immediately upon the nomination ?—A. I am not aware of it.

Q. Do you know how long it was after the nomination of this young man that he was appointed ?—A. I do not know ; I think he was only appointed at the end of June, when he had to go to West Point for examination. He received an order to report there.

Q. Then is it your understanding that the appointment was not made until after the examination ?—A. I am not clear about it.

By Mr. Lord :

Q. State how much you understood from Mr. Lilley that he was to pay to the Congressman who made this appointment.—A. He assured me that he paid Mr. Hays nothing ; that is what he told me.

Q. Did you believe that ?—A. I believed that.

Q. You believed that he kept the whole of the \$3,000 ?—A. Yes, sir.

Q. You knew that the appointment was to come from the fourth district of Alabama ?—A. Yes.

Q. And you say that by opening an almanac you could find out who the Congressman was ?—A. Yes.

Q. Did it never occur to you that if Mr. Hays would make the appointment for nothing, you could do better for Mrs. Beardslee than to pay Lilley \$3,000 for it ?—A. If I had been able to get an appointment anywhere else I would have done it.

(Question repeated.)—A. I tried, and did not succeed.

(Question again repeated.)—A. I could not do better.

Q. You have stated that Mr. Lilley informed you that the appointment was made from the fourth district of Alabama.—A. Yes.

Q. You have stated that he told you, and that you believed, that the Congressman who made the appointment would not receive a penny for it.—A. Yes ; that is what he affirmed.

Q. Did it never come to your mind that if it were true that the member from that district would appoint him for nothing, you had better see that member in person rather than to pay that \$3,000 to Lilley ?—A. I supposed that Lilley had, somehow, some influence over him which I could not have.

(Question repeated.)—A. Of course, that came to my mind.

Q. Why did you not see him ?—A. Because I did not know him at all ; because I had no influence over him.

Q. What influence did you suppose Lilley had over him ?—A. I could but make suspicions there.

Q. Did you not know that Lilley was a broker for the purpose of procuring appointments in this irregular way ?—A. I knew that he was a broker.

Q. For the purpose of procuring appointments to West Point in an irregular way for parties not residing in the district of the Congressman ?—A. No ; not in an irregular way.

Q. Did you believe that Mr. Lilley was engaged in a fair, open, and honorable business in thus making a brokerage of these cadetships?—A. That is a question of appreciation.

Q. Would you have been willing, as the principal of a school in New York, to have had the facts pertaining to this matter, and your connection with it, published in the New York Tribune?—A. They have been.

Q. When?—A. Last week.

(Question repeated.)—A. I would.

Q. You would have been willing to have these last two or three questions and answers published in that paper?—A. I would.

Q. How long have you been in this country?—A. 24 years.

Q. Where did you come from?—A. France.

Q. What part of France?—A. I was born in a little village. My father was a clergyman.

Q. What part of France?—A. I was sent to Switzerland when I was only seven years of age; and I was brought up in Switzerland. I came back to France when I was sixteen, and spent a year at college. Then I went to Paris as a student.

Q. What part of France were you born in?—A. I was born in a village in the eastern part of France.

Q. What is your age?—A. Forty-nine.

Q. I ask you if during all this time you have believed—honestly believed—that the member of Congress who appointed Guy R. Beardslee to this cadetship never received anything whatever therefor?

The WITNESS. Out of what I paid Lilley?

Mr. LORD. I do not want you to connect it with Lilley. This is addressed to your individual conscience.

A. I supposed that at some time or other Mr. Lilley had rendered him a service for which Mr. Hays put that appointment at his disposal.

Q. You supposed that?—A. Yes.

Q. Did Mr. Lilley tell you so?—A. No.

Q. What reason had you for supposing that there was no money in the transaction as between Lilley and Hays?—A. No other reason than that Lilley said so.

Q. And you were innocent enough to believe it? Did you really believe that Hays actually received no money?—A. Yes.

Q. Do you believe it now?—A. I do believe it now.

Q. On what do you predicate that belief?—A. On my experience of life and of men.

Q. And your notion of a Congressman is that he would not receive money in such a way?—A. I do not believe that a Congressman would be fool enough to receive it.

Q. Did you know that by offering the money to any person you were guilty of a high crime?—A. I knew that if a Congressman received money he would be guilty of a high crime.

Q. Did you know that the person who offers money is guilty of a high crime?—A. Yes.

Q. How long have you known that?—A. For twenty-odd years.

Q. Did you know that it was a high crime to offer money to any person to procure a position under the United States Government?—A. Yes.

Q. How long have you known that?—A. I have known it for twenty years at least.

Q. Then you were aware when you offered this money to Lilley to procure this appointment you were violating the law?—A. I do not know that I was violating the law at all.

Q. The question which I put to you was whether you were aware that by the laws of the United States the offer of money to any person to procure an appointment under the Government of the United States is a crime?—A. I misunderstood your question. This is the first time I heard of that.

Q. Do you mean to say that?—A. Yes.

Q. Have you not read the reports in the case of Marsh, the fugitive witness to Canada?—A. I have read the papers cursorily.

Q. Do you not know that in that case it was alleged that Marsh made the bargain with Mrs. Belknap.

The WITNESS. But in the presence of the Secretary.

Mr. LORD. Not at all. And did you not learn, in that case, that the fact that Marsh offered the money to Mrs. Belknap was a high crime?—A. I did not look at it in that light; and I do not yet.

Q. Did you not learn the fact from that proceeding?—A. Yes; but I did not compare my proceeding at all with that one.

Q. Did you know, when you offered this money to Lilley, that you were violating the law of the land, and were subjecting yourself to fine and imprisonment?—A. I did not so understand it, and I do not yet so understand it.

Q. Now I want you to reconsider the point whether you believe, and thoroughly and fully believe, that this Congressman was not to receive one farthing?—A. That is what I fully believe.

Q. Did you know the Congressman?—A. No.

Q. You knew his name when you saw it in the nomination?—A. Evidently.

Q. Did you not know something of his reputation in Congress?—A. No; nothing whatever, and I do not know yet.

Q. Did you not know that he had written certain letters from the State of Alabama, which had been very much questioned?—A. No.

Q. Did you never know that he had been called by some other name than Charles?—A. No. For the first time this morning, when I looked into the Tribune Almanac, I found his name spelled Charlier, and that attracted my attention.

Q. I put the question to you again, whether, in the light of all this case, you believe that the transaction on your part, and the transaction on Mr. Lilley's part, in procuring this nomination, before the boy went to Alabama at all, and then having him go down there under those circumstances for the purpose of making a residence. (while the nomination in fact belonged to some one residing in that district,) was a fair, truthful, and honorable transaction?

The WITNESS. The question contains two points, one concerning me, and one concerning Mr. Lilley.

Mr. LORD. You may answer them separately.

A. So far as I am concerned, I can but say that in the whole transaction I had nothing to hide, and no personal interest to serve, but was simply acting for the good of the boy whom I had taken charge of. If I have erred in any way it is through my great desire to do what I thought right to do for the boy.

Q. How in respect of Mr. Lilley?—A. As regards Mr. Lilley's transactions with the Congressman, I can say nothing; I know nothing about it.

Q. The question is, whether you regarded it as a fair, open, truthful, and honorable transaction on his part?—A. It depends altogether on circumstances.

Q. From all the circumstances that you know?—A. There was nobody to apply for that cadetship in that district.

Q. How do you know that?—A. From what Lilley told me.

Q. Have you any other evidence of it?—A. No, sir.

Q. Do you believe that there is a district in the United States, under the pressure of recent events, which does not contain a person who would be willing to take such a cadetship?—A. I think there are.

Q. How many do you think there are?—A. I think that in all the new States of the West there may be.

Q. Take the States this side of the Rocky Mountains?—A. Of course, I have no knowledge of the fact, but a mere suspicion.

Q. Did you know the fact that there has been a rebellion in the United States within the last few years?—A. Yes.

Q. Did you know that the State of Alabama was one of the States that were in rebellion?—A. Yes.

Q. Did you know that the State of Alabama raised a great many soldiers in that war?—A. O, yes; I knew it.

Q. Did you know that Alabama, with other Southern States, had been greatly impoverished by that war?—A. Yes.

Q. Did you know that in Mr. Hays's district is the city of Tuscaloosa?—A. I knew it afterward; I did not know it before.

Q. Do you know how many inhabitants that city has?—A. I have looked in a geography, and I saw that Tuscaloosa has a population of 1,800 or 2,000.

Q. Do you believe that there is now in the State of Alabama (calling to mind the circumstances to which I have called your attention) any district that has not some young man in it, willing to take a cadetship at West Point?—A. I can perfectly well understand that such a state of things can exist.

Mr. LORD. The question is one of belief, not of idle speculation.

The WITNESS. You put me questions which are questions of appreciation.

Mr. LORD. No, sir; it is a question of your present belief on the subject.—A. I think that with the position of the South to the North, and the opposition of the South to come in contact with the North, there may be a district in which there may be nobody willing or anxious to go to West Point.

Q. Did you believe, when you heard that this appointment was to be made from the 4th district of Alabama, (the district represented by Charles Hays,) that there was no person in that district willing to take the appointment?—A. I did not inquire. I had no belief or unbelief. I was told that there was none.

Q. Did you believe that statement?—A. I did.

Q. Did you make any inquiry in regard to it beyond Mr. Lilley?—A. No, sir.

Q. Did it not occur to you to write to the Congressman on the subject?—A. No, sir.

Q. Have you seen Mr. Lilley since you came to Washington yesterday?—A. I have seen Mr. Lilley twice since I have been here, and talked this matter over with him both times.

Q. Why did you go to see Mr. Lilley before you came to see the committee?—A. Because I wanted to tell him that I was going to give his name, and that I have taken his statements as true, and I wanted to claim that I did nothing against the law, and that it was for

him to come before the committee, and to testify as to the inner facts of the case ; that for me, I was only an outsider, in a certain manner.

Q. Does he claim to you that he kept the whole \$3,000 ?—A. That is what he claims most emphatically.

Q. Did he so claim to-day ?—A. Yes ; every time ; without any hesitation or question of mine.

Q. And that Mr. Hays never had a cent of it ?—A. Yes.

Q. Did he give you any reason why Mr. Hays gave him the appointment without any consideration ?—A. He stated that it was his business, and that he (Lilley) had a great many presents of that sort.

Q. Did he give you any reason why these Congressmen were ready to confer cadetships on him ?—A. He gave no reason.

Q. And, as you understood from Mr. Lilley, Mr. Hays received no compensation whatever for this appointment ?—A. That is what I have been assured.

Q. No consideration in any way ?—A. No ; I have not been told that. I have been told that he received nothing for this appointment. What do you call consideration ? Suppose I save your life ?

Q. Did you understand that Mr. Lilley saved Mr. Hays's life ?—A. No.

Q. Did you understand that he had ever conferred any great favor on Mr. Hays ?—A. No ; he said nothing of it.

Q. Did he claim that Mr. Hays had never received any consideration for this appointment ; or did he claim that he had conferred any favor on Mr. Hays, so that Hays gave him the appointment ?—A. There are two questions. As to the first question, he claimed that Hays had never received anything for this appointment. As to the second, he said nothing.

Q. Then he did not claim that anything had ever transpired between him and Hays which induced Hays to confer on him this appointment ?—A. No ; he didn't say anything about it.

By Mr. CAULFIELD :

Q. Did I understand you to say that Lilley said he had received many such presents ?—A. That is what he told me.

Q. Many such presents for what ?

The WITNESS. Presents of what ?

Mr. CAULFIELD. No ; presents for what ?—A. Presents of appointments.

Mr. CAULFIELD. I thought you meant that he had received many such presents as \$3,000 for appointments.

The WITNESS. No ; that he had received many such appointments from Congressmen.

Q. Did he claim that he had received many such presents as \$3,000 for giving away such appointments ?—A. No ; he said nothing about it.

By Mr. LORD :

Q. From whom did he say that he had received such kind of presents besides Hays ?—A. He said that he had received at least twenty such presents.

Q. That is, that he had been presented with at least twenty cadetships, for which he had paid nothing ?—A. For which he paid nothing.

Q. Did he mention who had presented him these cadetships besides Hays ?—A. No ; he mentioned no names.

Q. How many of them did he say came from Hays ?—A. Only this one, I suppose. He did not mention any other.

Q. Did he say that he had not received them all from Hays ?—A. The inference was that he had received them from other persons than Hays.

Q. Did he say to you distinctly that this was the only appointment he ever got Hays to make ?—A. I did not ask him the question, and he did not say anything about it. He said he had received at different times presents of this kind from Congressmen who had nobody in their own district to appoint, and that at least twenty young men had entered under these circumstances, and that sixteen of them were to-day occupying a very respectable rank in the United States Army.

Q. Did he say whether these Congressmen who made these appointments were living or dead ?—A. No.

Q. Did he say how long he has been in business in this city ?—A. No.

Q. About how old a man is he ?—A. About fifty, I should say.

Q. Do you know how long he has resided in Washington ?—A. I do not ; but I know he has been here for many years.

Q. Did you hear of Lilley through Mrs. Beardslee or through some one else ?—A. I do not recollect exactly.

Q. Give us your best recollection.—A. So far as I recollect, it was through Mrs. Beardslee.

WASHINGTON, D. C., March 15, 1876.

WILLIAM LILLEY sworn and examined.

By Mr. LORD :

Question. State your residence and occupation.—Answer. I reside in Washington City. I am an attorney at law.

Q. How long have you resided here?—A. I came here in the early part of 1861 to reside permanently.

Q. Do you recollect the paper of which this [handing a printed form to the witness] is a copy?—A. I presume that this is a copy.

Q. Did you deliver the original of this paper to Professor Charlier, of New York City?—A. I did.

Q. And received \$3,000 from him in consideration of it?—A. Not in consideration of this paper.

Q. You received \$3,000 from him?—A. Yes; for my services in procuring that paper, not for that paper.

Q. Do you know Charles Hays, whose name appears on that paper?—A. Yes.

Q. How long have you known him?—A. Ever since he has been in Congress. I do not know when I got acquainted with him.

Q. About how many years have you known him?—A. To the best of my recollection, I think that I have known him three or four years. It may be a little more or a little less.

Q. Do you know Guy R. Beardslee?—A. I never knew him. In fact, I never saw him but once.

Q. Where was that?—A. Here.

Q. When?—A. It was when he was on his way to Alabama, whatever date that was.

Q. State whether the day that you saw him on his way to Alabama was when he was going down to fix a residence there.—A. That is my recollection of it.

Q. Then I understand you to say that the first time you ever saw him was when he was on his way to Alabama, to fix his residence in that State?—A. Yes.

Q. State whether that was before or after you delivered this certificate to Professor Charlier?—A. It was about the time.

Q. (Question repeated.)—A. I presume that it may have been afterward.

Q. Have you any doubt about it?—A. No, I do not think I have, but it was not many days afterward.

Q. State whether, according to the best of your recollection, you saw him on his way to Alabama before or after you delivered to Professor Charlier the paper of which this is a copy.—A. My recollection is that it was after.

Q. The certificate which you took to Professor Charlier you read, of course?—A. I presume I did.

Q. You knew its contents?—A. Yes; I knew exactly what it contained. The paper which I gave to Professor Charlier was simply an indication of Guy R. Beardslee's appointment.

Q. Was it an appointment or a nomination?—A. A nomination. I gave to Professor Charlier what is called an appointment. You may call it a nomination. It is the first paper that is issued in matters of that sort.

Q. Look at this paper and state whether, according to your best recollection, it is a substantial copy of the paper which you gave to Professor Charlier.—A. I do not recollect reading the paper, but I have seen a great many of them.

Q. Have you any doubt about whether you read it?—A. Yes; I would have some doubt, because I handle a great many papers, and I would hardly read that entire form, although I may have done so.

Q. Did you know at the time that you delivered the paper to Professor Charlier, that the law required an actual residence of the cadet in the district from which he is appointed?—A. I did not at that time. I gave the paper to Professor Charlier, with the distinct understanding that the boy should proceed to Alabama and make a residence; that was the arrangement I made with him. My recollection is, and my understanding then was, that that completed the law. I subsequently learned, however, that it hardly did.

Q. Where was the paper filled out that you delivered to Professor Charlier?—A. In Washington.

Q. By whom?—A. I presume by Hays. It was certainly signed by Hays, and I presume that it was filled out by him.

Q. Is that your best recollection?—A. That is my recollection, but I am not positive about it. It may be that I filled it up.

Q. Have you any doubt but that you filled it?—A. I doubt about everything that I do not distinctly remember.

Q. That is your best recollection in regard to it?—A. The chances are about equal that I filled it up or that I did not.

Q. Think of it long enough to give us your best recollection.—A. My best recollection is just the answer that I have given you, that the chances are about equal that I filled it up, but I do not positively state that I did or that I did not.

Q. Question repeated.—A. If I were going to decide the question I should say that filled it up, but I do not know that. The original of that paper would settle that question.  
 Q. At the time that you went to New York City you understood that the boy lived in the State of New York, did you not?—A. I understood that he was going to school in New York City, and had been for four or five years previous to that.

Q. Where did you understand his residence to be?—A. His father was dead, as I understood it, and he had not made up his mind fully where he would make his residence.

Q. Did you know that he had a mother?—A. No; I did not know that he had a mother.

Q. Had you heard it?—A. Yes.

Q. Where did you understand she lived?—A. That I did not know.

Q. Did you not understand that she lived in the State of New York?—A. No.

Q. You did not understand that she lived in the State of Alabama?—A. No, sir.

Q. You understood that she did not live in Alabama?—A. Certainly. The boy's acceptance of the appointment would give you far more information on the subject than anything I could say to you. I think he stated that he never lived in Alabama; that he had been going to school for the past five years in the city of New York, and that he was then on his way to the State of Alabama.

Q. Where is that statement?—A. In the War Department, of course; that will be the boy's acceptance; that runs in my mind as being the answer.

Q. What officer of the War Department did you see on the subject?—A. I never saw any.

Q. How do you know that there is any such statement in the War Department?—A. The boy told me that he had signed it, or was going to sign it. I think he showed it to me.

Q. At whose suggestion did he make the statement?—A. That I do not know.

Q. When did you first see Mr. Hays on the subject of that appointment?—A. I first spoke to Mr. Hays with reference to it, perhaps a month or more before it was completed.

Q. At what place?—A. Either in the Capitol, or at his house, or at my house.

Q. In the city of Washington?—A. Yes.

Q. Is that the first transaction of the kind you ever had with Mr. Hays?—A. Yes; it was the first transaction I had with him of any sort.

Q. Is that the first transaction of the sort you ever had with anybody?—A. No.

Q. How many cadetships have you sold in such a way?—A. I do not know. I have not had anything to do with cadetships for the last ten or twelve years.

Q. Do you remember telling Professor Charlier that you had twenty of those cadetships presented to you?—A. I do not recollect saying that I had twenty. I remember saying to Professor Charlier that I had put several boys in the Military Academy.

Q. Did you mention the number twenty?—A. I do not think I did.

Mr. LORD. Mr. Charlier says that you told him that you put in twenty cadets, and that there are sixteen of them now in the Regular Army.

The WITNESS. There are some of them in the Regular Army.

Q. Did you state to Professor Charlier that you had had twenty such cadetships presented to you and that sixteen of the young men were in the Regular Army?—A. My recollection is, that I stated that I put in several. I do not think I said twenty, because I do not know the number.

Q. Name any other person from whom you solicited or who offered you an appointment as cadet, and for which appointment you received money.—A. I have already stated that I have not had anything to do with cadetships for ten or twelve years. I remember as far back as that receiving from the Delegate from New Mexico, I think, three cadetships as a present, and my recollection is, that I got two from the Delegate from Colorado.

Q. What was the name of the New Mexico Delegate?—A. J. Francisco Chaves.

Q. Where does he live now?—A. In New Mexico.

Q. What was the name of the other one?—A. I do not recollect his name.

Q. What year was that?—A. Ten or twelve years ago.

Q. Before Colorado was organized into a Territory?—A. No. It must have been organized into a Territory at the time.

Q. Was he the first Delegate from the Territory?—A. I do not recollect.

Q. Do you remember his name?—A. I do not.

Q. Are these the only cases?—A. They are the only cases that I call to mind, and they were investigated by Congress. There was also another case of Mr. Coffroth, of Pennsylvania. That has also been investigated by Congress.

Q. Were there any other cases?—A. I cannot call to mind any other case.

Q. You say that this transaction was the first business transaction you have ever had with Hays?—A. If you call this a business transaction, it was. I do not call it a business transaction. A business transaction implies consideration of some sort.

Q. Is it the first transaction that you ever had with him?—A. Yes; I think it is the only transaction.

Q. Had you any transaction with him where other persons acted as between you and him?—A. No; I never would have anything of that sort; if I had any transaction I would go to himself.

Q. How much of this money did you pay him, directly or indirectly?—A. Not a dollar; not a sixpence; nor did he ever stipulate to receive one sixpence, nor was a sixpence ever talked about between us.

Q. How much has he received of it since that time, directly or indirectly?—A. He never received a dollar from me in the world.

Q. From any person?—A. From no person, so far as I know; certainly not on that account.

Q. Do you claim that you now have that \$3,000, or the representative of the \$3,000 as your own property, without having repaid, or given away any part of it to anybody?—A. I do, most unequivocally. I do not claim that I have it, because I spent it, but I claim to have never used one single dollar of that \$3,000 except to supply my own wants.

Q. Do you claim that Mr. Hays, the person who appointed this cadet, never had any consideration therefor, directly or indirectly?

The WITNESS. From me?

Mr. LORD. From anybody.

A. Not that I know of. If any one has ever paid him a dollar it has been unknown to me.

Q. Do you understand and believe that Mr. Hays made this false certificate without any consideration whatever?—A. He made the certificate without any consideration whatever, so far as I know.

Q. You knew at the time when you filled it up that the boy never had resided in his district?—A. Yes; but having stipulated with Professor Charlier that this boy should not avail himself of the certificate until he had been to the State of Alabama and had acquired a residence there, I thought that filled the letter of the law.

Q. Then why did you fill up the certificate that Beardslee had been an actual *bona-fide* resident of the county of Choctaw, in his district, for over two years?—A. I do not know.

Q. Did you know that there was such a county as Choctaw in Mr. Hays's district unless that he told you?—A. He never did tell me. With a little thought I could tell the counties that compose his district. Hays never told me Choctaw, or anything else.

Q. Have you ever resided in Alabama?—A. No, sir.

Q. Where did you come from to Washington?—A. I am originally from Kentucky.

Q. Give me the counties that compose Mr. Hays' district?—A. I cannot give you all of them, for there are seven or eight of them.

Q. You said that you could. Give me any of them besides Choctaw.—A. Perhaps I cannot, because I was trying to.

Q. I will give you time.—A. I cannot at this moment name one.

Q. Can you name any principal place in the county of Choctaw?—A. I do not think that there are any principal places there. I think the towns are all small there.

Q. Will you swear that there is any population whatever, or any village whatever in the county of Choctaw?—A. Yes; I do not think I should hesitate about that.

Q. Do you know whether it is a central or a remote county in his district?—A. It is remote.

Q. Is that the reason why it was put into this certificate?—A. No, sir.

Q. Why was it put into the certificate?—A. Simply because the name happened to come to me, I presume.

Q. Will you swear to that?—A. Yes; I will swear to what I know positively.

Q. Does Mr. Hays live in Choctaw County?—A. No; he lives at Haysville.

Q. In what county?—A. It is in Hays County, is it not?

Mr. LORD. I do not understand that it is.

The WITNESS. I think it is Haysville, Hays County.

Q. Give us some other county of the seven or eight or nine in his district.—A. I cannot for the moment call one to mind.

Q. Will you swear as a fact that you ever heard of the county of Choctaw before you saw Mr. Hays in reference to this transaction?—A. Yes, sir; I have seen it four hundred thousand times, probably, in the Congressional Directory, which I handle every day; twenty or thirty or forty or fifty times a day I have occasion to refer to it, probably.

Q. Is that in connection with this business of cadetships?—A. No, sir; but in connection with my general business.

Q. You say on your oath, that Mr. Hays did not mention to you the county of Choctaw?—A. I do, so far as my knowledge or recollection goes.

Q. The question is, how positive you are on that subject.—A. I am pretty positive.

Q. Will you say absolutely that Hays did not mention it?—A. I would come very near saying so absolutely.

Q. Will you quite?—A. Yes, I would; and I will tell you what I will say quite. Mr. Hays compelled me to promise that this boy would be a resident of his district. Said he, "If you agree that this boy shall be a resident of my district, I will give you this appointment; I have had a good deal of trouble with it." I think he said that he had appointed two or three, and that they had all failed. I think he said three.

Q. He did not know, however, that the boy did not live in his State, and he stipulated with you that he should?—A. Yes; but he did not know that the boy whom I was going

to select did not live in his district. That was an innocent deception on my part practiced on Mr. Hays.

Q. Then why did he stipulate that the boy should live in his district?—A. Probably because he feared I might take one residing somewhere else. I presume that that was it.

Q. Give the words which Hays used to you when he stipulated with you and promised you the appointment, provided you would have the boy reside in his district?—A. I asked Mr. Hays to give me this appointment. Said he, "If you have a boy in my district to fill it, I will." Said I, "All right, I will find a boy in your district to fill it;" and that is all that Mr. Hays knew.

Q. When he saw the name of Guy R. Beardslee, did he inquire where he lived?—A. He did. He asked me then.

Q. What did you tell him?—A. I told him he was a *bona-fide* resident at some spring, (I forget the name,) in Choctaw County, Alabama, and then he signed the certificate. Whatever consequence attaches to that, I am willing to answer for it. None of it belongs to Mr. Hays, and I do not wish him to have to shoulder any. If there is any wrong in it, it belongs to me.

Q. What inducement did you hold out to Mr. Hays to give you this certificate?—A. None whatever.

Q. State all that occurred between you on the subject at any time or place.—A. I think that that was all.

Q. How many times did you see Mr. Hays in regard to this matter?—A. I think only the times that I have named—the time that I spoke to him about it, and the time that he signed the certificate.

Q. Twice?—A. Twice.

Q. State all that occurred between you and him the first time.—A. I have already done so.

Q. State it again.—A. The interview was my simply approaching him and asking for this appointment.

Q. State what you said to him.—A. I asked him to give me that appointment to West Point. Said I, "You have a vacancy at West Point." He said, "Yes, and it has given me some trouble." Said I, "Give it to me." Said he, "If you have a boy in my district I will, for I cannot find one to fill it." That was all that passed.

Q. What occurred the second time?—A. I think he gave me the certificate, and I filled it up and he signed it. I do not think there was any talk about it except only this: He said, "Is this boy an actual resident of my district?" and I said "Yes." I guess that that is all that passed. I do not think that the subject has ever been broached between us since.

Q. Is that all that he said at the second conversation?—A. Yes.

Q. At what time did he tell you that he had appointed two or three, and that they had failed?—A. He told me that in the first interview. He mentioned it as the reason for his willingness to give the appointment to me. I think he said that three had failed, but I am sure he said two.

Q. Did you ever request any other person to see Mr. Hays on this subject?—A. Never. I knew Mr. Hays very intimately. I saw him almost daily.

Q. Where did you see him daily?—A. Here at the Capitol. I am here every day.

Q. Where did Mr. Hays board when he was in Washington?—A. I think he was keeping house in Georgetown most of the time. He boarded for a little while at the Imperial.

Q. Were you ever at his house in Georgetown?—A. Yes, and he has been often at my house.

Q. Where did your acquaintance with him first commence?—A. In Washington. I do not recollect the particular occasion.

Q. Do you know whether he saw young Beardslee when Beardslee was here?—A. I do not know; he may possibly have done so, but I do not think he did.

Q. Did you know at the time that Professor Charlier offered you this money, that you were committing a criminal offense?—A. No, sir.

Q. Do you know it now?—A. I have already answered that, but I will answer it again. I do not think it was a criminal offense. I think it lacks the very essential of criminality, which is intent. The act was innocent on my part. I believed that to be the law, and I believe it now.

Q. Do you know that there is a statute which makes it a crime to receive money for the purpose of procuring an appointment under the United States Government?—A. No, I do not. I know that there was one.

Q. When did you understand that that law was repealed?—A. I think it was repealed several years ago.

Q. Was this paper filled up at this date?—A. Certainly.

Q. What time of the day?—A. That I do not know. I usually got to work at my office between 9 and 10, and it was filled up probably between that time and the middle of the day. I think I left for New York the same evening, or within a day or so.

Q. You cannot say whether it was filled up at 10 o'clock, at 12 o'clock, or at 2 o'clock?—A. I haven't the slightest recollection.

Q. Can you say whether it was filled up at your house in the evening?—A. It was not.

Q. Can you fix the hour that it was filled up—between 10 and 4?—A. No; there was no circumstance that would call it to my recollection. I usually got to my desk about 10 o'clock.

Q. Is that the only sum of money you have ever received for such an appointment?—A. It is at least for a dozen years.

Q. Can you name the aggregate that you have received for such appointments?—A. I cannot.

Q. Is that the largest sum you have received in any case?—A. No.

Q. What was the largest sum?—A. I received nearly twice as much on one occasion. I think I got for one of those cadetships that Chaves gave me, \$4,500 or \$5,000. His giving it to me was a pure accident.

By Mr. CAULFIELD:

Q. Did Mr. Hays ever get any other appointment for you?—A. No, sir.

Q. He never procured an appointment of cadet for you from anybody else?—A. No, sir.

Q. Did he ever get any other office for you from anybody else?—A. No, sir.

Q. Did Hays ever get you any other appointment than that one?—A. No, sir; that is the only transaction I ever had with him.

Q. At the time that Mr. Hays and you first spoke about this cadetship, had you been applied to for Beardslee?—A. Yes; probably six months before that.

Q. Had you been trying to get this same appointment from other Congressmen?—A. No.

Q. Why did you not mention it to Mr. Hays before?—A. I did not know that he had it until a short time before that.

Q. How came you to know that he had it?—A. I think there was a list published, showing the vacancies. There generally is—I will correct my answer there. I had spoken to other Congressmen. I spoke to Mr. John Cessna, and said to him, "You will have a vacancy next year, and I will send this boy into your district now. He has set his heart on West Point, and we will make a *bona-fide* resident of him." He entertained the idea for a little while, but finally he said, "I will not do it; it will get us all into trouble."

Q. How long was that before Beardslee was appointed?—A. It would be the bulk end of a year before that. I was providing to send him into Cessna's district to make him a *bona-fide* resident.

Q. And Cessna told you that it would get you into trouble?—A. He said that it would get us all into trouble.

Q. If Cessna told you that that act would get you all into trouble, how can you say that you supposed you were acting all right when you sent this boy into Alabama?—A. I disagreed entirely with Mr. Cessna, and I considered myself as good a lawyer as he.

Q. Did you tell Hays what Cessna told you?—A. No, sir.

Q. You did not divulge to Hays that Cessna would not do this because it would get you all into trouble?—A. Cessna hesitated in the first place, but finally said, "I will not do it; it will get us all into trouble."

Q. That was a year before?—A. It was the bulk end of a year.

Q. You say that you were trying for six months to get this appointment for Beardslee?—A. I mean to say that six months intervened. I doubt if I tried much.

Q. Who first spoke to you about it?—A. Professor Charlier. I do not know that he wrote to me, but he either wrote me a letter or we had an interview. I thought probably he had written me a letter, and for the purpose of getting the date, I searched for that letter, and could not find it.

Q. How did you first hear about this boy at all?—A. By Professor Charlier.

Q. If Professor Charlier saw you, where did he see you?—A. He saw me here or he wrote to me.

Q. How did he know that you could procure this appointment?—A. That I do not know.

Q. How did you know that Mr. Hays had this appointment?—A. I think I saw the list published.

Q. You think that that is the way you got it?—A. Yes. They publish the lists.

Q. What relations of business or friendship of so intimate a character existed between you and Hays as to enable you to obtain such a favor from him so easily?—A. He did not consider it such a favor. There were no business relations between us and no particular intimacy. I have always attributed it to the fact that I happened to strike him in a despondent mood about the want of success of his other boys.

Mr. LORD. It is fair that the witness should understand that there never was such a rejection of boys in Mr. Hays's district, because I understand from members from Alabama that there was no other nomination?

The WITNESS. I am giving you my recollection of it.

By Mr. CAULFIELD:

Q. You said a while ago that you put the name of Choctaw County in that nomination, simply because the name happened to come to you?—A. No; I presume I took it from the Congressional Directory.

Q. Do you know that Choctaw is in his district?—A. I know that the Congressional Directory so states it.

Q. Then you just took that county and stuck it in?—A. I presume that is the way I did it.

Q. Did this boy go to reside in Choctaw County?—A. So far as I know, he did. I know that he started to Alabama for that purpose.

Q. Do you know that he went to the county of Choctaw?—A. I do not.

Q. Do you know that he went to Alabama at all?—A. I know that he said he was going there.

Q. Do you know how long he staid there, if he did go?—A. I think he staid two or three months; I saw him on his return.

Q. You saw him going and coming?—A. I think so.

Q. You stated a while ago that you saw him but once.—A. I think I saw him going and returning.

Q. Did you see him more than these two times?—A. I guess not, but I may be mistaken as to one of those times.

Q. Did Mr. Hays ever ask you for any of this money?—A. No, sir; there never was any sort of understanding between me and Hays that he should have any, and he does not know from me that I got anything.

Q. From whom does he know it?—A. I do not think he knows it from anybody. He certainly does not know it from me. He never talked with me about it.

Q. Have Mr. Hays and you, within the last three or four months, had any conversation or communication with each other on this subject?—A. I saw Mr. Hays for about two or three minutes this morning. He walked into my bedroom before I was up. I saw him but a few minutes. I was in bed at the time, as I was when your messenger came to me.

Q. When did Mr. Hays get to the city?—A. I do not know.

Q. What time was it when he saw you in your bedroom?—A. About 9 or 10 o'clock this morning.

Q. Did Mr. Hays know then that you were to come here to testify?—A. Not until I told him.

Q. Had you been subpoenaed at that time?—A. Yes.

Q. And you and he talked about this matter?—A. He remarked to me in the first place, "I am afraid you have got me into trouble." I said, "No; I guess not; I have been subpoenaed, and I am going to tell the committee all I know about it." That was within ten or fifteen minutes after your messenger had been there.

Q. Do you know what Hays went to your house for?—A. Mr. Hays, whenever he would leave the city, would generally step in as soon as he returned; that is his habit. Senator Spencer does the same thing, and so do forty other men.

Q. Then you have a pretty general knowledge of Senators and members?—A. I do not know. I am a gentleman practicing law here, and I pay my bills and owe nobody anything, and have a good many friends.

Q. Did you and he have any further conversation?—A. No; that was all.

Q. He simply said to you, "I fear that you have got me into trouble," and you said, "I guess not;" and that is all the talk you had about it?—A. That is all the talk on that subject.

Q. How long did you converse together on that occasion?—A. I do not think he was in my room five minutes. I said to him, "I am going to get up and get ready to go to the committee."

Q. In what part of the city do you live?—A. I live at 1317 F street.

Q. Does Mr. Hays live near you?—A. He stops usually at the Imperial, which is directly opposite to me, through the block.

Q. You have been asked whether Mr. Hays filled that blank up, or whether you did, and you rather think that you filled it up?—A. That is my recollection.

Q. Did you have these blanks in your office?—A. No.

Q. Do you know whether Hays gave you the blank?—A. He brought it with him.

Q. Are you sure that Hays gave you the blank?—A. Yes; I had no other means of getting it.

Q. How long after you first spoke to Hays about the matter was it before he gave you the blank?—A. It must have been a week or ten days; it was not a great while.

Q. There was nothing written on the blank when he brought it to you?—A. My memory is not so distinct as to enable me to testify on that subject.

Q. Did you ask him to give you the blank?—A. I asked him for the appointment, and to do that he would have to give me the blank.

Q. Did he bring the blank to you?—A. He came to my office, and it was filled up at my desk. I am confident of that.

Q. Have you had any conversation with Mr. Hays on this subject prior to this morning within the last four months?—A. No, sir; not one syllable, either in writing or language, or by messenger, within the last year. I have never had any conversation with Mr. Hays on the subject of the appointment from the moment that it was done until this morning. It has never been the subject of communication between us.

Q. Have you had any writing, telegram, or communication, directly or indirectly, with him on this subject?—A. Not one line.

By Mr. McCrary :

Q. How did you come to make Hays's acquaintance in the first place?—A. I do not recollect. Just as I make the acquaintance of gentlemen around town.

Q. Can you state when or where you first met him?—A. No; I cannot; probably in the Capitol. I was probably talking with some one, who introduced me to him. It may have been done in one of the hotels. If you mean whether there was any special occasion for it, I answer, decidedly, no.

Q. Have you lived where you now live ever since you have known Hays?—A. Yes; I have been at 1317 F street about seven or eight years.

Q. Have you ever done Mr. Hays any favor of any kind at any time?—A. No. He did get into some difficulty, or was about getting into some difficulty, about his house in Georgetown, and I went to see the gentleman about it—if that would be considered a favor.

Q. When was that?—A. That was last fall.

Q. And you say that he has been in the habit of visiting you at your house?—A. Yes.

Q. You have spoken of a number of cases in which you have procured the appointment of cadets, and for which you have been paid. Have you ever in any case contributed any part of the money received for such appointment to the member of Congress making the appointment?—A. No, sir; with one exception.

Q. State the exception.—A. That was the case of Coffroth, a good many years ago. It would have been investigated by Congress, but I think his seat was contested and the other man was put in. I paid him some money; I think about \$600; but I am not certain about that.

Q. You swear that you made no statement of any kind to Hays to induce him to give you this appointment, beyond the simple asking him for it?—A. That is it exactly.

Q. Did you not tell Mr. Hays that this boy was at school in New York?—A. No, sir; I do not think I ever said one word to Mr. Hays on the subject of the boy.

Q. Did you tell him who the boy was, or anything about him?—A. I could not, as I had not said a word to Mr. Hays about him. Hays is perfectly innocent in this matter, whatever may be the consequences to me, personally.

Q. Did you represent to Mr. Hays, at the time he signed the appointment, that this boy was a *bona-fide* resident of his district in Alabama?—A. I did; and that is what I had reference to in my examination-in-chief when I said that I considered it a little harmless deception; but I had previously stipulated with Professor Charlier that the boy should go and make a residence there; and, therefore, I did not regard that crime as very heinous.

Q. You knew, however, that the boy had never been in Mr. Hays's district at the time that you procured the nomination, which certified that he had been a *bona-fide* resident for two years?—A. I had no absolute knowledge of it, but I presumed that the boy was never there.

Q. Did you say anything to Mr. Hays to explain to him why you were interested in getting his appointment?—A. No, sir.

Q. Do you know whether Mr. Hays saw the boy before he went to Alabama?—A. I am not positive. My recollection is that he did see him here, but I would not undertake to swear it. I think he did see him.

Q. What are your grounds of belief that he did see him?—A. I do not know that I have any grounds, except merely the fact that the boy was here. I do not know that Hays saw him, but if I was compelled to take one side or the other, I would be inclined to think that he did see him.

Q. You saw the boy yourself when he was here on his way to Alabama?—A. I saw him when he said he was on his way to Alabama.

Q. Where did you see him?—A. At my rooms on F street. I think he called on me on his arrival.

Q. Did you say anything to the boy about calling on Mr. Hays and making his acquaintance?—A. No.

Q. Did it not occur to you that Mr. Hays, having nominated the boy to West Point, would like to see him?—A. No; I should not see the importance of that. I do not now.

Q. How long did the boy stop here on his way to Alabama?—A. I think, perhaps, not over one day.

Q. Mr. Hays was here at the time; at least, Congress was in session?—A. No; I think Congress had just adjourned. This transaction took place with Professor Charlier in the early part of March, and Congress adjourned that year on the 4th of March. Mr. Hays may or may not have been here at that time.

Q. I understand you, then, to testify that you intended to deceive Mr. Hays with reference to the actual residence of the boy?—A. No; I do not testify to that.

Q. What do you mean by saying that it was an innocent deception?—A. I mean to say that I did deceive him in that particular, and I intended to have made it harmless by the arrangement which I had made with Professor Charlier; and by that answer I am willing to stand.

Q. You intended, then, to deceive him?—A. No; I had no intention. It was the fact that I did, but I had no such intention.

Q. Did you not have the intention to make him believe that the boy was a resident of his district?—A. No; I had no intention on the subject.

Q. Did you or did you not intend to make Mr. Hays believe that the boy was a *bona-fide* resident of his district, while, in fact, he had never been in that district?—A. I answer that I had no intention on the subject; that I did represent that fact to Mr. Hays; and that I intended to make it harmless by sending the boy there and having him make a residence. I thought then, and I think now, that it does not make much difference in the eye of the law whether the boy makes his residence before or immediately at the time.

Q. Do you swear now that you believe that Mr. Hays, in good faith, considered the boy a *bona-fide* resident of his district at the time he made the nomination?—A. Yes; I have not the slightest doubt about that. Whatever else Mr. Hays may have done, he did not do that.

By Mr. LORD :

Q. You think that Mr. Hays did not stay long in Washington after Congress adjourned?—A. I do not know. This transaction with Professor Charlier took place early in March, and Congress adjourned on the 4th of March. Mr. Hays may have been here, or he may not have been here.

Q. Where were you when he signed the certificate?—A. In my office. It was signed at my desk.

Q. On the 4th of March?—A. Some time in the early part of March—somewhere between the first and the tenth. It was signed on whatever date it bears.

Mr. LORD. Congress adjourned at 12 o'clock on the 4th of March, and Mr. Hays went to your office soon after Congress adjourned, and then you left for New York on that same evening, (because you were there on the 5th of March.) Is not that the fact?—A. Mr. Hays may have been at my office before Congress met on the 4th of March, or he may have been at my office after the adjournment. If you know that I was in New York on the 5th of March, I must have left on the evening of the 4th.

Q. Did you explain to Mr. Hays why the boy was in the city of Washington?—A. No, sir; I could not have done that, because I do not recollect that Mr. Hays saw the boy. I did not state that distinctly.

Q. You said that that was your best recollection.—A. Hardly that.

Q. Fix your mind upon it, and state what is your best recollection.—A. To my best recollection and belief, I will say that he probably met him.

Q. Have you any doubt about it?—A. Yes; I have.

Q. Have you any recollection that Guy R. Beardslee told you that he had thanked Mr. Hays for the appointment?—A. No; but if he says so, as a matter of course it must be so.

Q. Assuming that your recollection is correct, and that young Mr. Beardslee saw Mr. Hays in Washington, have you any recollection of explaining to Mr. Hays why he was here?—A. No; I should not have explained to him, even if my recollection was correct.

Q. Do you know the distance between Washington and Choctaw County, Alabama?—A. Probably a thousand miles.

Q. Are you aware that the boy is liable to expulsion from the falsity of this certificate?—A. I am not aware of the fact, and I hope not. The boy has done nothing wrong.

Q. Do you testify, with knowledge of the fact, that if the boy be expelled, (and perhaps without that,) you are liable to refund this money?—A. Very well.

Q. Do you testify with that belief and knowledge?—A. Certainly.

Q. Did you mention the county of Choctaw to Mr. Hays before the certificate was filled out, or did you write it in the certificate and then tell him that the residence was in Choctaw County?—A. My recollection is that I filled it up (if you say that it is in my handwriting) and just handed it to Mr. Hays, and he signed it.

Q. You did not mention the county of Choctaw before?—A. I may have done so.

Q. What is your recollection?—A. My recollection, probably, would be that I mentioned that the boy lived there. It is quite natural to suppose that he would ask me.

Q. At what conversation was that—the first or the second?—A. I presume it was when that was done. He may have asked me where the boy resided, and I think he probably did.

Q. At which time?—A. When the certificate was filled up.

Q. Do you recollect saying it when you had the first interview with him?—A. No, sir.

Q. How much time did you actually spend on the subject-matter of getting this boy to West Point?—A. I do not know. I do not know the length of time that I had it in my hands; not a great length of time certainly.

Q. Putting it all together, did it actually occupy you a day?—A. O, yes; it took me more than that to go to New York.

Q. Independent of going to New York?—A. It probably occupied me more than that.

Q. How much more?—A. I do not know.

Q. Do you say as a matter of fact that, independent of the trip to New York, it occupied you more than a day?—A. I say that I have no recollection on the subject.

Q. Did you regard \$3,000 as a reasonable fee for the service?—A. I regard any fee as reasonable which the contracting parties agree to pay and to receive, I do not care whether it is three thousand or three million dollars.

Q. Did you regard it as a reasonable fee for the service?—A. I certainly must have regarded it as a reasonable fee or I would not have accepted it.

Q. That does not follow. Did you regard it as a reasonable fee for the service?—A. I considered it reasonable or I should not have charged it; but I want to add to that that I consider any fee reasonable which the contracting parties agree to pay and to receive.

Q. Did it never occur to you that if Mr. Hays knew that you were taking the \$3,000 he would object?—A. I do not think that I thought of it.

Q. Did you have any reluctance in speaking of it to him?—A. I would have had reluctance, because if I had said so he never would have given me the appointment.

Q. Are you sure of that?—A. I am perfectly sure of it.

Q. After you got the appointment did you see him frequently?—A. Not in regard to this matter.

Q. But you saw him frequently in the city?—A. Yes.

Q. Did it never occur to you to tell him that you had made a good thing of it?—A. No, sir; that is just what I would not tell him.

Q. State, word for word, as nearly as you can recollect it, precisely what occurred between you and Hays this morning.—A. I can only repeat what I have already said. I was in bed when he came and my servant brought in his name. I said, "Show him in." He came into the bedroom. Said he, "I guess you have got me into trouble," or "I am afraid you have got me into trouble," or "You have kicked up a trouble," or something of that sort. I said, "No; I guess not. I am going before the committee this morning, and I will tell them all about it whatever the consequences may be to me."

Q. Was that the whole conversation?—A. Yes; I do not think there was anything else said upon that subject.

Q. Was anything said upon any other subject?—A. Mr. Hays owes a note here which had been put in my hands for collection, and I said to him, "Are you going to make any provision for this note?" and he said, "Yes; I will have to."

Q. How large a note?—A. I think about \$1,400.

Q. Who is the owner of the note?—A. Governor Shepherd. It was placed in my hands simply for collection.

Q. Whom do you mean by Governor Shepherd?—A. Alexander R. Shepherd, ex-governor of the District.

Q. When did he place the note in your hands?—A. Some months ago. Hays has been paying it by installments.

Q. How much is there due on the note now?—A. I think about \$1,400

Q. How large was the note originally?—A. I do not know. I understood it was \$2,000.

Q. What was the date of the note?—A. That I do not know. It has been renewed, and a little paid on it, and renewed again.

Q. How far back do you understand that transaction to date?—A. That I do not know. I do not know anything about the transaction.

Q. How long has the note been in your hands?—A. It has matured once in my hands.

Q. Was it a three months' note?—A. No; it was a sixty days' note. It matured the other day. I know nothing about the transaction.

Q. Do you know whether Mr. Hays lives in Choctaw County?—A. Mr. Hays lives in Haysville.

Q. Do you know whether that is in Choctaw County?—A. I think it is in Hays County, but I am not certain.

Q. Did he ask you any question as to where this boy was educated?—A. I remember telling him that the boy was educated in New York.

Q. When was that?—A. About the time this thing was filled up.

Q. Did you tell him that in the first instance?—A. No; he said, "I hope this boy will not fail." "No," said I; "he will not fail; he is a smart boy, and has been educated in New York."

Q. Did you tell him how many years he had been educated there?—A. I may have done so.

Q. Did he say whether or not he was acquainted with a family named Beardslee?—A. No.

Q. Did he make any observation on the subject of a family named Beardslee, in Choctaw County?—A. I do not recollect.

Q. Did he say that he did not know any family in Choctaw County that was able to educate a son in New York City?—A. No; I do not recollect that he said so.

WASHINGTON, D. C., *March 16, 1876.*

ALEXANDER R. SHEPHERD sworn and examined.

By Mr. LORD :

Question. State your residence.—Answer. I reside in Washington City.

Q. How long have you been here?—A. About forty-one years.

Q. Do you know Mr. Lilley, an attorney in Washington?—A. I have met a Captain Lilley who lives on F street. I do not know his first name. I know such a person.

Q. How long have you known him?—A. About six months, I think.

Q. Do you know of any other attorney of that name?—A. I think not.

Q. Can you give us the number of his residence?—A. He lives nearly opposite the Ebbitt House. He is quite a large, stout man, about fifty years of age.

Q. Did you at any time give him a note to collect?—A. I did.

Q. When?—A. Probably I had better state the circumstances of the case.

Q. Just state when.—A. I cannot specify the time. I think it was some time during the past summer.

Q. What was the amount of the note?—A. The amount of the note was \$1,500 and interest.

Q. Did it represent a note which was originally for \$2,000?—A. No, sir; it represented a note for \$1,500.

Q. By whom was it made?—A. It was made by Charles Hays to the order of George E. Spencer.

Q. Who was Mr. Hays?—A. I believe he is a Representative from Alabama.

Q. How long did you hold the note?—A. While I was governor of the District, up at the office on Seventeenth street, (I think it has been nearly two years ago,) Mr. Spencer, the Senator from Alabama, came to me one day and said that a friend of his, Charley Hays, from Alabama, wanted to borrow \$1,500 for a year; that he wanted to buy a lot of farming-utensils, mules, &c., and wanted me to find somebody to loan it to him. He said that he was good, and that he (Spencer) would indorse his note. I referred him to a gentleman named B. H. Warner, a broker here, who did such things, attending to making loans, &c. He went to see Warner. Some days afterward Mr. Warner came to me and asked me if I wanted this man to get the money. I told him that I did not specially desire it. He said, "If you will indorse the note I will get the money for him." I said, "I do not want to indorse the note." After this Mr. Spencer came to me again, and I did indorse it. The note was for one year for \$1,500. The year rolled round and the note was protested. I felt a little aggrieved about it, as it was done as a friendly act to Mr. Spencer on his representation that the note would be promptly met. I put it in an attorney's hands to collect. The attorneys were Messrs. Cook & Pelham. After it had been in their hands for a little while, Mr. Spencer came to me and said that he did not think it worth while to sue; that it would be difficult to get a judgment and to make the money, and that he knew an attorney, a Captain Lilley, I think, who he thought could collect it for me in piecemeal. He said that Mr. Lilley knew Hays very well, and that he was of the opinion that Lilley could collect it for me. It might take some time to do it. I said that I did not want to sue, but that I should like to have the thing settled. At Mr. Spencer's request I went with him to see Captain Lilley, who seemed to be a good deal of a trader. He wanted to trade a lot of pictures for the note—a lot of paintings. I told him that I did not want any paintings. I told him that I would pay him a percentage if he would collect the note. He said he would try his best to collect it. Some time afterward he came to me with a proposition from Hays that he would pay \$200 down and renew it for 60 days and curtail it every 60 days \$200. He did pay \$200 down and renewed it for \$1,400 odd, (the interest had amounted to \$160.) That second note came due and was protested, and is still unpaid. That is the whole sum and substance of my knowledge of the note.

Q. Was the note ever renewed in your hands?—A. It was renewed in my hands once. The first note was given for a year, and when it fell due I had to take it to the broker, and I paid it and held the note for two or three months—all the time dunning Mr. Spencer to make some settlement. Finally, (after two or three months,) he came to introduce me to this party, Lilley; and, afterward, Lilley made this suggestion, that Mr. Hays should be allowed to curtail the note every sixty days. It was renewed once, and when it matured, it was protested, and is still unpaid. That is the whole sum and substance of my knowledge of it.

Q. Are you able to state the first conversation you had with Captain Lilley on the subject?—A. I cannot.

Q. Would your books show?—A. It was not a matter of books, at all. I have got the original note, I think.

Q. How long have you known Captain Lilley?—A. I think it was probably in July last, when I was introduced to him by Mr. Spencer.

Q. Did you know anything of him before that?—A. I had seen him very often, but I did not know his name.

Q. Do you know his character and standing in the district?—A. No, sir; I never made any inquiries about him.

Q. Will you furnish us the dates of the transaction?—A. I think I have got the original note and will furnish it.

WASHINGTON, D. C., March 16, 1876.

Mrs. HELEN C. BEARDSLEE sworn and examined.

By Mr. LORD :

Question. Where do you reside ?—Answer. I have no permanent residence. I never have had since the death of my husband. I lived in Utica a year and a half, and there I rented a furnished house for a year. Then I boarded at the Butterfield House, and from that time I have never had any permanent residence. I have not now.

Q. Where did your husband live ?—A. In the township of Mannheim. East Creek is the post-office address. I am still there. I have been in New York until three weeks ago. I have been at the old residence for three weeks, but only as a boarder.

Q. You have a son ?—A. I have a son.

Q. What is his name ?—A. Guy Roosevelt Beardslee.

Q. How old is he ?—A. He was nineteen years in October.

Q. He is now at West Point ?—A. He is now at West Point.

Q. Did you pay any money for the purpose of getting him into West Point ?—A. I paid money to a broker to procure him an appointment, as a matter of business, to give me his services to procure an appointment.

Q. To whom did you pay the money ?—A. I re-imburSED Professor Charlier ; he paid the money and I re-imburSED him.

Q. State whether or not you told Professor Charlier to pay the money.—A. I did not authorize him to pay it, for there was no question about it. I was to pay it when I returned to New York ; as soon as I had the commission I was to pay for it.

Q. With whom did you first talk on the subject of paying money for such an object ?—A. I do not know ; I talked with several gentlemen.

Q. Did you talk with Professor Charlier ?—A. I did.

Q. How long before you actually paid the money ?—A. I do not know ; probably two or three months. I talked with him repeatedly about trying to get my son into West Point. It was the matter of my whole life after my husband's death.

Q. Was there any arrangement between you and Professor Charlier in reference to it ?—A. Only that he should try and procure an appointment if he could.

Q. Did you authorize him to pay any money for that purpose ?—A. Not to any Congressman, but to a broker who might give me his services.

Q. What did you say to Professor Charlier in that regard as to the payment of money ?—A. I said that I was willing to pay \$3,000 to any one who would procure me an appointment to West Point.

Q. You afterward paid him that sum ?—A. I re-imburSED him ; he had already paid it.

Q. When you re-imburSED him did you know what member of Congress had nominated or agreed to nominate your son ?—A. No, sir ; I did not.

Q. After that payment did you go to Alabama ?—A. I did ; he notified me at the time that it would be necessary for me to obtain a residence in Alabama, and I went there.

Q. What part of Alabama did you go to ?—A. To the town of Tuscaloosa.

Q. What county ?—A. In Tuscaloosa County, I think.

Q. How long did you stay there ?—A. Two months. My son went previous to myself.

Q. When did your son go ?—A. He went about three weeks previously, I think. (I am not positive.) He was there when I went. I found him there. I think he went about the 1st of March, and I went a few days later.

Q. Did he go before or after Mr. Charlier had received the nomination from somebody ?—A. He went after.

Q. After Mr. Charlier had paid the money ?—A. Yes, sir.

Q. Where did you find him when you got there ?—A. At a hotel in Tuscaloosa.

Q. Did you ever go to any other part of the State than Tuscaloosa ?—A. No, sir.

Q. Did you ever reside in the county of Choctaw ?—A. I did not.

Q. Did you know the fact that your son was nominated as from the county of Choctaw ?—A. No, sir ; I did not.

Q. When did you first ascertain that fact ?—A. Yesterday.

Q. State your purpose of going to Alabama.—A. For pleasure ; and to see the South ; and to amuse myself, and to join my son. He had been shut up in school, and it was a pleasure for me to be with him.

Q. You had no other purpose than that ?—A. No sir ; I had no other purpose.

Q. You did not go there for the purpose of residing yourself ?—A. I did think after I was there that it would be very pleasant for me to buy a place there and make my winter residence there.

Q. The question is, whether, when you went to Alabama, from the State of New York, you went with a view of taking up your residence there ?—A. No, sir.

Q. I mean your making it a permanent home ?—A. No, sir ; except as I might be there in the winter. I intended to settle somewhere in the South for the winter. There was nothing especial in reference to Alabama.

Q. Have you ever changed your permanent residence from the State of New York ?—A. No, sir ; except to go to Alabama. I went to Utica with the same motive as to Alabama.

Q. You rented a house in Utica?—A. I did; and I boarded at a hotel there.

Q. How long did you stay in Alabama?—A. Two months.

Q. Did you buy any property there?—A. I did not.

Q. Where have you been since that time?—A. I have been in New York City and New York State. I have not been out of the State.

Q. What State were you born in?—A. Vermont.

Q. When did you move to the State of New York from Vermont?—A. When I was a mere child—five years old.

Q. You went there with your parents?—A. Yes.

Q. And have resided in the State of New York since?—A. No; I lived in Connecticut for twelve years, when I was a young girl.

Q. State any other change of residence you have made.—A. I have spent two years in Europe since then.

Q. You went there to travel, I suppose?—A. Yes.

Q. Do you know Mr. Hays, of Alabama?—A. I do not.

Q. Did you not see him when you were in Tuscaloosa?—A. I did not.

Q. Did you ever see him?—A. I have never seen him, except that I infer that the gentleman present is Mr. Hays.

Q. When did you first see him?—A. About half an hour ago—since I came into this room.

Q. Where did you get the money with which you paid Mr. Charlier?—A. Out of the bank in Utica—the Utica City National Bank.

Q. Did you make any statement to the cashier as to the object for which you got the money?—A. I told him that I was going to try and procure an appointment for my son—that I would pay it to a broker who would use his efforts to get the appointment.

Q. Do you know John F. Seymour, in Utica?—A. I do.

Q. Did you have a conversation with him on the subject?—A. I did.

Q. Have you any objections to your stating it?—A. I may not be positive about what I stated, because it was a rambling talk that we had of an evening.

Q. Confining yourself to this matter, what did you say to him on the subject of the payment of money for the purpose of procuring the cadetship?—A. I went to Mr. Seymour's room to ask his advice about the best way to get my son into West Point, and I said to him, "There is a man who will procure the appointment from the State of Alabama." He said to me, "Would you send your son to Alabama?" I said "Yes, I would." Said he to me, "That is very singular, Mrs. Beardslee; it is very unwomanly; it isn't patriotic; it is not lawful. It is not what an American should do." Said I, "Mr. Seymour, I live under the laws of the United States, and am bound to obey the laws, but as far as any gush of patriotism goes, on my part I have nothing whatever to do with it. You legislators take my money and use it as you please, and you give me no voice in the making of the laws, but you law away my money just as you please. When you give me part and parcel in this republic, then I will show you a decent allegiance, but you put me in the position of the darkey who turns around and puts his finger in the pot of plums when the mistress's back is turned. Why do you not allow me to carry the keys? Give me my vote, and then I will have a little pride in the making of the laws, and see to it that we get our sons into West Point without any ridiculous huggery-muggery of this kind."

Q. Then you understood the transaction?—A. I did. We women have to work by strategy.

Q. Is that all the conversation you had with Mr. Seymour?—A. He said, "See that you do not disgrace the law." "No," said I, "my son will become a resident of Alabama before he gets his commission. I have felt that it is a very disgraceful thing for northern boys to take southern positions, but it seems to me that the South is crowded out entirely, and that northern boys have gone down there. The people down there are the northerners, and I have no hesitation at all, where it is a case of 'bear eating bear.'" This was the conversation I had. Then said he, "You shall not accept the appointment from Alabama. I will telegraph immediately to Professor Charlier, and say that you will not accept it." Said I, "I do not know but that it is already accepted; I think it is." That very day I had a telegram from Professor Charlier, saying that the commission was ready, and that my broker wanted his pay for his work. The next day I said to Mr. Seymour, "It is settled for me. I have no alternative; my broker has done his work, and has procured this commission for me, and I must go to New York. Professor Charlier has sent for me; I am going to night." He went into my room with me and wrote out a telegram immediately for Professor Charlier, saying "Mrs. Beardslee will not accept this appointment." But Professor Charlier says he did not get this telegram. I do not know whether I took it to the telegraph office or whether Mr. Seymour did, but I have an impression that Mr. Seymour took it that very moment. We talked about ten minutes, and then I prepared myself and started for New York on the evening train. When I got there, Mr. Charlier said, "I have already paid for your commission and have taken it. It is all settled."

Q. Did you see the nomination in New York—the paper nominating your son?—A. Yes.

Q. Look at this paper [handing witness a printed form of nomination] and see whether you recognize it as a copy of what you saw in New York?—A. I do not. I saw some paper which I signed myself.

Q. Did you know at the time that Mr. Hays had certified that your son was an actual *bona-fide* resident of the State of Alabama, and the county of Choctaw, for two years?—A. No, sir; I did not. I signed no such paper. I did sign a paper, but this is not it.

Q. Did you authorize any such statement as that to be made?—A. No, sir; I did not. This paper I have never seen.

Q. Did not Professor Charlier tell you what the nomination contained?—A. No, sir; he did not.

Q. I want to know whether, at any time before or after your son went to Alabama, and before he went to West Point, you knew the fact that Mr. Hays had certified that your son had resided in his district over two years as an actual *bona-fide* resident?—A. No, sir; I did not; I did not understand "two years" at all.

Q. Did you authorize the statement that he had resided in the county of Choctaw?—A. No, sir; there was no question about the county of Choctaw.

Q. When did you first learn that your son was represented as a resident of Choctaw County, Alabama?—A. Only yesterday. I never heard of it before.

Q. When did you first learn that it was represented that he had lived there for two years before his appointment?—A. Some few days back. I saw it two or three days ago in the papers.

Q. What did your son write to you from Alabama on that subject?—A. That he had learned that the Congressman who appointed him was Mr. Hays.

Q. Is that all?—A. That is all.

By Mr. CAULFIELD:

Q. Who first put the idea into your head of using money for this purpose? Did it originate with you, or did somebody put the notion in your head?—A. I do not know. I knew that it was the rule to pay people who were employed to do you service.

Q. You had spoken to quite a number of persons in regard to the matter?—A. I had.

Q. Did any one tell you that you might obtain a position of that kind for your son by paying for it?

The WITNESS. Do you mean paying a Congressman?

Mr. CAULFIELD. Paying anybody.

A. No one in particular; it was popular rumor.

Q. Was it popular rumor that you could obtain such a place by paying money for it?—A. I do not know that that one place might be obtained by paying money for it. I do not know what biased me in the first place. I think it was my own inclination.

Q. Were you aware of the fact that this position ought to be obtained without paying money for it?—A. So far as a broker was concerned I had no question of my right to pay a broker. I supposed that these places were always given by Congressmen.

Q. Did you suppose that they were obtained through brokers—that it was matter of business in which A, B, and C could deal?—A. Merely a matter of business.

Q. Who fixed the amount that was to be paid?—A. The broker.

Q. Did the broker say that he could obtain the appointment for \$3,000, or did you say that you would give \$3,000 to obtain it?—A. I stated that I would be willing to give him what it would cost me to educate my son in college, which was about \$3,000.

Q. Did you have any conversation with Lilley himself on the subject?—A. I did.

Q. How often?—A. Never but once.

Q. Before or after the appointment?—A. I corresponded with him.

Q. Did you write directly to him?—A. I found out Mr. Lilley by an advertisement in the newspapers. I cannot state exactly what the advertisement was, but I thought to myself that it was possible that this broker knew Congressmen who were friendly, and who would give him this position for the asking of it. I knew that positions at West Point were given for the asking of it, but I had nobody to ask. I did ask Mr. Lord here, but he said that the appointment should be made by competitive examination, and by nothing else. So I said nothing further on that point. I saw that this man would allow me to pay him for his services, and I felt that that was a more independent way than to take it as a gift from a Congressman, because I did not expect that I could get it fairly any way.

Q. Do you recollect the purport of Lilley's advertisement?—A. I cannot tell you. It was such an advertisement as a broker would publish—such as made me think that I could make it available, and that he would work for me if he had a gift in that line. I supposed that it was a prerogative of Congressmen to give these appointments—that that was one of the perquisites of their office, and that possibly Mr. Lilley was acquainted with some Congressman who was willing to give an appointment. Of course I did not know the relations between Lilley and Congress.

Q. What was there about the advertisement that induced you to write to him as a broker?—A. The thing has gone out of my mind.

Q. And of all the advertisements of brokers that you saw, you selected this one?—A. This one happened to come under my eye.

Q. Did it strike you as peculiar?—A. I asked some gentlemen if this man would not avail me, and they said they should not wonder if he would avail me.

Q. You showed these gentlemen Lilley's advertisement?—A. No; I only spoke of this Mr. Lilley in Washington, and that it would be a good idea to apply to him.

Q. And on that advertisement you wrote to him?—A. I did.

Q. What paper was the advertisement published in?—A. I cannot tell whether it was in a New York or Washington paper. I was talking with a good many men about getting my son into West Point, and I have had Army registers sent to me showing the appointment of boys living in one State, being appointed from another State, and I said how queer this is, and I explained it in this way, that the boys made their residence in another State, and that whatever Congressman had the appointment in his gift gave it to them.

Q. You saw Mr. Lilley but once, and that was where?—A. At Professor Charlier's, New York.

Q. You never came to Washington to see him?—A. No, sir.

Q. Nor did he go to New York to see you until he had the commission?—A. No, sir; I never saw him until the commission was ready to be given to me. He did write to me that by no amount of bribery was this to be got in any shape or manner from any Congressman; that he had this appointment, and he gave it to whom he pleased. He said, "Do not labor under the impression that I am bribing any Congressman, or doing anything that will be troublesome to you in the future."

Q. Have you that letter?—A. I do not know whether I saved it or not.

Q. Do you not save your letters?—A. Some of them. I might not be able to find this exact letter, but I think I can find it. I will search for it, and send it to the committee if I find it.

By Mr. LORD:

Q. I understand you to say that you were present when Mr. Lilley gave over this certificate?—A. I was in the house, but I did not see it given. Professor Charlier said to me, "I have paid Mr. Lilley, and here is the commission."

Q. Did Professor Charlier show you the commission?—A. I think he did.

Q. Did you read it?—A. No, sir; I did not. My son and myself were both at Professor Charlier's. My son was at school there.

Q. Can you give any reason why you did not read it?—A. I do not know but that I may have read it. I have not the faintest impression on the subject. I took Professor Charlier's word for it. I had no question of what he did. I knew that whatever he did would be judicious and right, and whatever I may have done was under Professor Charlier's instructions. I knew him to be a man of uprightness. There were papers presented to me to sign, and I signed them.

Q. You do not recollect reading this paper?—A. I never saw that paper, I think.

Q. Nor the one of which this is a copy?—A. I saw only the one that I signed.

Q. And you think that Professor Charlier withheld this paper from you?—A. No, sir; I think not. Was it necessary that I should have seen it?

Q. Would you sign a paper of that character without reading it?—A. I might, on Professor Charlier's assurance that it was all right.

Q. You say you do not recollect now that you were aware at that time that the paper contained these misstatements?—A. No, sir; I did not know that there was any misstatement made. I do not know that this paper was in existence at the time I was at Professor Charlier's.

WASHINGTON, D. C., March 16, 1876.

CHARLES S. SYMONDS sworn and examined.

By Mr. LORD:

Question. State your residence and occupation.—Answer. I reside at Utica; I am cashier of the City National Bank, and have been since 1868.

Q. Do you know Mrs. Beardslee?—A. I do.

Q. Did you at any time let her have a draft for any amount?—A. I let her have a draft for \$3,000 about the 2d of March, 1875.

Q. State the transaction that occurred between you.—A. Mrs. Beardslee called at my office, and said that she desired to sell \$3,000 worth of bonds. She had a good many bonds, and she did not know what kind of bonds to dispose of, and she asked me to make a selection of bonds from her securities to be sold. I had her trunk brought out of the vault and made such a selection. She stated that she desired a draft of \$3,000 from the proceeds of the bonds, and I gave it to her. Previous to her leaving the office, she told me that she intended to use the money, or the draft itself, for the purpose of procuring a cadetship for her son at West Point, and we had some conversation on the subject.

Q. State what it was.—A. I cannot recollect the conversation in full. The substance of it was, that she could not bother, personally, herself with the matter, and that she should intrust the business to Mr. Charlier, of New York City, who had consented to negotiate for her. I said something to her about the possibility of her losing the appointment; that it was a dangerous experiment. She stated that if she lost the money she would only have to live a little more economically for a year or so; that her son had a taste for military life, and it

would be much more economical for her to procure this appointment than to give him a collegiate education. I remember nothing further that occurred. This conversation was while the draft was being prepared.

Q. Have you the draft with you?—A. I have.

Witness produces the draft of which the following is a copy.

C. 3335. Utica City National Bank.

\$3,000.

UTICA, N. Y., March 2, 1875.

Pay to the order of Helen C. Beardslee three thousand dollars.

To the National Park Bank, New York.

C. S. SYMONDS,  
Cashier.

(Indorsed :) Pay to the order of Prof. Elie Charlier, H. C. Beardslee, for deposit. Elie Charlier.

(Stamped :) For deposit with The National Shoe and Leather Bank to credit of National Trust Company.

Q. The draft came back to you in the ordinary course of business?—A. Yes.

Q. And was paid?—A. Yes.

Q. Did you ever have any conversation with her as to where the appointment was to come from?—A. Never.

Q. Did she ever make any statement as to who was to give her the appointment?—A. No, sir.

Q. Is that the only conversation you had with her on the subject?—A. That is the only conversation I recollect having had with her on the subject. She said something further about a relative of her's having some years previously obtained an appointment through the instrumentality of a Congressman from the State of Kansas.

Q. Was there anything said as to the mode of getting it?—A. \$3,000 was the consideration, if I remember correctly.

WASHINGTON, D. C., March 17, 1876.

GUY ROOSEVELT BEARDSLEE sworn and examined.

By Mr. LORD :

Question. State your residence and position.—Answer. I reside at West Point. I am a cadet at the Military Academy. I reported there on the 19th June, 1875.

Q. What is your age?—A. I was nineteen years old on the 24th of last October.

Q. Did you ever see Mr. Hays of Alabama before to-day?—A. I saw him once at the residence of Mr. Lilley.

Q. In this city?—A. Yes.

Q. Who were present?—A. Mr. Lilley and Mr. Hays.

Q. At what time was that?—A. That was when I was on my way to Alabama, in the latter part of February a year ago, as well as I recollect.

Q. Do you recollect hearing that Mr. Lilley came to New York and left with Professor Charlier a nomination for you and received \$3,000?—A. I remember seeing Mr. Lilley at New York with Professor Charlier.

Q. Was that before or after you met him in Washington?—A. It was before that.

Q. Therefore, if that transaction was on the 5th of March, it was after the 5th of March that you went to Alabama; had you ever been in Alabama before?—A. No, sir.

Q. State fully and frankly all that occurred between you and Mr. Hays at Mr. Lilley's on the occasion that you have referred to.—A. I came to Mr. Lilley's house to see Mr. Lilley. He gave me a paper on which was printed something, (I did not take much notice of it at the time,) and there were some blank spaces. He said that I should sign my name in a certain portion of the paper and then send the paper to my mother, who would sign her name to it and send it back to him and he would fill it up. I did so. I was introduced to Mr. Hays that morning. All that I remember Mr. Hays saying was that he had appointed some other cadets and that they had failed, and that he hoped I would get through all right.

Q. Where was Mr. Hays when you had this conversation with Mr. Lilley about the blank paper?—A. He was not in the room then. He came in afterward—about ten minutes afterward.

Q. You mean to say that you signed the paper in blank?—A. Yes.

Q. Look at this paper and tell the committee what parts of it were not filled in when you signed it. This is a copy of the original paper.—A. As I remember, the whole paper was blank; there was nothing but printed matter in it.

Q. He told you to sign it and to send it to your mother, and that when she had signed it she should send it back to him and he would fill it up?—A. Yes; and that I would have nothing more to do with it.

The paper which was showed the witness is as follows: (The portion in italics was in manuscript and the other portions of the paper were in script.)

(Copy.)

NEW YORK CITY, March 5, 1875.

To the Honorable Secretary of War, Washington, D. C. :

SIR: I hereby respectfully acknowledge the receipt of your notification of my contemplated appointment as a cadet of the United States Military Academy, with the appended circular, and inform you of my acceptance of the same upon the conditions named.

I certify, on honor, that I am *nineteen* years and *five* months of age, *having been born Oct. 24, 1856*, and that I have been an actual resident of the *Fourth Congressional district of Alabama* for *six* years and *eight* months.

(Signed)

GUY ROOSEVELT BEARDSLEE.

I hereby assent to the acceptance by my son of his conditional appointment as cadet in the military service, and he has my full permission to sign articles binding himself to serve the United States eight years, unless sooner discharged.

I also certify, on honor, that the above statements are true and correct in every particular.

HELEN C. BEARDSLEE.

Q. Then, the statement in this paper about your having resided six years and eight months in the State of Alabama, you never made?—A. No, sir.

Q. Did he inquire of you your age?—A. I do not recollect.

Q. You do not know how he got your age?—A. No, sir.

Q. Is the age correctly stated in the paper, as "nineteen years and five months, having been born October 24, 1856"?—A. I was only eighteen at that time.

Q. Have you stated all that occurred between you and Mr. Lilley?—A. Yes, all that I remember. He may have talked to me more, but I do not recollect anything about it.

Q. How long were you and Mr. Lilley and Mr. Hays together after Mr. Hays came in?—A. I do not think that Mr. Hays staid more than seven or eight minutes.

Q. Did Mr. Hays ask you any questions?—A. No, sir.

Q. Did he ask you why you did not apply to him instead of to Mr. Lilley?—A. No, sir.

Q. Did he make any inquiry about your having been at Blaydon Springs, Choctaw County, Alabama?—A. No, sir.

Q. Did he make any inquiry of you concerning the State of Alabama, or the county of Choctaw?—A. No, sir. All that I remember of his saying to me was, after he was introduced to me, that he had appointed several cadets, and that none of them had got through,] and that he hoped I would get through.

Q. Did he ask you where you lived?—A. No, sir.

Q. Did he ask your age?—A. No, sir.

Q. Did he make any inquiry whatever of you as to your age, condition, or residence?—A. No, sir.

Q. Who introduced you to him?—A. Mr. Lilley.

Q. Look at this letter and say whether you ever wrote it.—A. No, sir; I do not recollect writing it.

The following is the letter shown to the witness :

(Copy.)

NEW YORK, FRIDAY, March 5, 1875.

HON. SECRETARY OF WAR :

I acknowledge the receipt of my conditional appointment as a cadet of the United States Military Academy.

I have filled up the blank and sent the same to my mother for signature, my father being dead. After signing she will forward the same to a friend in Washington, who will deliver it to you.

I have been at school at the Charlier Institute, No. 108 West Fifty-ninth street, New York, for the past four years. Hence I address you from New York.

My residence is Blaydon Springs, Choctaw County, Ala., but I shall be in Tuscaloosa, Ala., for the next two months. After that I shall be at the Charlier Institute, New York, until I proceed to West Point for examination.

I am, respectfully, your obedient servant,

GUY R. BEARDSLEE.

Q. There is a place mentioned there as Blaydon Springs, Choctaw County, Alabama; did you ever hear of such a place as that before?—A. It strikes me that I heard something of it at Mr. Lilley's house the morning I was there. The way that I recollect it was that I should reside at Tuscaloosa, which was in Choctaw County.

Q. That letter is dated New York, March 5, 1875. Before you left New York, and before you went to Mr. Lilley's house, did you know anything about Blaydon Springs, in the county of Choctaw?—A. No, sir.

Q. Did you ever see Mr. Hays after that?—A. No, sir.

Q. Where did you go from Washington?—A. To Tuscaloosa.

Q. How long did you remain at Tuscaloosa?—A. As nearly as I recollect, I left Tuscaloosa about the first of May.

Q. How far is Haysville from Tuscaloosa?—A. I do not know.

Q. While Mr. Lilley, Mr. Hays, and yourself were at the house of Mr. Lilley, was the fact spoken of that you were going to Tuscaloosa?—A. I do not recollect.

Q. In thinking over the matter, do you recollect anything more that occurred at Mr. Lilley's house?—A. I recollect writing something which he showed me, and said that I should copy, but I do not recollect now what it was. I do not think it had any reference to this paper which you have just shown me. If it had I think I should recollect it. He wrote me out a draught and I copied it.

Q. Where was Mr. Hays then?—A. He had not come then.

Q. Do you know how Mr. Hays became aware that you were in the city?—A. No.

Q. Did Mr. Lilley know in advance that you were coming at that time?—A. I do not know.

Q. When you saw Mr. Lilley in New York, was there any understanding between you then as to when you should come on to Washington?—A. Not that I remember.

Q. How came you to go to Mr. Lilley's house?—A. I knew his address, and probably was told to go there.

Q. Think a moment by what arrangement you happened to go to Lilley's.—A. One thing I remember was that I was ordered to go to Mr. Lilley's house, and that I could have everything arranged then, as it was on my way to Alabama; I might as well stop there and see that it was all right.

Q. By whom was that order given?—A. By Professor Charlier, before I left New York.

Q. Was Mr. Lilley present at the time you got that order?—A. No, sir. As I remember it, he told me that I should go as soon as I got ready; within a day or two.

Q. How long did you stay here in Washington?—A. About thirty-six hours.

Q. Where did you stay?—A. At the National Hotel.

Q. How long were you at Mr. Lilley's?—A. About an hour, I should think.

Q. Did you see Mr. Lilley any more while you were in Washington?—A. No.

Q. Have you ever seen him since?—A. Yes; I saw him this morning.

Q. Where did you see him this morning?—A. At his house.

Q. How came you to go there?—A. I came here this morning, not knowing whether my mother had gone, or where she was stopping if she were here, and so I went to Mr. Lilley's house to inquire if he knew where she was. I arrived at six o'clock this morning.

Q. Did you have any conversation with him?—A. I asked him what he thought about all this matter, and he said that he did not intend to tell me anything about it, but that he hoped that I should tell the truth and nothing more.

Q. Was that all the conversation there was between you?—A. He said that Professor Charlier had been here and had gone; he had been stopping at the Metropolitan Hotel, and Mr. Lilley thought it probable that my mother would be there. Then I went to hunt her up.

Q. Is that the only time you have seen him since you went to Alabama?—A. Yes, sir.

Q. Which went away first from the house, that morning a year ago, you or Mr. Hays?—A. Mr. Hays.

Q. Now with your memory thus refreshed, say whether you recollect anything else that was said by Mr. Hays on that occasion?—A. No, sir; I do not recollect.

Q. State again, particularly and carefully, all that you recollect that Mr. Hays said on that occasion.—A. Mr. Hays came into the room and was introduced to me and took a chair and sat down by the fire. He commenced talking to me by saying that he had appointed several young gentlemen to the Military Academy, and that none of them had passed, and that he hoped I would get through. Then I remember his sitting there and not saying anything for quite a little while.

Q. Did he say anything more?—A. No, sir.

Q. Did he ask you when you left Alabama?—A. No, sir.

Q. Do you know the distance from Washington to Tuscaloosa, Choctaw County, and Haysville?—A. No, sir.

Q. Did you learn anything about Choctaw County while you were in Alabama?—A. No, sir; my understanding was that Tuscaloosa was in Choctaw County. I did not think anything about the matter.

Q. What is the distance from here to Tuscaloosa?—A. I did not calculate the distance.

Q. You say that you were introduced to Mr. Hays as "Mr. Beardslee"?—A. Yes.

Q. And he knew that you were the cadet whom he had nominated?—A. Yes.

Q. And he said to you that he had nominated several cadets before you and that they had failed?—A. Yes.

Q. Are you certain that Mr. Hays never put any inquiry to you either as to when you came to Washington or when you left Alabama, or any other question of a similar character?—A. Yes; I am sure he said nothing to me but what I have already told you.

Q. He made no inquiry whatever?—A. No.

Q. Did he inquire whether you had been in school in New York City?—A. No, sir.

Q. Did he say to you that he had been informed by Mr. Lilley that you were being educated in New York City and that therefore he knew you would pass?—A. No, sir.

Q. Nothing of the kind?—A. No, sir.

Q. Where did you go from Tuscaloosa, Ala.?—A. I staid in Tuscaloosa for the time he told me; till about the first of May.

Q. Who told you about that time?—A. Mr. Lilley, through Professor Charlier. Professor Charlier told me that he had received a letter from Mr. Lilley saying that sixty days was sufficient for a residence in Alabama, and that he had that letter in his possession. He showed it to me, I think.

Q. And you think that you staid sixty days?—A. Yes.

Q. When the sixty days were up, where did you go?—A. My mother and a young lady and myself came up to Nashville, and around by Cincinnati to Washington, and from Washington to New York. There I went to school again, and my mother went on to Utica.

Q. Did you see any one at that time in Washington?—A. No, sir.

Q. Do you recollect the precise date that you went to West Point?—A. Yes; it was on Saturday, the 19th of June.

Q. And you have not seen Mr. Lilley or Mr. Hays from that time till this visit to Washington?—A. No, sir.

Q. Have you seen Mr. Hays since you have been here before now?—A. No, sir.

Q. Do you recognize this gentleman [pointing to Mr. Hays] to be the same one who was present at Mr. Lilley's?—A. Yes.

By Mr. CAULFIELD:

Q. Was there anything said between you and Mr. Hays which would indicate that Mr. Hays knew, at the interview which you had with him at Mr. Lilley's house, that you were on your way to Alabama?—A. No, sir.

Q. Have you any reason to know that he then knew you were on your way to Alabama?—A. No, sir.

Q. When was the first time you ever heard of Blaydon Springs?—A. I think at Mr. Lilley's house.

Q. What was said about it?—A. All that I remember is, that there were several places mentioned, Blaydon Springs, Choctaw, and Tuscaloosa, where I could stay if I wished, and that Tuscaloosa was about the best place for me to stay and make my residence.

Q. When you went to see Mr. Lilley that morning did you expect to meet Mr. Hays there?—A. No, sir.

Q. When Mr. Hays made his appearance in the room, and you were introduced to him, were you surprised to see him?—A. Yes, I was; I did not expect to see him there.

Q. Did Mr. Lilley say anything to you about expecting Mr. Hays to be in in a few minutes, or anything of that kind?—A. I believe he said to me that he expected Mr. Hays in on some business that morning, and that if he came he would introduce me.

Q. What hour of the day was that?—A. I think between nine and ten o'clock in the morning.

Q. How long were you there before Mr. Hays came in?—A. I guess about half an hour.

Q. Did Mr. Lilley expect you that morning?—A. No, sir; I do not think he did. I was to go on within two or three days, as soon as I got ready, and I think that I started on Monday morning.

Q. You do not know whether you wrote to Mr. Lilley that you would be in Washington on a certain train, and would see him at a certain hour?—A. No; I think I started the first of the week. I started in the morning train, and it was the next morning that I went to see Mr. Lilley. I got here in the evening and called at Mr. Lilley's house that evening, but he was not at home, and then I went to see him next morning.

Q. Did you leave word at Mr. Lilley's house that night that you had been there, or did you leave a card?—A. I do not know that I left a card. I think I left word that I would be there in the morning.

Q. Be a little particular about that; what is your best recollection about it?—A. I suppose I would probably leave word because I wanted to see him. I would probably say to the servant, "Tell him that I called, and that I would like to see him."

Q. You were anxious to see him?—A. Not anxious; but Mr. Charlier said that I had better go to Mr. Lilley's on my way to Alabama, and regulate anything that might be necessary.

Q. Did you make up your mind when you did not find him at home that night that you would go and see him next morning?—A. Yes.

Q. Do you recollect whether you said anything to the servant to that effect?—A. I cannot say positively that I did, but I am pretty positive that I did.

Q. Do you know whether you stated what time you would be there?—A. No, sir.

Q. Did you leave word where you were staying?—A. I do not recollect.

Q. How do you generally sign your name?—A. Guy R. Beardslee.

Q. Is that the way you always sign it?—A. It is the way I have signed it since I have been at West Point. Sometimes I put the R in, and sometimes not.

Q. Did you ever sign your name Guy Roosevelt Beardslee? I see that this acceptance is signed Guy Roosevelt Beardslee.—A. Yes; Mr. Lilley may have told me to put my name in full, and I may have done so.

Q. Your acceptance of the appointment is dated March 5, 1875, at New York City, and is signed in full, Guy Roosevelt Beardslee. And the letter, dated New York City, March 5, 1875, to the Secretary of War, is signed by you Guy R. Beardslee. Do you recollect whether both of those documents were signed at the same time—the letter and the acceptance?—A. No, sir; I do not.

Q. Where were they signed?—A. I think in Mr. Lilley's house.

Q. Do you recollect signing that acceptance at Mr. Lilley's house?—A. I signed this printed document at his house, in blank.

Q. Do you recollect signing any other paper at his house?—A. No, sir; I remember writing something there, but I do not know what it was. He made me out a form and I copied it.

Q. Do you recollect whether there was any date to this blank when you signed it?—A. I do not think there was. It is my impression that there was nothing on it; that it was a blank form.

Q. Do you recollect what day of the month it was that you were here?—A. No, sir.

Q. You do not recollect whether it was the 5th of March or not?—A. No, sir; I have no recollection at all about it.

Q. This letter is dated New York, Friday, March 5, 1875. Presuming, then, that Friday was the 5th of March, 1875, do you know whether you were in Washington before or after that day?—A. I think it must have been before. The only thing that makes me think so is that this paper was signed at Mr. Lilley's house.

Q. Do you mean that both of them were signed at Mr. Lilley's house?—A. No; only the acceptance.

Q. If you think you were here before the 5th of March, 1875, you could not have been in New York on the 5th of March, 1875, if you went on to Alabama?—A. I do not recollect the dates; I arrived here in the evening, and went to Mr. Lilley's house the same evening, but he was not at home. The next morning I called upon him, and the next morning after that I started for Alabama.

Q. Do you recollect having ever written to the Secretary of War from New York?—A. No, sir.

Q. You never did?—A. No, sir.

Q. You swear to that positively?—A. I do.

Q. Did you ever write a letter to the Secretary of War from any place?—A. No, sir; unless what Mr. Lilley made me copy at his house was one; otherwise I wrote nothing to the Secretary of War.

Q. You know that you never wrote any letter from New York to the Secretary of War?—A. Yes, sir.

Q. Do you know whether anything was said by Mr. Lilley to you about how he was to get this letter to the Secretary of War which was dated in New York?—A. In the first place I do not know of any letter that was dated in New York. The only thing I know of is that I wrote a paper in his house which he may have sent to the Secretary of War.

Q. Did he say anything to you about putting a letter in the post-office in the city of New York, addressed to the Secretary of War?—A. No, sir; I am sure of that.

Q. Why did not your mother come to Washington with you on that occasion?—A. I do not know.

Q. Why did not she go to Alabama with you?—A. She wanted me to go first, and get everything arranged, and tell her how she could come.

Q. And that you did, I suppose?—A. Yes.

Q. How long were you in Tuscaloosa before your mother came?—A. I cannot tell positively; I guess I was there from twenty to twenty-five days.

Q. You do not recollect the day of the month that you got there?—A. No, sir.

Q. Do you recollect the day of the week?—A. No, sir.

Q. Do you recollect how many days you were going?—A. No, sir.

By Mr. LORD:

Q. Do you recollect to whom you wrote to your mother to send these papers?—A. I think I told her to send them to Mr. Lilley.

Q. Do you recollect that you did send these papers to your mother?—A. Yes; I did.

Mrs. HELEN C. BEARDSLEE, being recalled, was examined as follows:

By Mr. LORD:

Question. Look at this paper, [showing the witness the acceptance already in evidence,]

and say whether it was in its present condition when you signed it.—Answer. No, sir; it was not in that condition. It was a blank form.

Q. From whom did you receive the blank?—A. It was sent me by letter from my son.

Q. To whom did you return it?—A. I do not know whether I addressed it to my son, or to Professor Charlier, or to Mr. Lilley.

Q. Why did you not fill up the blanks?—A. I was not told to, and there was no one by me to ask questions of. My son's instructions to me, by letter, were that I should sign the paper. The question occurred to me why the paper was not filled up, and I thought to myself that I could not delay matters to inquire about it or to obtain instructions, so I put myself in their hands, and supposed they would instruct me properly. I signed the paper and put it in an envelope. I think my son's instructions were that it should be sent to Professor Charlier or to him.

Q. Think a moment, and recollect whether you sent it to your son, to Professor Charlier, or to Mr. Lilley.—A. I think I sent it to Professor Charlier. I have no definite recollection of it.

Q. Can you state whether or not you signed the paper as you were directed?—A. I followed my son's instructions.

By Mr. CAULFIELD:

Q. Do you recollect your son writing a letter to the Secretary of War from New York?—A. No, sir; I was not with him in New York.

Q. Did your son ever tell you that he had written a letter to the Secretary of War?—A. He did not.

By Mr. LORD:

Q. Did not you go to New York after you got the draft from Mr. Symonds of the Utica City National Bank?—A. Yes.

Q. Can you think what time between the 2d of March, which is the date of the draft, and the 8th of March, you went to New York City?—A. I think it was later than the 8th of March that I was in New York City.

Q. Had your son left before you got there?—A. No, sir, he had not. I can recollect nothing about the dates.

Q. But you did go to New York before your son left?—A. Yes.

Henry T. Crosby, chief clerk of the War Department, appeared before the committee, and submitted the original papers in the matter, comprising the two papers already in evidence and the following copy of the nomination:

HOUSE OF REPRESENTATIVES,  
Washington, D. C., March 4, 1875.

To the SECRETARY OF WAR:

I nominate Guy Roosevelt Beardslee, of Choctaw, in the county of Choctaw and State of Alabama, for appointment as a cadet of the United States Military Academy, from the fourth congressional district of that State. He has been an actual *bona-fide* resident of the district for over two years, and is believed by me, upon due inquiry, to be qualified for appointment, according to law, in every respect. His age is eighteen years and five months.

CHARLES HAYS,  
Member Congress, Fourth Congressional District of Alabama.

[NOTE.—If selected by competitive examination, the Representative is requested to add a memorandum to that effect.]

The examination of GUY R. BEARDSLEE was then resumed as follows:

By Mr. LORD:

Q. Look at this paper [handing to the witness the original of the acceptance] and state whether that is your signature.—A. Yes.

Q. Is that your mother's signature to it?—A. Yes.

Q. In whose handwriting is that form filled up?—A. I do not know.

Q. Is this the paper which you referred to as having signed in blank?—A. It looks like the same one, and this is my signature to it.

Q. Is the handwriting in the body of this paper yours or your mother's?—A. No, sir.

Q. Is it Professor Charlier's?—A. No, sir.

Q. Look at this paper. [Handing the witness the original letter to the Secretary of War.] Who wrote this?—A. I wrote this.

Q. State where you wrote it.—A. In Mr. Lilley's office.

Q. Is this the paper which you copied from one prepared for you?—A. Yes.

Q. What did he say to you in regard to copying it?—A. He merely said, "I will make you out a form which it is necessary for you to copy."

Q. You did it by his request or direction?—A. Yes.

The examination of Mrs. HELEN C. BEARDSLEE was resumed as follows :

By Mr. LORD :

Q. Look at this paper, [handing the witness the original acceptance of the nomination,] and state whether that is the paper to which you referred as having been sent to you by your son.—A. I think it is. That is my signature to it.

Q. Is that your son's signature to it?—A. Yes.

Q. Look at the writing filling the blanks, and state whether you recognize it.—A. I do not.

Q. State whether or not those blanks were filled up when you signed the paper.—A. No, sir; it was entirely a blank document.

Q. Is it filled up in Professor Charlier's handwriting?—A. No, sir, it is not.

By Mr. CAULFIELD :

Q. Mr. Symonds, who was on the stand yesterday, testifying in regard to the draft that you procured from him, said that you told him in that conversation that you were willing to pay \$3,000 for this appointment, because you knew of an appointment having been obtained for that by a relative of yours. Do you recollect that conversation?—A. I remember a conversation with Mr. Symonds. I said to him, "I understand that you have the gift of a cadetship in your hands through a Congressman." He said, "I did have, but it has been filled." "Then," said I, "I shall have to go to work and try to get my son in through a lawyer who will do the business for me."

Q. Do you recollect saying to him that you knew of a cadetship having been obtained for \$3,000?—A. No, sir; I did not say so. I said that I understood it could be done in that way and done lawfully.

Q. For \$3,000?—A. Not for \$3,000, but that a man could be hired to get it from a Congressman.

Q. Leaving out the question as to whether you said so to him, is it a fact that you did know of another cadetship having been obtained for \$3,000?—A. No, sir, I do not.

Q. Have you heard of any?—A. No, sir, I have not.

Q. Then he must be mistaken when he says you told him so?—A. He must be mistaken. I told him that I could get this one for \$3,000.

Q. And you think you told him that you understood it was done in that way?—A. Yes; that it was not to be given by any Congressman, but that I could secure the services of a lawyer to procure it from a Congressman.

Q. And you understood that it was done in that way?—A. Yes; through a lawyer.

Q. By paying him for it?—A. By paying a lawyer for his services for procuring it, without any idea of bribing a Congressman.

Q. I asked you yesterday something about the advertisement which you saw in the paper from Mr. Lilley, and which led you to suppose that Mr. Lilley could do it. Have you thought further on the subject, so as to be able to state that there was anything in that advertisement which led you to think that Mr. Lilley was your man?—A. The advertisement said something about appointments to West Point being secured, or something of that sort. There was something in it which led me to think that he might be of service to me, and I talked with several gentlemen friends about it, and they expressed the same opinion.

Q. You feel pretty certain that the advertisement called attention to the fact that that person was engaged in the business of getting cadetships?—A. Yes; that his time was given up to procuring these appointments among other things.

Q. That was Mr. Lilley's advertisement?—A. Yes.

WASHINGTON, March 30, 1876.

WILLIAM LILLEY recalled and further examined.

By Mr. LORD :

Question. Where did you come from to Washington?—Answer. New York City.

Q. How long did you live there?—A. About a couple of years. I have lived almost all my life in Cincinnati.

Q. Were you at any time consul to Brazil?—A. Yes, I was.

Q. In what year?—A. I went there in 1853. However, I would like to remark I have no objection to answering those questions, but I do not think it is a matter that is referred to this committee—however, I went there in 1853, under the administration of General Pierce. Though I have no great objection to it, still, at the same time, I do object, unless it is pressed. I have answered you fully, I think, all the questions that you have asked me; at all events, I have tried to do so.

Q. You do not regard being consul as being derogatory to your character, I suppose?—A. No, sir, I do not. I answered that question simply for the purpose of enabling me to get in a remark. I presume I know what you have reference to; I presume I saw the same

articles that you did. Thirty years ago I made a resolution never to answer a newspaper attack. I have never deviated from that rule and I never will. If it were not for that I could very soon dispose of that article; there was nothing of it at the time it occurred. It occurred twenty years ago, and to publish it now is simply devilish. With that, with your permission, I will dismiss it.

Q. Perhaps you make it necessary for us to go beyond that. I have never seen the newspaper article referred to at all. I had information from a more reliable source, I suppose. Now, as you have said so much, I will ask you this question, whether you were recalled from that consulate?—A. I was.

Q. By whom?—A. Frank Pierce.

Q. Upon what charge?—A. That I do not know.

Q. What is your occupation?—A. I am attorney at law.

Q. When were you admitted?—A. A dozen years ago or more.

Q. In this city?—A. Yes, sir.

Q. Up to that time what had been your occupation?—A. In New York I was merchandising, and I merchandised twenty-five years of my life in Cincinnati.

Q. Before you went to New York?—A. Yes, sir.

Q. You took up the legal profession about what age?—A. O, I studied law, sir, forty years ago. I studied a great deal of law while I was in Brazil, and was admitted to the bar shortly after I came to Washington.

Q. About what age were you then, when you were admitted?—A. I am sixty-three now.

Q. About twelve years ago you were admitted to the bar?—A. Yes, sir.

Q. What courts are you admitted in?—A. I am admitted in all the courts of the District and in the Court of Claims.

Q. You are not an attorney of the United States courts?—A. No, sir; I have never had occasion to appear there.

Q. You spoke of a note that you held against Mr. Hays for collection?—A. I spoke of a note that was placed in my hands, for collection, against Mr. Hays, when I was here before. I stated I think that I knew nothing of the note originally, and I don't even now know anything about the note except what I am told, and that of course is not testimony; but I can put you in the way of getting all that. You shall have no difficulty. Mr. Hays is the drawer of the note; Senator Spencer is the indorser of the note; Governor Shepherd is the owner of the note; B. F. Warner, I understand, is the man who originally loaned the money on the note.

Q. Who left the note with you for collection?—A. Governor Shepherd.

Q. Are you Mr. Shepherd's general attorney?—A. No, sir; and I was thinking of it the other day that I ought to have answered that question more fully at the time. I am not Governor Shepherd's attorney. The way that the note came to be placed in my hands was this: I heard that Governor Shepherd was going to resort to extraordinary proceedings, that is, he was going to get out an attachment, and I told him that, as a friend of Mr. Hays, I should not allow him to do that; that if he took out that attachment I should take it off—Senator Spencer was present—and said he, "What am I to do? If you won't allow me to attach anything, what am I to do?" Senator Spencer said, "Give it to Lilley." Shepherd said, "Will you take it?" and I said, "Yes;" and he gave it to me.

Q. How did you hear that Shepherd was going to attach?—A. I think Hays told me or Mr. Spencer did, I forget which.

Q. Do you remember what property he was going to attach?—A. He was going to attach his wife's trunks; that was what aroused me. He assigned as a reason that Hays had gone home. I told him that a member of Congress going home during recess did not partake of the character of absconding; that if he put on that attachment I should take it off.

Q. Do you know of any property that Hays had in this vicinity?—A. Only that. I know no other but some real estate in Georgetown.

Q. Do you know of real estate in Georgetown?—A. I understood that he owned a house there, but of it I know nothing.

Q. Do you know who he bought the house of?—A. No, I do not.

Q. Did you negotiate in regard to it?—A. No, I never did; never had anything to do with it. I don't know who the original owner was.

Q. Have you ever seen the property?—A. I don't think I have. I may have been over there; I don't know but I was.

Q. Have you ever visited Mr. Hays's house?—A. I am not certain. When I was here before I was under the impression that I had. I am still under that impression, but it does not impress me in such a way that I would state it as a fact.

Q. It does not amount to a recollection?—A. No.

Q. Were you introduced to Mr. Hays by Senator Spencer?—A. I don't remember who introduced me.

Q. State how long you have known Mr. Hays.—A. I have known him several years; pretty much since he has been in Congress. I don't remember the time that I was introduced, no more than I do the time that I am introduced to any other gentleman. It is many years ago. I don't even know the number of years he has been in Congress.

Q. Are you able to state when you first saw Mr. Hays at your house?—A. I cannot remember any particular circumstances attending the first time; I cannot call the first time to my mind. He has been at my office a great many times. If he had been there but once I could, probably, remember it, or if he had only been there twice.

Q. I speak of your house now?—A. My office and house are the same thing; my office is in the lower part of the house.

Q. Are you able to say how many times Mr. Hays has visited you socially?—A. No; a great many times, though.

Q. Has his wife ever visited you?—A. No.

Q. Then there was no social communication between your families?—A. No; I have no family myself. I don't think that I ever saw Mrs. Hays.

Q. Do you mean to have the committee understand that the only business transaction ever had between you and Hays related to this cadetship?—A. And this note; and no other sort of business of any shape or character.

Q. No real-estate or personal-estate transactions?—A. No, sir; I never sold him anything nor bought anything of him.

Q. How many times do you testify that Hays called upon you at your office before that cadetship affair?—A. I don't know the length of time or number of years.

Q. That is not the question. I ask you how many times you will take the responsibility of testifying, now, that he called upon you?—A. I don't know. Several times.

Q. Before that cadetship affair will you say that he had called upon you half a dozen times?—A. Yes, sir. From the time I was acquainted with him up to the time of the cadetship.

Q. What period would that cover?—A. It would cover the years that he has been in Congress.

Q. I don't know how many years that is.—A. Nor I, either, sir.

Q. Can you call to mind now a half dozen distinct occasions on which he called on you before that cadetship affair?—A. I cannot call to mind any one distinct occasion. I can remember that he was there.

Q. Nor can you call to mind the business of any other occasion?—A. There was never any business. There was never any other business with him. He called, like a great many others—Senator Spencer, or other men that called.

Q. Was Hays ever at your house at all before you spoke to him about that cadetship?—

A. Yes, sir; that is my recollection of it.

Q. You say that he was at your office before you spoke to him about that cadetship?—A. That is my impression.

Q. Will you swear to it as a fact?—A. Yes, sir; I think I will.

Q. Absolutely?—A. Yes, sir; I think so. I think he was there several times. That is my recollection.

Q. Now, I want you to understand the question distinctly. Will you testify that Mr. Hays was ever at your office before you spoke to him about this cadetship?—A. I think he was there several times.

Q. I didn't ask you what you thought. I asked you would you testify absolutely?—A. Well, sir, I think I will.

Q. I don't ask you that.—A. Well, I will. I am so satisfied of it that I will answer I will.

Q. How many times will you testify that he was at your office before you spoke to him about this cadetship matter?—A. All the times; for I never spoke to him about this cadetship but once, so that it must have been all the times.

Q. How many times?—A. I don't remember, but there were several.

Q. How many times will you say?—A. I don't know; I think at least a half dozen.

Q. Will you swear that he was there half a dozen times before the cadetship?—A. I will swear that that is my impression.

Q. Will you swear to it as a fact?—A. That is my best recollection.

Q. Will you swear to it as a fact?—A. No, I would not state it as a fact, but that is my best recollection.

Q. You will not state that as a fact? Will you state the subject-matter of any conversation you had with Mr. Hays before you spoke to him about the cadetship matter?—A. No, I cannot.

Q. Take a little time and reflect, and see if you can remember anything.—A. I don't remember; we might have talked about congressional proceedings.

Q. I simply ask you to fasten your mind upon the point. I want you to state the subject-matter of any conversation with Mr. Hays before you talked to him about this cadetship matter.—A. No, I cannot.

Q. Where was he when you first spoke to him about this cadetship?—A. I answered that the other day. I don't know; probably somewhere about the lobby.

Q. I don't ask you what is probable. If you remember, say so.—A. I don't know.

Q. Have you seen the testimony of young Mr. Beardslee, who was examined here?—A. Only that which appeared in the paper.

Q. Do you now recollect the interview which he swore to between himself and Hays at your house?—A. No; I have tried to call it to my mind.

Q. You don't now recollect seeing Mr. Beardslee and Mr. Hays at your house?—A. I do not.

Q. Do you recollect the fact that Beardslee went there in the evening and left word with your servant or some one that he would be there in the morning?—A. Do you mean this last visit?

Q. No; the time that he went to Alabama.—A. My recollection is that he called in the morning only.

Q. The question I put to you now is this: Do you recollect that he called the evening before and left word with some one that he would call in the morning?—A. No, sir, I do not.

Q. Do you say that you do not recollect?—A. I do indeed.

Q. You say that you don't recollect that Mr. Hays came to your house in the morning while Beardslee was there?—A. I don't recollect that Mr. Hays was there while Beardslee was there.

Q. And you cannot call it to mind, even after hearing of Beardslee's testimony?—A. No.

Q. Have you any fact or knowledge on the subject of Mr. Beardslee's acting in bad faith in going to Alabama?—A. No, sir, I have not. On the contrary I understand—

Q. That answers the question. From all you know, can you state whether Mr. Beardslee had any knowledge of any fraud in regard to the transaction?—A. He had not the slightest knowledge of it, sir, so far as I know.

Q. And, so far as you know, he acted in perfect good faith in going to Alabama?—A. Perfectly, sir.

Q. Do you recollect seeing him at your house?—A. O, yes; on his way.

Q. As you understood it, he was on his way to Alabama to take up a residence in order to render him capable of being admitted to West Point?—A. Yes, sir; to bring him within the law of residence, as I said the other day.

Q. And he acted in perfect good faith, so far as you know?—A. Yes, sir.

Q. You say you have no recollection of introducing Mr. Hays to young Beardslee, and saying, "This is the young man you have appointed to West Point," and that Mr. Hays made no reply excepting to say, "I hope you will go through?"—A. I have no recollection of introducing him. I would like to say that I have understood that the boy says that I did; and even after hearing that, I cannot bring it to my recollection.

Q. Then you have nothing within the range of your recollection that inculpates the boy in any fraud in relation to a false certificate or in relation to any falsehood connected with the transaction?—A. Nothing whatever, so far as my knowledge extends.

Q. Do you recollect how you received that \$3,000?—A. Yes, sir.

Q. In currency or draft?—A. In currency.

Q. Where did you receive it?—A. New York City.

Q. Where did you take it to?—A. I suppose I brought some of it home.

Q. What did you do with the rest of it?—A. I spent it.

Q. On the way?—A. No, sir; not on the way. I don't remember what particular thing I did with it.

Q. State whether or not you brought that \$3,000 with you from New York to Washington.—A. My impression is that I used some \$2,000 of it in New York; but I won't be certain about that. If I did not, I brought it to Washington—that is very certain.

Q. It is very unfortunate, this incertitude of yours. Do you mean to say that you have a recollection of expending \$2,000 of that money?—A. I have a recollection of spending some money in New York, and I do frequently spend more than that in New York.

Q. Will you testify that you spent any of this \$3,000 in New York City?—A. I will testify that I spent some of it, but I don't remember how much.

Q. How much will you testify you spent there?—A. I don't remember, sir; but what I did not spend I brought back to Washington.

Q. State, as near as you can, how much you expended in New York City.—A. I don't remember. I go frequently to New York City, and I don't remember.

Q. How frequently do you go to New York?—A. Sometimes I go as often as once a week; sometimes once a month.

Q. How often have you been there the last year?—A. I have been there five or six times.

Q. Then I understand you are unable to state whether you expended that money in New York or brought it to Washington with you?—A. I am unable to state whether I spent a good portion of it there or whether I brought it to Washington.

Q. And you cannot say but what you expended \$2,000 in New York City?—A. No; I did not say that.

Q. What do you say?—A. I say that I spent some of it.

Q. How much do you recollect spending there?—A. I don't remember.

Q. State as near as you can.—A. I cannot state; I don't remember.

Q. Why did you mention the sum \$2,000?—A. Because I frequently spend \$2,000.

Q. Have you any recollection of spending \$2,000 of that money?—A. No, sir, I have not.

Q. What did you do with the money you brought to Washington?—A. I presume I used it; I don't know.

Q. Where did you deposit it?—A. I did not deposit it, I don't think.

Q. Have you a bank-account?—A. No; I have not had a bank-account for some years.

Q. Will you swear that you did not deposit in Washington any portion of that money about the 5th of March, when you received it?—A. I will, sir.

Q. What is the name of the bank at which you do your business?—A. I do business at three or four banks.

Q. Give us the names of all of them.—A. I used to keep a bank-account at the Bank of Washington. That was the only account I kept of any moment. I used to keep a bank-account with Jay Cooke & Co.

Q. Do you remember depositing this money with Jay Cooke & Co.?—A. No, sir; I don't remember depositing it. I don't think I had a bank-account with any bank at that time.

Q. Where did you keep your money?—A. In my pocket until I had occasion to use it.

Q. How long did you carry that \$3,000?—A. I don't know, sir. I am handling and using money all the time.

Q. Will you testify that shortly after the 5th of March, 1875, you did not deposit a considerable sum of money in one of the banks or banking-offices of Washington?—A. I do, sir; I state that distinctly.

Q. Have you had a bank-account within the last year?—A. I don't think I have had a bank-account for three or four years; three years. I think my last bank account was with the Bank of Washington.

Q. When was that closed up?—A. Several years ago; I don't remember, perhaps in 1868, 1869, or 1870; I don't remember.

Q. When were you last in the house that Mr. Hays owned at Georgetown?—A. I cannot call to mind being there at all.

Q. You don't recollect now ever being there?—A. No, sir.

Q. Then, so far as you remember, you never returned any of the friendly visits of Mr. Hays?—A. Except about the hotel or the House.

Q. Did you ever return, at his house, any of the friendly visits he made you?—A. No, sir; I cannot recall any instance of that.

Q. Do you recollect asking young Beardslee to sign a paper in blank?—A. That I don't know. I presume he did sign blanks.

Q. I don't want your presumptions; if you don't recollect, say so; if you do recollect, say so.—A. I could answer better if I knew what blanks there were pertaining to that at the moment; I do not call them to mind.

Q. Do you recollect the form of acceptance?—A. I think there was a blank which he signed in blank and which was sent to his mother and she signed it in blank.

Q. Who filled that paper up?—A. I presume I did.

Q. Have you any doubt of it?—A. I have not.

Q. Do you recollect who filled up the original nomination?—A. Only so far as I told you the other day. You told me that it was in my hand and I said, "Very well, then, I must have filled it up." I either filled it up or else I wrote it out on a slip and gave it to Mr. Hays.

Q. I said some of the papers were in your writing; perhaps I included it.—A. Well, I either filled that up, or else I wrote it out and handed it to Mr. Hays and he did it; which did it I don't remember.

Q. Where was it filled up?—A. At my desk, in my office.

Q. What was your object in having young Beardslee sign that paper in blank?—A. I don't know that I had any.

Q. Do you recollect the years and months that you certified or made him certify, apparently, that he had lived in Alabama?—A. No, I do not.

Q. Do you recollect that it was six years and eight months?—A. No, sir.

Q. State whether or not your object in having the paper signed in blank was, that young Beardslee might not know the time that the acceptance stated that he had lived there.—A. I think the prevailing practice is to sign them in blank.

Q. I hope not; but I don't ask you that question. I ask if that was your object.—A. To deceive him? No, sir; I think not.

Q. Did you ever state to young Beardslee that you were going to have him certify that he had lived in Alabama six years and eight months?—A. I don't think I did.

Q. Did you ever state to him that there was to be any falsehood in regard to it?—A. No, sir.

Q. And so far as you know he did not know that?—A. So far as I know he acted honestly in the matter.

Q. And did not connive at any of these falsehoods?—A. No, sir; no, sir.

Q. You had no idea that he had lived in Alabama six years and eight months?—A. I knew that he had not, as I said the other day.

Q. You did not say anything of this paper then, for it was not before us.—A. I stated the same general facts in reply to a question by Mr. McCrary. He asked me whether I was aware that this deception was practiced.

Q. I am on a different point now. My question is, how much the boy knew about it?—A. O, he didn't know anything about it.

Q. Do you recollect writing a paper, and asking the boy to copy it, or a personal letter, to the Secretary of War?—A. I think there was some talk about that he had to write an acceptance, and I think I drew it up and he copied it.

Q. The acceptance is a blank paper in which he certifies that he has lived in Alabama so long?—A. Well, I drew up some paper and he copied it.

Q. Do you recollect drawing up a paper explaining why he was in New York at school?—A. Yes, sir; and he copied it.

Q. Where was Mr. Hays when you informed him that young Beardslee was at New York at school?—A. I don't know that I ever did inform Mr. Hays of that.

Q. You answered before that you told him that he was at school in New York, and that your remark was that young Beardslee was sure to pass because he was being educated in New York City.—A. I may have done that. I don't remember where it was.

Q. Do you wish to change that part of your former testimony?—A. No, sir.

Q. What you then testified to was the fact?—A. So far as I remember.

Q. Well, assuming that to be the fact that you testified before, that you told Mr. Hays that he would be sure to pass because he was being educated in New York City at a good school, where was it that you told him so?—A. I had talks with him in the lobby, in the street, at my hotel, and in the House, and I cannot remember.

Q. You cannot say in which one of those four or five talks you told him?—A. No, sir, I cannot.

Q. Did you have more than four or five talks with him on the subject of the cadetship?—

A. I don't think I ever had four talks on the cadetship.

Q. You have just mentioned four cases.—A. No, sir; I said that I talked with him in those places.

Q. Won't you be so good as to confine your attention to this subject-matter?—A. I will if I can, and I will endeavor to do it without too many lectures, too.

Q. I direct your attention simply and exclusively to the conversations you had with Mr. Hays on the subject of this cadetship. How many such conversations did you ever have with him?—A. I will answer that as I did before—that I had but one conversation on the subject of this cadetship. Probably there were two, because there must have been two when I asked him for the cadetship in the first place, and in the second place—

Q. It was in one of those conversations, was it, that you told him that this boy was being educated in New York?—A. I don't remember.

By Mr. CAULFIELD:

Q. Mr. Shepherd testified that you offered to trade him some pictures for that note.—A. I don't know but I did.

Q. You don't deny that?—A. No, sir.

Q. If you did, whose pictures were they?—A. Mine.

Q. Where are they?—A. In my house.

Q. How many?—A. I have five hundred or six hundred there. I have got more paintings than any private gentleman in America to-day.

Q. Do you have them for sale?—A. Yes, sir.

Q. Supposing you had traded those pictures with him, how did you expect to get your money?—A. The same way that Mr. Shepherd is getting it, by collecting it from Mr. Hays or Senator Spencer.

Q. How is Mr. Shepherd getting it?—A. He has got two installments of \$200 each.

Q. How much is the note?—A. The note when it came into my hands originally was \$1,650. It was due, and there was some interest; I don't remember how much; \$200 was paid on it, and a new note given for the remainder at sixty days. It fell due the other day. Another installment of \$200 was paid, and a new note given for the remainder.

Q. When you say "the other day," how long ago do you mean?—A. Since I was here.

Q. Since Mr. Shepherd testified here?—A. No; I think before.

Q. He testified that there was only \$200 paid.—A. Well, then, it is since that.

Q. You expected, then, to make your money out of either Mr. Hays or Mr. Spencer?—A. Decidedly; or I never would have offered to trade for it.

Q. How well do you know Mr. Spencer?—A. I know him very well.

Q. He is a friend of yours and you are a friend of his?—A. Yes, sir.

Q. Of course you know Mr. Hays very well, and are very friendly with him?—A. Yes, sir.

Q. Now, why would you be willing to buy a note on two friends like those, and have to collect it by legal proceedings?—A. I do not think I would have to collect it by legal proceedings.

Q. Is it a pleasant thing to buy notes of your friends and dun them to death?—A. No, sir; but it is sometimes a pleasure to buy a note for a friend and carry it for a time when the man that owned it would not do so.

Q. Then your relations with Mr. Hays and Mr. Spencer were such that you wanted to relieve them from being dunned?—A. No; I wanted to relieve them from this attachment

that Mr. Shepherd was threatening, and I was willing to make that trade. The trade as a trade suited me, or I would not have made it.

Q. You wanted to save Mr. Hays from this attachment?—A. Yes, sir.

Q. What particular interest had you in saving Mr. Hays from an attachment?—A. Simply that before he went away he told me that they were threatening to do something of this kind, and he asked me if they could do so, and I said "No, they cannot; they can put an attachment on, but I can take it off, and if you want me to, I will."

Q. About what date was this?—A. It was about the adjournment of Congress.

Q. Of what Congress?—A. Well, it was the short session immediately preceding this last Congress.

Q. That was about the 4th of March?—A. No; the note was afterwards. I do not know but it would run into April when I had this talk with Mr. Shepherd about the note. I do not know but it was later than that. Let me think a moment. It was later than that. It runs in my mind that it was in the summer that I had the talk with Mr. Shepherd.

Q. If it was in the summer, what part of the summer do you think it was?—A. I do not know. It may have been in June, it may have been in July.

Q. You are very uncertain as to what time it was, whether it was before Congress adjourned or after?—A. No, sir; I know it was not before.

Q. You first thought it was just about the time that Mr. Hays was going home after that adjournment of Congress; you do not stick to that?—A. My opinion is that it was in the summer.

Q. And you cannot tell whether it was June or July?—A. I think I could if I was home.

Q. O, I know if you were home, but I want your recollection now.—A. My recollection is that it was in the summer.

Q. And it may have been June or July?—A. Yes, sir.

Q. Where was Mr. Hays going at that time?—A. He said he was going home.

Q. Going to Alabama?—A. He had gone home long before that.

Q. He was not here, then, at this talk about the attachment?—A. O, yes, he was; that talk was about the time of the adjournment, or before the adjournment.

Q. Then Mr. Shepherd had been continually talking about it for a long time?—A. Well, the note had been due for some time.

Q. If this conversation about attaching Mr. Hays's property took place, it must have taken place, if he was talking about it, before the adjournment.—A. If I am excused for saying so, I never spoke of any continual talk; if you allow me, I will state my own answers.

Q. I will allow you, but the fewer words the better for all.—A. Very good, sir. The first intimation I had of the attachment Mr. Hays spoke to me about it. It must have been before the adjournment, because he spoke of trunks. I had no conversation with Mr. Shepherd until after Mr. Hays had left, and I have said that I told Mr. Shepherd that a member of Congress going home during the vacation did not partake of the character of absconding, and I happened to think of that when I said it was immediately afterwards.

Q. Now, I meant by my question that the talk was going on from before the time that Mr. Hays went away until sometime in the summer?—A. No, sir; I do not think I had but one talk with Mr. Shepherd, and that was to give me the note, and that, I think, was in the summer. Mr. Spencer and Mr. Shepherd will both remember.

Q. You think, then, that Mr. Hays spoke to you about it before he went away, before the adjournment of Congress?—A. I know he did.

Q. And the next time you heard was from Mr. Shepherd in July?—A. Perhaps first from Mr. Spencer, but it was in the summer.

Q. Did you go to see Governor Shepherd about this note, or did he come to see you?—A. Senator Spencer and Governor Shepherd came to see me.

Q. And then it was that you proposed to trade pictures?—A. No; it was before that. I think I showed Senator Spencer two pictures that I had there that I proposed to give for the note, and I think that was the cause of their calling to see me.

Q. You had first spoken to Senator Spencer and proposed that you would give Mr. Shepherd those two pictures for the note?—A. Yes, sir.

Q. Did Mr. Shepherd seem to have any idea of trading?—A. No; he did not want to trade.

Q. Did he come to you with that view?—A. He came for the purpose of seeing those paintings, with a view of trading if they suited him.

Q. Did Mr. Hays go to Alabama and leave his wife here?—A. That I do not know, but I do not think he did.

Q. If his wife went with him, did she leave her trunks behind her?—A. No; I never heard of any trunks in the matter after Mr. Hays left.

Q. You said awhile ago that it was his wife's trunks that Shepherd was going to attach?—A. Yes, sir; but that was previous to the adjournment of Congress. What he was going to attach after Mr. Hays went home was the furniture of the house in Georgetown.

Q. You say you have not read the testimony which has already been taken in this case?—A. I have not read any testimony, except as I have seen it in the papers, not even my own.

Q. Have you had any talk with Mr. Hays since you testified last on the subject?—A. No.

Q. Nor he with you?—A. No.

Q. Have you seen him?—A. Well, I saw him when I settled this note with him. That was since I was here.

Q. How often have you seen him since?—A. I called on Mr. Hays—

Q. Tell me numerically how often you have seen him?—A. Sometimes it is not possible to do that. I was going to give you an intelligent answer.

Q. Well, let us hear your intelligent answer.—A. It is this: that I called upon Mr. Hays with regard to this note. I think he was engaged, and I left word that I wanted to see him, and I called to see him, and we then arranged about the note.

Q. Then you saw him twice since you testified?—A. Yes, sir. I may have seen him three times, but I don't recollect but those two.

Q. Not often, then, than three times?—A. No, sir.

Q. Did you state in your last testimony that you had paid some money to Mr. Coffroth, a member of Congress from Pennsylvania?—A. Yes, sir; Alexander H. Coffroth.

Q. What was that money paid for?—A. Paid for a cadetship a dozen years ago.

Q. Who was the cadet?—A. I don't remember. I was trying to think of that.

Q. You don't remember who it was, but it was paid here in Washington during the session of Congress?—A. Yes, sir.

Q. Did you apply to Mr. Coffroth for a cadetship?—A. I presume so.

Q. How much was it you paid?—A. I think I paid him \$800; \$800 or \$900.

Q. Do you remember how much you stated before that you paid?—A. I do not think I stated. That is my recollection.

Q. You don't remember who the cadetship was for?—A. No, I do not; but I have been trying to remember.

Q. Where did you pay this money?—A. I do not know. I handed it to him somewhere about the Capitol.

Q. Now, state the whole of the circumstances from beginning to end of the transaction with Mr. Coffroth.—A. I have stated the transaction with Mr. Coffroth.

Q. Let us hear it all over again. State your recollection how you approached him about the cadetship; all that took place.—A. I don't remember my approaching him. I remember his giving me that. I remember selling it for \$1,200.

Q. To whom did you sell it?—A. I have forgotten that; it was a New York man. I have even tried to find the papers. It was published all through the district of Mr. Coffroth years ago, and defeated his nomination. He knows about it just as well as I do. The whole district knows about it just as well as I do. Every paper had it in, and the names were given in those articles.

Q. And you state it most unhesitatingly, as a fact, that you paid him money in purchase for a cadetship?—A. Yes, sir.

Q. You cannot state who the cadet was?—A. No; I have given you the clew—these articles.

Q. You don't remember the year in which this occurred?—A. No; but it is a dozen years ago. It may be more.

Q. Do you remember whether you proposed to give him the money or whether he asked you to give it?—A. No; I don't remember the conversation. I remember the fact.

Q. Do you remember whether you paid him a check or in money?—A. I paid him in money.

Q. Where did you get the money to pay him?—A. I got it from these parties.

Q. You say you got \$1,200 and gave him eight or nine?—A. Yes, sir.

Q. When you say from "these parties," you must have some idea who "these parties" were?—A. No, sir; I cannot call them to mind.

Q. There is evidently more than one person implicated in it?—A. I have reference by that to the boy and the persons with whom I was dealing.

Q. Do you recollect whether it was the boy or his father or his mother?—A. My recollection is that some gentleman came on and paid me. It was done in Washington.

Q. Was the boy present?—A. No, sir; I never saw the boy.

Q. Do you remember where the boy hailed from?—A. It must have been from the sixteenth district—Coffroth's.

Q. That does not follow, that the boy must have been from his district?—A. Well, it was the sixteenth district.

Q. What I mean is, where did the boy live?—A. In New York City, or in the vicinity of New York.

Q. Then the boy did not live in Mr. Coffroth's district?—A. No, sir.

Q. Did he know that?—A. Yes, sir; he knew it before.

Q. Did you tell him that the boy lived in New York?—A. Yes, sir; he knew it just as well as I did.

Q. What part of New York did the boy live in?—A. I don't remember whether it was in the city or in the vicinity of the city.

Q. But you do remember that he lived in the State of New York?—A. Yes, sir.

Q. If you remember that, can't you remember his name?—A. Well, I have not a memory for names.

Q. But you have a first-rate memory—A. I have not.

Q. You said the other day that you had a first-rate memory, and that you could tell every county in Mr. Hays's district?—A. No; I said I could remember—

Q. Try to draw on your memory now, and see whether you cannot remember.—A. I am willing to aid you as well as I can.

Q. Aid me now in getting this boy's name—A. Well, I told you that all these facts have been published, together with the names; I saw them at the time.

By Mr. McCrary:

Q. You have no family?—A. No, sir; no wife.

Q. You live in the same building with your office?—A. Yes, sir; 1317 F street.

Q. What hotel did Mr. Hays stop at when you saw him at the hotel?—A. I think the Imperial.

Q. How far is that from your house?—A. It is directly opposite my house on the avenue. It is just through the block.

Q. Did you frequently invite Mr. Hays and other gentlemen to spend an evening in your rooms?—A. I do frequently do that.

Q. You remember inviting him and having him come there and spend an evening with you?—A. No; I don't remember any special evening.

Q. But you have invited him to your rooms?—A. I think such is my habit, and I think it must have been the case.

Q. Did you seek to make his acquaintance and cultivate it in that way?—A. No, sir.

Q. Did you have him and other gentlemen over there to play cards and spend an evening socially with you?—A. He never played any cards, I think, in my house. We very frequently do play a social game of cards.

Q. You never had him there to play cards with you in the evening?—A. No, sir; not that I remember.

Q. How were these installments paid on the note?—A. The installments were paid in drafts on Mobile.

Q. Given by whom?—A. Given by Mr. Hays on some house in Mobile; drawn to the order of Mr. Shepherd. Both payments were made in that way.

Q. Didn't you state in your other examination that it was \$600 you paid Mr. Coffroth?—A. I may have done so.

Q. How is it that you now say it was eight or nine hundred?—A. I will tell you, sir, since you will have it, the arrangement was that the cadetship was sold for \$1,200, and that he should take a half, \$600, which was all that he was entitled to, but he did take two or three hundred more; hence I said that I paid him eight or nine hundred dollars; we had some words about it; we have had some words since, and he knows it well.

By Mr. Lord:

Q. State about this Mobile draft; whether it was drawn on a bank or on an individual.—

A. It was drawn on a firm there; I don't remember the name. Durkee, I think, was one of the names. I can get it for you. I have it at home.

Mr. Lord. Please get it.

The Witness. I will, sir; I will send it to you by mail.

Q. Are you able to state about the time when Mr. Hays first told you of his troubles about this threatened attachment?—A. It was about the time of the adjournment of Congress, I think; a few days after the adjournment.

Q. How will you have it? You have stated it several ways.—A. I mean the adjournment of this last Congress.

Q. Well, you have stated several times that he spoke to you before the adjournment, and must have spoken to you before the adjournment, because he went off at that period. Satisfy your own mind about it.—A. It is very difficult to throw your mind back and remember those particulars. I will if I can.

Q. Have you any doubt that he spoke to you about this before the adjournment, according to your former statement?—A. I would not be sure, but I think it was just about the time of the adjournment of Congress.

Q. Do you say you never put an advertisement on the subject of a cadetship in a newspaper?—A. Never, to my knowledge.

Q. Then Mrs. Beardslee's testimony on that subject you think was false?—A. No; I do not say that. She may have been simply mistaken.

Q. How long before you spoke to Mr. Hays about this cadetship was it that you ascertained he was in trouble in regard to Mr. Shepherd's note?—A. It was some time before.

Q. Why did you tell Mr. Coffroth the boy did not live in his district, and conceal the same fact from Mr. Hays?—A. From 1861—I must be allowed the liberty of giving this answer in my way—from the year 1861 down to the Logan investigating committee, this thing of selling cadetships was as common as chips. It was known to every one. The street knew it. Advertisements were in the New York papers. I saw two or three of them myself. It was so common that, upon one occasion, when I called upon Attorney-General Speed, (the

matter having been referred to him by President Johnson,) as I went in he asked me if I had heard anything about the sale of these cadetships. Said I, "Yes." He took up a paper from his desk which he said was a report that he was going to send to the President; and the conclusion of it was that to enforce the law now would break up the school. It was so common that I had not the slightest hesitation in speaking to Mr. Coffroth. We did not try to conceal them. There was no effort to conceal them at that time.

Q. You say, then, at that time, a member of Congress who had a cadetship to dispose of sold it openly in the market?—A. Many of them did.

Q. Can you name any besides Mr. Coffroth?—A. No; I cannot call to mind any particular individual.

Mr. LORD. That is a pretty sweeping charge to make.

The WITNESS. You will find it more sweeping if you will send for the report of Mr. Logan, now Senator; there you will find names.

Q. When was that made?—A. Some years ago—perhaps 1868 or 1869; I don't remember.

Q. Well, generally, how many Congressmen do you think were implicated by that report?—A. Well, judging from this report of Mr. Speed's to the President, there must have been very nearly a majority of them.

Q. Have you got Mr. Speed's report in your possession?—A. No, sir; it was a report to the President, and the language was, that to enforce the law would break up the school.

Q. Can you give the precise time that the last \$200 was paid you by Mr. Hays?—A. Since I was here; and if I was home I could give you the date.

Q. Since his return from Alabama?—A. O, yes; since I was here.

Q. Where was it paid?—A. I have stated that it was paid by draft on this house in Mobile. He gave it to me at my office, drawn to the order of Mr. Shepherd, and I passed it over to its rightful owner.

Q. You kept nothing out for your fees?—A. No, sir, not yet; I expect to charge Shepherd a fee.

Q. Did you keep anything out of the first \$200?—A. No, sir.

Q. Then you claim that \$400 has been paid on that?—A. \$400 has been paid; the note was originally \$1,650 and some interest; this was paid and a note given for the balance of fifteen hundred and a few dollars; \$200 was paid the other day, and the interest was again added, so it is a mere matter of calculation.

Q. There is some \$1,400 due on it at the present time?—A. Yes, sir; something like that.

Q. Have you ever instituted any action upon it?—A. It is not due.

Q. The first was due; did you institute any action on that?—A. I never had any instructions to do so. Mr. Hays was not here, and I could not get service on him, even if I were disposed.

Q. Did Mr. Shepherd authorize you to wait your pleasure about collecting it?—A. His instructions were to collect the note as soon as I could.

Q. If I understand you, this is the only legal business you ever had for Mr. Shepherd?—A. Yes, sir; but it came to me from Mr. Spencer; he can explain it to you.

Q. When Mr. Hays spoke to you about Mr. Shepherd's moving upon him, was Mr. Spencer present?—A. No, not at the conversation between Mr. Hays and me. I think I had a conversation myself with Mr. Spencer on the subject. Mr. Hays spoke first to me on the subject. I do not think Mr. Spencer spoke to me until I spoke to him.

Q. Did Mr. Hays tell you how much money he wanted?—A. For what?

Q. How much he was owing Mr. Shepherd?—A. Yes, he told me the note—no, he did not express the amount; it was \$1,600 or \$1,700.

Q. Mr. Hays told you that Mr. Shepherd had a note against him of \$1,600 or \$1,700, and that he threatened to take out an attachment?—A. Yes, sir; and his object in talking to me was to ascertain whether he could take out an attachment, and I told him, "No, certainly not."

Q. He did not want to pay the debt, that you knew of?—A. He never asked me for a dollar.

Q. But he did not express any disposition to pay the debt?—A. Yes, he expressed a very great desire to pay the debt, but he had not the means. He said, if they would give him time to turn round he would pay it, but he could not pay then.

Q. He expressed a strong desire to pay it, and said that Mr. Shepherd threatened an attachment?—A. Yes, sir; that is what he told me.

Q. Could you from your books fix the time that Mr. Shepherd left the note with you?—A. I think I could from the jacket in which I keep the papers. But Mr. Spencer would fix it, because he would remember it. He keeps books; I do not. The only thing I would have to refer to would be the jacket.

Q. Do you know anything about the bark Catherine Augustine, Captain Howe?—A. That has reference to the consulate at Pernambuco; that is what I had reference to when I said there was nothing in it at the time it occurred; that it occurred twenty years ago, and that to publish it now was simply devilish, and that but for a resolution I made never to answer a newspaper article I could dispose of it as easily as that, [snapping his fingers.]

- Q. Were charges made against you by Captain Howe?—A. That I do not know.
- Q. You said you had no family?—A. Yes, sir; no wife.
- Q. You have had a family?—A. I have had two wives.
- Q. Have you children?—A. I have two children.
- Q. Have you a son who lives with you?—A. No, sir; neither of my children lives with me. My son is married and my daughter lives with him.
- Q. Have you a son with you in the city now?—A. I have a son in the city. He does not live with me; he is married and lives by himself.
- Q. How far does he live from you?—A. He lives on Fourteenth street, near Q, and I live on F.
- Q. Do you know whether he is intimate with Mr. Hays?—A. I do not; I do not think he is.
- Q. He knows him, does he not?—A. I do not think he does.
- Q. Do you know of their being together considerable? Did you never hear of it?—A. I never heard of their being together at all.
- Q. You have not known of their being together to-day?—A. No, sir.
- Q. Nor since Mr. Hays has been back from Alabama?—A. Not that I know of. If they are acquainted it is more than I know of.
- Q. Did your son have any of this \$3,000?—A. No, indeed.
- Q. In no way?—A. No, sir; in no way or form.
- Q. Is that the only son you have in the city?—A. Yes, sir; the only son I ever had in any city.

The WITNESS. When young Beardslee went to Alabama he was not only honest in what he was doing, but I was so, too. My understanding was that a residence of thirty days, coupled with an intent to become a resident of the State, constituted a residence in Alabama. That was my impression, and I think I so stated to him, that he would be an actual *bona-fide* resident.

Q. That is, as you understand it, young Beardslee was informed that if he went down to Alabama, then, from the city of Washington, and staid there until a certain time, he would be qualified to enter West Point?—A. Yes, sir; if he coupled with it an intent to make that his future residence.

Q. And as you understood it, he went there to fulfill those conditions in good faith?—A. In good faith, yes, sir; I have always regarded him as being a *bona-fide* resident of the State of Alabama before he appeared at the academy.

Q. In that letter which you wrote for him to sign in Washington on his way he stated that he resided at Blaydon Springs, Choctaw County, Alabama.

Q. How is that explained?—A. I think you will find that that letter very nearly explains itself. I may be mistaken when the letter comes, but my recollection of that now is that it was intended to explain the other part of it, that his actual residence in Alabama had been but a very short time.

[A certified copy of the letter, signed Guy R. Beardslee, to the Secretary of War, dated Friday, March 5, 1875, is presented to the witness, who states that he wrote the original letter, and asked Beardslee to copy it.]

Q. What did you advise the boy as to this being right?—A. I told him to sign the acceptance in blank and have his mother sign it in blank, so that they could be filled up and returned to the War Office after he had actually arrived in Alabama, and the statement in the letter as to the residence of young Beardslee being Blaydon Springs, Choctaw County, Alabama, I explain as follows: Beardslee understood that the letter would not be filed until the return of the blank from his mother, who lived in Herkimer County, New York, and that the paper or the letter from his mother would not be sent to the War Office until after he had been in Alabama, which I advised him would make him an actual resident of Alabama. I myself understood that, by the law of Alabama, if the boy went there and staid sixty days before going to West Point, with the deliberate intent of making Alabama his future residence, it would qualify him for a cadetship at West Point from Mr. Hays's district.

Q. In view of that belief of yours, how do you explain the fact that the nomination was filed in certifying that Beardslee had been an actual and *bona-fide* resident of Mr. Hays's district more than two years. I mean the nomination signed by Mr. Hays, which you took to New York City and delivered to Professor Charlier?—A. The only explanation I can give to the committee is the one which I gave before, which is that it was necessary to fill the blank with something, and I filled it with that

By Mr. MCCRARY:

Q. You say, "I filled it with that;" did you fill it or did Mr. Hays fill it?—A. I either filled the blank myself or wrote it on a slip and handed it to Mr. Hays. I did one or the other. Which I did, I am not certain; the paper itself would decide it. When I was here the other day, Mr. Lord said, "You filled it up;" and I said, "Very well, I did."

Q. You say you believe that the residence which Beardslee proposed to take up in Alabama with the intent you have described would qualify him for entry at West Point from the district.—A. Such was my belief.

Q. Did you ever state anything more than that to Mr. Hays?—A. O, I did not state that to Mr. Hays. I stated to him unqualifiedly that the boy was a resident of his district.

WASHINGTON, March 31, 1876.

WILLIAM LILLEY recalled and further examined.

The WITNESS. Before you proceed to question me, I wish to say that the draft on Mobile referred to in my last testimony was dated March 18, 1876, and was drawn on D. W. C. Kirksey, Mobile, Ala.

A paper from the War Department is shown witness, purporting to be the nomination of Guy Roosevelt Beardslee, for the appointment of cadet in the United States Military Academy, made by Charles Hays, member of Congress, fourth congressional district of Alabama, and witness is asked to state whether this is the paper delivered by him to Professor Charlier, of New York City.

A. Yes, I presume that is the paper. There is no mark to identify it by, but I presume that is the paper. I have no doubt of it.

By Mr. LORD :

Q. Do you know Mr. Hays's handwriting?—A. Yes; that is his signature.

Q. In whose writing is the body or filling up of the paper?—A. That is in his handwriting also.

[Witness is also shown a paper from the War Department, purporting to be the acceptance by Guy R. Beardslee of such nomination and appointment, and he is asked whether this is the acceptance signed by Guy R. Beardslee and by Mrs. Beardslee.]

A. That is the paper that I sent to Mrs. Beardslee. It came back to me with that signature. I presume it is hers.

Q. Had young Beardslee seen it before it was sent to his mother?—A. Yes, sir; I think the same morning that it was sent.

Q. Is that the paper to which you refer as having been signed by him and sent to his mother in blank?—A. Yes; there was nothing whatever on it when he signed.

Q. Who filled up this part of it, "I am nineteen years of age; born October 4, 1856; resident of the fourth congressional district of Alabama six years and eight months?"—A. I presume I did after it came back from Mrs. Beardslee.

Q. But without the knowledge of either young Beardslee or his mother?—A. O, yes. It was wholly in the blank when they signed it.

Q. Are you sure that it was filled up by you?—A. Yes, sir; I meant to be so understood.

Q. All the filling up between that word "Sir" and the signature "Guy Roosevelt Beardslee" is filled up by you?—A. Yes, sir; it was only in blank when they signed it. [An original paper from the War Department is shown witness, and he is asked if such paper is a copy of the draught which he prepared for young Beardslee to write.]

The WITNESS. Yes, sir; that is the draught. This is the one we had a copy of yesterday.

Q. That is a copy of the draught you prepared?—A. Yes, sir.

Q. You state that you prepared a paper and told young Beardslee to copy it.—A. Yes, sir.

Q. Is that a copy made from your draught?—A. Yes, sir.

Q. And the statement there contained about his residing in Alabama was made by you?—A. Yes, sir. He was told that it was a mere matter of form, and would not be filed until he had arrived in Alabama.

Q. You recognize it as the paper you draughted?—A. I do.

[The witness is shown some marks on the back of the nomination, written with red crayon. "Blaydon Springs, Choctaw County Alabama," and asked who made that memorandum.]

The WITNESS. I don't know, sir. It looks a little like my writing.

Q. Have you any doubt about that being your writing?—A. I don't think I wrote that, sir; and yet it is similar to my handwriting.

Q. It is not Mr. Hays's handwriting, is it?—A. No, sir.

Q. Look at it a little, and answer the question. Your mind seems to vibrate a little on the subject. I want you to look and see if you have any doubt.—A. The best answer that I can give you is, I don't remember writing that, but it looks like my handwriting.

Q. Do you think it is your handwriting?—A. Well, I would not hesitate a moment, but there are some peculiar letters to it that don't look like mine.

Q. Would not those peculiarities arise from writing with a red crayon?—A. What attracts my attention most there is this "aps" for springs. I don't think I would write that.

Q. You might with red crayon?—A. I might.

Q. You may state your best judgement on the point as to who did write it.—A. I give you the same answer; I have no recollection of writing it, though it looks like my writing.

Q. You think it is your handwriting?—A. Yes, sir.

Q. I am compelled to repeat another question by reason of information forced upon me. Did I understand you yesterday that you had never any contract with Mr. Hays relating to land?—A. Yes, sir; at least, I intended you should.

Q. That he never received any land through your agency?—A. No, sir; never.

Q. Through your negotiation?—A. No, sir; never.

Q. That you never knew of his purchasing any land?—A. No, sir.

Q. Locating it particularly in Georgetown?—A. No, sir; I never owned a piece of ground in Georgetown in my life.

Q. Did you know any person who did own land there, who conveyed it to Mr. Hays?—  
A. Nothing but what I understood, that he bought a house in Georgetown.

Q. Of whom did he buy?—A. That I don't know.

Q. When did he buy it?—A. That I don't know.

Q. Before or after this cadetship transaction?—A. It was before; because I remember his telling me that he had bought a house in Georgetown.

Q. About what time did he tell you?—A. I don't know; it is two or three years ago.

Q. What was the occasion of his telling you?—A. I don't know; I don't remember. We were talking on general matters.

Q. Did he inform you at the time that he wanted money?—A. No, sir; he never asked me to lend him a dollar in the world, nor I never loaned him a dollar. He never sold me a piece of land, and I never sold him anything in my life, and I never bought a piece for him; I never bought anything for him from any one else, and I never sold him anything, and I have never loaned him a dollar, and I have no recollection of his ever asking me, and I don't think he did.

Q. You don't mean to include in that what you stated that he told you yesterday, that his property was about being attached?—A. He came to me simply as an attorney about that.

Q. You don't mean to change what you said in that regard yesterday?—A. No, sir.

By Mr. CAULFIELD.

Q. Did you say that you have been on intimate terms with Mr. Hays?—A. Well, yes.

Q. Did you ever live adjoining as neighbors?—A. No, sir.

Q. How far did you live apart?—A. As far as we do now. He is at the Imperial Hotel, and has been there before, and I am on F street, directly opposite.

Q. He used to live in Georgetown?—A. Yes.

Q. How long did he live there?—A. That I don't know.

Q. Did he live there last winter?—A. I don't know.

Q. Was he housekeeping last winter?—A. That I don't know. I saw him at the Imperial Hotel.

Q. When?—A. When I did see him at the hotel. O, you mean the winter before this. Yes; I think he was then in Georgetown.

Q. How long did he live there?—A. About that I don't know.

Q. Did he live in Georgetown just prior to the end of the last session?—A. That is my recollection.

Q. But when he went South, he broke up housekeeping in Georgetown?—A. All I know is what he told me, that he left his house standing just as it was in charge of some servant when he went home; and the purpose of telling me that was that, in case this attachment was put on, I should know where the house was for the purpose of lifting the attachment, which you know I could do by giving a bond.

Q. Do you know whether Mr. Hays has ever sold that house?—A. I do not.

Q. Have you any information that he has ever sold it?—A. None whatever.

Q. Has he not told you that he had sold it?—A. No.

Q. Has he not sold it?—A. I don't know.

Q. Then you have not been as intimate with him since his return from the South as before?—A. Why, yes.

Q. And he has not told you?—A. No, sir; he has not; at least, if he has, I have forgotten it.

Q. He has been in the habit of consulting you about his business?—A. No, sir; never about any business before that note.

Q. You say that you and he were on terms of intimate acquaintance?—A. You may call it that.

Q. How intimate were you, if he has not told you that?—A. Well, I cannot explain that; the English language must explain itself.

Q. Do you mean by that that you would see each other frequently?—A. I do. I would frequently see him in the hotel and at the Capitol.

Q. Would you go down to the hotel to see him?—A. Never frequently, but sometimes.

Q. And you would spend your evenings together, sometimes smoke cigars?—A. Well, I smoke a pipe myself.

Q. And take a drink?—A. Well, I do not drink. Occasionally I would drink, but not often.

Q. You testified very promptly that the filling up and signature to this nomination was in the handwriting of Mr. Hays?—A. I did that upon the well-known principle of law. I have seen him write a great many times, and I honestly believe that to be his writing.

Q. You must either have been quite intimate with him or must have seen his writing quite often to have testified so promptly.—A. I would not testify if I had not been.

Q. Where did you see him write?—A. I have seen him write at the Capitol.

Q. Where?—A. We went into the committee-room to draw up a note for the renewal of that one.

Q. When?—A. Two or three months ago—no; last spring.

Q. What time?—A. During the session of Congress.

Q. Then it must have been early?—A. Yes, sir; for Congress adjourned in March.

- Q. That was a year ago, then?—A. I showed you the note.
- Q. Is this note of the date of December 6, 1875, in his handwriting? (handing paper to witness.) I mean the filling up.—A. Yes, sir; that is in his handwriting.
- Q. This is dated December 6, 1875.—A. Yes; that is the time.
- Q. The date of this is the proper date?—A. It was dated when it was drawn up.
- Q. And written in a committee-room in this House?—A. This was written this session of Congress. I had reference to another note drawn at the last session.
- Q. Please produce that.—A. I don't know that I have that. I don't know but it was destroyed when that was given to me.
- Q. That is three times, then, you have seen him write these notes?—A. Yes, sir.
- Q. And you have seen him write other times, have you?—A. Yes, sir. I think he gave me a note to some one.
- Q. Do you know what he wrote on those other occasions?—A. In this note that he gave me, he had reference to this note that was then lying over.
- Q. Have you ever seen him write except in connection with these notes?—A. No, sir; I don't think I have.
- Q. Then you have not seen him write more than three or four times?—A. Perhaps not.
- Q. Then how could you, as soon as this paper was shown to you, testify that that was his handwriting?—A. I recognized the handwriting the moment I saw it, and I am satisfied that it is his writing.
- Q. Then you must have a better memory than you thought you had yesterday.—A. That is twice you have said that, sir. Now allow me to make an explanation. You twitted me, unjustifiably, about my memory yesterday; I think you took advantage of your position yesterday. I think a man can differ even with a member of this committee. I want to make this explanation.
- Q. But I want this question answered.—A. I will answer it as soon as I make this explanation. With regard to the name of that boy that Coffroth put in, you seem to have an objection to my memory there. I have thought over that a good deal since. I remember that it was a German name, I don't think I could even pronounce it; but if you write to General William H. Kountz, Somerset, Pa., he will give you the name of that boy; he is the gentleman who successfully contested Coffroth's seat. I understand, further, that Coffroth denies the fact.
- Mr. CAULFIELD. Yes, sir; he does.
- The WITNESS. I think you will find that he denies that he ever sold a cadetship to West Point; he did on the stump deny it on one occasion. Now, this boy that he appointed did not go to West Point; he went to Annapolis; and Coffroth has universally availed himself of that form of denial.
- Q. Then this appointment procured through him was not for West Point?—A. No, sir; it was for the Naval Academy, at Annapolis; it is the same thing, in fact. I would like to see his denial, and see if he does not use that phraseology.
- Q. I think you testified that it was for West Point.—A. No; when we speak of cadets we have reference to Annapolis and West Point both.
- Q. Do you remember distinctly that the appointment that you obtained from Coffroth was for the Naval Academy or West Point?—A. For the Naval Academy.
- Q. And not for West Point?—A. No, sir. It was given to a boy with a peculiar German name.
- Q. At the time you spoke of having obtained this cadetship from Coffroth, did you remember then that it was a cadetship in the Naval Academy?—A. No; I did not. I was talking of cadets, and we don't as a general thing distinguish.
- Q. You have now no doubt, though, that this was an appointment to the Naval Academy?—A. None whatever.
- Q. And you reiterate what you said yesterday with reference to what you paid Coffroth?—A. Yes, sir.
- Q. Either \$600 or \$800?—A. No, sir; it was either \$800 or \$900. The arrangement was that I should take half; it was sold for \$1,200, and \$600 was his portion, but under some obligation that he had to meet he took \$300 or \$900, and he never has paid me back either.
- Q. Have you ever received letters from Mr. Hays?—A. Yes, sir; I have. I had forgotten that.
- Q. I want to account for your being able to identify this as his handwriting so readily.—A. I have seen him write three or four times; often enough to satisfy me that I can tell his handwriting.
- Q. And you have received letters from him?—A. I don't think he ever wrote me but once.
- By Mr. McCrary:
- Q. What did he write you about?—A. About his furniture in Georgetown.
- Q. When was that?—A. It was shortly after he went home, after he talked about this attachment.
- Q. Were you present when he filled up this nomination; did you see him do it?—A. Yes, sir.
- Q. Where was it done?—A. In my office.

Q. Did you give him a memorandum from which to fill it up, or did you give him the facts verbally?—A. No; as I stated yesterday, I wrote it on a slip and read it to him.

Q. Do you know for what purpose you made this memorandum in red on the back of the nomination?—A. No; I do not. On reflection, I think you will find that this is a memorandum made in the War Department.

Mr. LORD. They repudiate it there.

Q. How did it come that the residence of young Beardslee is put in the nomination as Choctaw, in the county of Choctaw, when you have stated in this memorandum on the back that it is Blaydon Springs, and it is also stated in his letter of acceptance that his residence is Blaydon Springs, the letter which you wrote and which he copied?—A. I cannot explain that memorandum. I do not call it to mind.

Q. Can you explain the discrepancy between the letter which you wrote for the boy to sign and the nomination which you say Mr. Hays made from a memorandum which you gave him, one stating the residence at Choctaw and one at Blaydon Springs?—A. If there is any difference, it must be an error of mine in drawing up that copy for young Beardslee.

Q. Do you know anything about Choctaw?—A. No, sir.

Q. Do you know whether there is such a place?—A. No, sir.

Q. Was Mr. Hays present when you drew up that paper for the boy to sign?—A. No, sir.

Q. Was he there that same morning?—A. I don't think he was. Mr. Hays knows nothing of that paper; never saw it, to my knowledge, either in my writing or in the handwriting of young Beardslee.

By Mr. LORD:

Q. I understand you that the note which you refer to as having been written in a committee-room before the adjournment of the last Congress was one for which this was given in renewal?—A. Yes, sir.

Q. Do you recollect about the amount of the note written in the committee-room before the adjournment of the last Congress?—A. I stated that the note was originally \$1,650.

Q. Then paying \$200 reduces it to \$1,519?—A. Yes, sir.

By Mr. CAULFIELD:

Q. How many of those canceled notes of Mr. Hays's have you?—A. That is the only one I have. I think Senator Spencer tore the other up in the committee-room.

Q. How long have you had this in your possession?—A. It came back from New York, I don't remember the date, not many days ago.

Q. Have you had it in your possession as much as two weeks?—A. No, sir; it came to me the other day from Governor Shepherd. That note was negotiated in New York by Mr. Shepherd, as I understood it, and when I gave him the \$200 draft and the renewal note, he did not have that to return to me. He said it was in New York, and I would have to wait until he took it up; he sent it to me three or four days ago.

Q. What appeared singular to me was that this note should be sent to you instead of to Mr. Hays. It was Mr. Hays's note, and you are acting as the attorney for Mr. Shepherd, are you not?—A. That was the proper course. I gave Governor Shepherd the new note and the \$200 draft.

[Note produced by witness and in his possession.]

WASHINGTON, March 31, 1876.

J. H. RATHBONE sworn and examined.

By Mr. LORD:

Question. Where do you reside?—Answer. In Washington.

Q. What is your occupation?—A. Clerk in the War Department; office of the Military Academy.

Q. What is your relation to that academy?—A. Dr. W. T. Barnard is chief of the division so called; I am his clerk.

Q. And have charge of the papers?—A. All of them.

Q. How long have you had that position?—A. About eleven months.

Q. Who was your predecessor?—A. A gentleman named Duvall.

Q. Do you know his handwriting?—A. I do.

Q. Can you tell the handwriting of the chief and the other clerks connected with that division?—A. I can.

Q. State whether that writing in red crayon was made in the War Office, so far as you can do so.—A. To the best of my knowledge and belief, it was not.

Q. Is it like the handwriting of any of the officers or clerks?—A. None that I recollect within five years back.

Q. Do you keep any memoranda in that Department in such form as that or with such material?—A. Not since I have had charge of the bureau, and I have never seen any or known of any.

Q. How long were you in the office before you had charge of the bureau?—A. One year.

Q. What department of the bureau were you in?—A. The correspondence bureau of the War Department, the adjoining room; in fact, most of the time that I was in that room, the Military Academy department was in the same room.

Q. Then, for two years you have had knowledge of that department, its clerks and chiefs?—A. I have had knowledge of the clerks for over two years.

Q. And you say that that is not the handwriting of any of them?—A. It is not.

Q. It is not in the form of any memoranda kept in that office?—A. No, sir.

Q. Please state, so far as you know, in whose handwriting those several indorsements are.—A. The filling up of this blank on the back of this paper is in the handwriting of George McNeil, the general-service clerk, now in the office, but not now in that division; the office-number is in the handwriting of Mr. Duvall. This "Appointed March 4, 1875," is Dr. Barnard's handwriting. "Accepted" is Duvall's writing. The writing in red crayon I do not know; I do not recognize it as the handwriting of any person connected with the bureau.

WASHINGTON, D. C., April 29, 1876.

CHARLES HAYS sworn and examined.

The witness read the following statement:

WASHINGTON, D. C., April 24, 1876.

SIR: In conformity with a request made by yourself as chairman of the Subcommittee on the Judiciary investigating certain charges made against me relative to the sale of a cadetship to the United States Military Academy, I beg leave to submit the following statement:

From the papers heretofore filed before your committee by the Secretary of War, it will be seen that previous to my recommending Guy R. Beardslee for appointment, I had recommended the appointment of Jemison, of Tuscaloosa County; Booth, of Autauga County; Winn, of Hale County, and Blocker, of Greene County; each of whom in succession had been appointed. Jemison, after soliciting the appointment, declined it when made; Booth and Winn were rejected, and Blocker was admitted, but remained at the academy only six months, failing to pass his examination at that time, thus occasioning a vacancy which I was solicitous of filling within the time prescribed by law, which time was rapidly expiring. At this period there were no applicants for the position from my district that I now remember. Just here I was approached by Mr. Lilley, of Washington City, who asked me if there was not a vacancy at West Point from my district. On my replying there was, he stated that he had a friend for whom he desired the appointment. Lilley furthermore stated in this conversation, the exact details of which are of course difficult to remember, that the young man was the son of a widow lady, who resided in Choctaw County, Alabama; that he was worthy and deserving, and if appointed would reflect credit on himself and honor on his country, and that he had an uncle residing in New York who was educating him. I thought no more of the matter until several days afterward, when Lilley again approached me on the subject. This conversation I think occurred in the presence of John G. Stokes, who was then clerk of the Committee on Agriculture, of which I was chairman. In it Lilley again repeated that young Beardslee was a very deserving young man; that his mother was a widow lady who lived in Choctaw County, and urged me to recommend him for appointment. I remember distinctly asking him where the boy lived, and he replied, "In Choctaw County, Alabama." After a few minutes' conversation on the subject, Mr. Stokes and I passed on, leaving Lilley. I then remarked to Stokes that I was anxious to secure the appointment some way for a son of Professor Mallet, of the University of Virginia. Stokes reminded me this was impossible on account of his non-residence in Alabama, but urged me to fill the place at once by recommending young Beardslee. Stokes's requests, coupled with Lilley's importunities, and the knowledge that there were no other parties from my district asking for the position, decided me in recommending Guy R. Beardslee, whom I did not know nor had I ever heard of before. The district which I represent is composed of fourteen counties, and unusually large, thus rendering it almost impossible that I should have personally known all persons who resided there.

About this time I made the recommendation and certified to his actual residence in the fourth congressional district of Alabama, because from the representations of Lilley and Stokes I believed it true. I had often seen Mr. Lilley in company with Senator Spencer and my colleagues Sheats, White, and Pelham, as well as other members of Congress, and this fact doubtless led me to believe that he was a man worthy of belief. As to Lilley's receiving compensation for the appointment of Guy R. Beardslee, I positively state that I never heard of such a thing until this investigation commenced. As for myself, I never received a cent, nor the promise of a cent, from him or any one else for recommending Beardslee. As before stated, I made the recommendation purely and simply because I believed the young man was deserving and because there were no other applicants for the place. Had I suspected that he was not an actual *bona-fide* resident of my district, I should not have recommended him. I had no reason to doubt the statements of Lilley to me on that point, because I could not conceive that a man in whom I had placed confidence would deliberately deceive me. Such is a plain and simple statement of the facts, as I remember them.

During the investigation, I have made no attempts to conceal anything. I have employed no counsel, cross-examined no witnesses, but have patiently waited to let your committee have free and full scope, to probe the matter to the bottom. I have nothing to conceal about this or any other transaction of my life. Concerning the purchase of a house and lot in Georgetown for my wife, and a certain promissory note made by me to A. R. Shepherd for borrowed money, I have only to say that both were purely legal business transactions and in no manner connected with the appointment of Guy R. Beardslee to West Point.

In conclusion, I will add that if there is any evidence to be found that I was corruptly used in this matter, I am unworthy a seat in the Congress of the United States. Otherwise I am entitled to the vindication of my good name, the richest legacy I can bequeath to my posterity.

Thanking you for your courtesy, I am, very respectfully,

CHARLES HAYS,

*Member Congress, Fourth Alabama District.*

Hon. SCOTT LORD,

*Chairman Sub-Judiciary Committee, House of Representatives.*

P. S.—If you desire to subpoena John G. Stokes, his residence is Fredericksburgh, Va., or, when in the city, Imperial Hotel.

By Mr. LORD :

Question. That statement you put in under your oath?—Answer. I do.

Q. Where is Mr. Stokes?—A. He is in this city at the present time. He resides in Fredericksburgh.

Q. Do you propose to introduce him as a witness?—A. I leave that entirely with the committee. He is here if you desire to examine him.

Q. Do you propose to examine him?—A. No, sir; I don't care anything about it. I do not propose to subpoena any witness.

Q. Did Stokes tell you that this young man lived in Alabama?—A. He did.

Q. What did he say on that subject?—A. The only thing I remember Stokes saying about it was in the conversation that I was speaking of when I met Mr. Lilley just this side of the Ebbitt House on F street. Stokes and myself were going down from the Capitol. Lilley came up to me and asked me to appoint this boy. I think this was the second time he had approached me on the subject. I said to him, "Where is this boy?" He said, "He is in Alabama." I asked where he lived, and he said, "He lives in Choctaw, Choctaw County, Alabama." I told him I would consider the matter. My purpose was to appoint a young man who had formerly lived in my district, and who was a son of Professor Mallet, of the University of Virginia. I desire to say in connection with that, that Professor Mallet is a brother-in-law of mine, and he had been very anxious to get this boy in. I wanted to appoint him if I could. He was born and raised in my district. His father moved here and was professor of chemistry of the University of Virginia. I went to see the Secretary of War, Mr. Belknap, about it and had a conversation with him, and he advised me not to do it. He said I could not do it under the law, but that he would try and have the boy appointed by the President. I went to see the President about it, and he recommended the appointment. He stated, however, that he had appointed all for the last July, and recommended this boy as an alternate. I was just on the eve of going home at the time this thing happened, and at the time I recommended this appointment of young Beardslee.

Q. Did Mr. Stokes profess to know anything about it besides what Mr. Lilley told him?—A. He only said that Lilley said that the boy was a resident of Choctaw County, Alabama; and that he was satisfied that he was.

Q. Did Stokes claim to know anything about it of his own knowledge?—A. No, sir; nothing that I know of except through Lilley.

Q. He heard Lilley's statement made to you?—A. He heard that conversation.

Q. How many times did you see Lilley on the subject?—A. I don't remember how many times. He spoke to me, I am satisfied, twice, and I think he spoke oftener than that. I know that he mentioned the subject to me three or four times.

Q. Where did you see him first on the subject?—A. The first time I saw Lilley, I think he met me here at the Capitol. I am not certain about that, however.

Q. State what occurred on that occasion; who was present?—A. I don't think anybody was present at the time. He called me out of the House, and stated that he wanted me to appoint a young man who was living in my district, and asked me if I represented the fourth congressional district of Alabama. I told him I did. He said, "You have a vacancy there." I told him I had. He said, "I would like to get the appointment for a young man who is living there."

Q. Did he state anything else on that occasion?—A. He said that he wanted me to appoint this young man; that he was living in Choctaw County, Alabama.

Q. Is there anything else that he said?—A. No, sir; nothing that I remember of.

Q. Had you, before that time, consulted with him on any legal subject?—A. No, sir; never.

Q. Had you been threatened with an attachment on this Shepherd note, and had you consulted him on the subject?—A. That was after this matter. I did not consult him on it then.

Q. At the time of the first conversation, had you said anything to him on the subject of that attachment?—A. No, sir; I had not.

Q. Did you say anything to him on the subject before you appointed this young man?—A. No, sir.

Q. Where did you see Mr. Lilley next?—A. I think the next time I met him is where I stated—just this side of the Ebbitt House.

Q. Alone?—A. I think he was alone.

Q. Was any one with you?—A. Mr. Stokes was with me.

Q. State what occurred on that occasion.—A. Mr. Lilley came up and said to me, "I want to get you to appoint this young man Beardslee to the Military Academy." I think this was the second time that he had spoken to me about it. I said, "Well, I will consider the matter." He said, "He is a very deserving young man, and worthy, and he is the son of a widow lady, and has an uncle living in New York, who is educating him."

Q. Did he say anything on the subject of where the young man lived?—A. He said he lived in Choctaw, Choctaw County, Alabama.

Q. Is there such a place as Choctaw in Choctaw County, Alabama?—A. No, sir; I understand that there is not. I did not know it, however, at that time.

Q. Did you see a memorandum on the back of the appointment which you made, describing his residence as Blaydon Springs, Choctaw County?—A. Yes, sir.

Q. When did you first see that?—A. The first time I ever saw it was here in this committee-room, I think. No; when I come to think of it, I saw it at the War Department first.

Q. Did you see Mr. Lilley write it on there?—A. No, sir; I don't remember that I did.

Q. You filled up the paper, did you not?—A. Yes, sir; inside.

Q. Did you inquire of any one besides Mr. Lilley where the boy lived?—A. No, sir; I don't remember that I did. I was so thoroughly convinced that the boy lived there that I never thought it was necessary to inquire of any one.

Q. Have you stated all that occurred at the second interview?—A. I think I have.

Q. Did you have another interview with him?—A. I don't remember whether I did or not. I think, however, that I had another one after that.

Q. Where was that, if it occurred?—A. I don't remember where it was. It may have been at his house. I think it was.

Q. State that interview.—A. I think he asked me if I was going to appoint the boy. I told him I did not know; that I had not considered the matter, but possibly I would. I went to the Department and got the blank; I was going home in a few days, and I went to Lilley's office, and my recollection of it is that Lilley wrote a slip of paper stating where the boy lived, and his age, &c., and I just copied it and put it down in the certificate and certified to it.

Q. And you did not observe that he had written on the back of the paper, "Residence, Blaydon Springs, Choctaw, Alabama?"—A. No, sir; I did not.

Q. Was not that the only memorandum that Mr. Lilley made?—A. Which?

Q. What he wrote on the back of the paper.—A. I don't know, sir; I don't know that he wrote that on the back. I don't know anything about it. I did not see it at all until I saw it at the War Department.

Q. Do you mean to testify that he made any other memorandum?—A. None that I remember of.

Q. I mean any other memorandum than the one on the back of the paper.—A. No, sir; not that I remember.

Q. Did you have any interview with him on the subject?—A. No, sir; I think not.

Q. Did you meet the boy here in Washington?—A. Yes, sir; I met the boy here about three minutes one morning, with Mr. Lilley.

Q. Were you introduced to him?—A. Yes, sir.

Q. Was he introduced to you as the boy whom you had appointed?—A. Yes, sir. I walked into Mr. Lilley's, and the boy was sitting there. It was in the morning, early. I was on my way down to the Post-Office Department.

Q. Did you expect to find him there?—A. No, sir; I did not.

Q. Did you know any reason why he was in Washington?—A. I did not.

Q. Did you know where he came from—whether from Alabama or New York?—A. No, sir; I cannot state that positively. My recollection was that he came from Alabama here.

Q. How did you get that idea?—A. Because Mr. Lilley had told me that the boy had an uncle in New York, who was educating him, and that the boy was in Alabama, and I thought he was on his way from Alabama to New York, to prepare for this examination.

Q. Did anybody state that to you?—A. No, sir; I staid there only a few minutes.

Q. Did you ask the boy any questions?—A. No, sir.

Q. Why not?—A. I walked into the room, and Mr. Lilley was seated at the table, and the young man was sitting off more to one side. I was introduced to him as this cadet. I said to him, "I hope you won't fail like the balance of the boys that I have recommended, but that you will go through." I don't think I staid there a minute afterward. I expected, however, to see the young man again here in town.

Q. On what did you predicate that expectation?—A. I thought that he had come here from Alabama and was going to his uncle in New York to be prepared for his examination.

Q. That does not answer the question. You give, as a reason for not asking him any questions, that you expected to see him again; why did you expect to see him again?—A. I cannot say as to that.

Q. Was anything said on that subject?—A. No, sir; nothing at all.

Q. Then, at the time, you declined or omitted to ask him any questions, because you expected to see him again?—A. I do not say that.

Q. You gave that as a reason before, did you not?—A. Yes, sir.

Q. Did you make any effort to see him again?—A. I did not.

Q. Did you ask him how long he was going to be in the city?—A. No, sir; I do not remember asking him that.

Q. Did you ask him when he left Alabama?—A. I did not. I was not there more than two minutes. What time I was there I was engaged talking to Lilley.

Q. What were you talking about with Lilley?—A. I do not remember now.

Q. Can you tell anything that occurred between you and Lilley?—A. No, sir; I cannot state positively. There was no business between us.

Q. Refresh your memory, if you can, and state anything that may have occurred between you and Lilley on that occasion.—A. I don't remember anything at all that occurred.

Q. About what hour in the day was this?—A. I think it was about ten or eleven o'clock.

Q. Do you think it was as late as that?—A. I may be mistaken as to the time.

Q. Do you testify that it was later than nine o'clock?—A. I don't know; I could not say positively what time it was.

Q. Did you hear young Beardslee's statement about that?—A. I may have heard it.

Q. Do you recollect what it was?—A. No, sir.

Q. You are not certain as to the time?—A. I am not certain whether it was nine, ten, or eleven; possibly it may have been later than that.

Q. Do you recollect where you went to from there?—A. Yes, sir.

Q. Where?—A. I went to the Post-Office Department.

Q. Whom did you see there?—A. Mr. J. J. Martin. I think he was the Sixth Auditor the time.

Q. Do you recollect the business that you transacted with him?—A. No, sir, I do not; I don't know that I transacted any; I don't think I did.

Q. Did you ask the boy where he stopped in Washington?—A. No, sir; I did not.

Q. Did you ask him when he was going to New York?—A. No, sir.

Q. Did you ask him where his uncle resided in New York?—A. No, sir.

Q. Nor how long he had been at school in New York?—A. No, sir.

Q. What is the distance from here to Choctaw County, Alabama?—A. I don't know exactly how far it is; I think it is about seven or eight hundred miles.

Q. What kind of a county is Choctaw?—A. It is a county that lies on the river. I don't know much about it; I never was there but twice in my life, once before the war and once since the war.

Q. Is there any large place in it?—A. No, sir.

Q. What is the largest place that you know of in it?—A. The largest place, I think, is Butler, the county-seat.

Q. How large is that?—A. I think it has one hundred and fifty or two hundred inhabitants.

Q. Did you ever know of any man of wealth in the county?—A. Yes, sir.

Q. Who?—A. I knew a man named Frank Hill there, who was a man of considerable wealth.

Q. What was his business?—A. He was a planter.

Q. How long had you known him?—A. I have known him nearly all my life. He moved from the county that I live in.

Q. Is he a man of reputation?—A. Yes; I suppose he is. I don't say that he is wealthy now.

Q. Have you ever been at Blaydon Springs?—A. I have.

Q. Is there anybody there that you know?—A. No, sir; there is not a human being there whom I know, that I can remember.

Q. What led you to write on this certificate, "Choctaw, in the county of Choctaw?"—A. I got it from the paper that Lilley handed me. That is the way I came to write it. I should not have written it there if I had not believed that there was such a place.

Q. Did Lilley claim that he ever had been in Choctaw County?—A. No, sir.

Q. Did he claim that he had any acquaintance there?—A. No, sir; I don't think he did. I don't remember his saying that he had any there except this lady.

Q. Where did you get "two years" from?—A. I got it out of the paper that Lilley gave me.

Q. Was that precisely two years?—A. I don't remember now whether it was two years or not. I don't remember what the time was.

Q. Do you mean by that, you don't know whether it was more or less?—A. No, sir. The certificate will show what it was.

Q. I am now speaking of the paper that you refer to, which you say Lilley furnished you. Can you say whether that stated that he had resided in Choctaw County more or less than two years?—A. No, sir; I don't remember that now.

Q. Did you ever hear that he had resided there six years and eight months?—A. No, sir; I never heard of that until I saw it in the paper filed at the War Department.

Q. You state in this certificate that young Beardslee is believed by you, upon due inquiry, to be qualified for appointment according to law, in every respect. What inquiry did you make in regard to that, and of whom?—A. I made the inquiry of Mr. Lilley. He gave me the paper, and stated to me that it was positively the fact, and I certified to it, believing that it was, just as I did the other day in a case, if you will allow me to say it. A gentleman here, who is from my district, named General Dustin, asked me to appoint a cadet to the Naval Academy, and I appointed him upon what he said, believing him.

Q. What became of that paper which you say Lilley gave you?—A. I don't know that.

Q. State the contents of that paper, as near as you can recollect them.—A. There was a blank left in for the appointment of the young man, and I think it stated that he was in every way qualified. I don't remember how the blank read.

Q. I don't speak of the paper which you filled out, but the paper which you say Lilley furnished you?—A. My recollection is that it was two years that the boy had resided in Choctaw County, Alabama.

Q. What else was there in the paper?—A. I certified that he was a *bona-fide* resident of that district.

Q. Was that on the paper that Lilley gave you?—A. No, sir.

Q. Confine your attention to that.—A. I think that is all that was on it; that is my recollection.

Q. Restate that, as you have mixed two matters up. Confine your attention simply to the paper which you say Lilley gave you?—A. My recollection of the paper is that he wrote on a slip of paper and handed it to me.

Q. State the contents of that paper.—A. I think it was two years, and it may have been over two years.

Q. What is your best recollection about that?—A. My best recollection is that it was about two years. I could not say positively.

Q. You state it three ways: "about two years," "over two years," and "it may have been two years." Which will you have it?—A. According to my recollection I will say two years.

Q. Why did you certify in this paper that he had resided there over two years?—A. That may have been in the blank.

Q. In what blank? I am speaking now of the paper which you say Lilley gave you.—A. If you will let me look at the paper I will explain it to you in a minute. My recollection of it, as I have stated, is that it was over two years.

Q. I am asking you now in relation to the paper that Lilley gave you?—A. That is the one I am speaking of.

Q. What do you say you think now about it?—A. I don't remember distinctly what was on the paper.

Q. You have said twice that you thought it said two years. I ask you now, how you filled up that blank "over two years"?—A. I don't know that; I cannot answer that question.

Q. Did you know at the time how long a residence was required in your State for the purpose of cadetship?—A. No, sir; I do not know that I did.

Q. Did you know how long a residence it took to make a man a citizen?—A. I think under the law of the State it takes twelve months.

Q. Had you any doubt but that a citizen of the State could be appointed to that place?—A. No, sir; I thought a citizen could be appointed.

Q. Did you know at that time how long a residence it took to make a citizen?—A. I am not certain of that now. I think it is over twelve months.

Q. Did you then know as much about it as you do now?—A. I presume I did.

Q. How long after this transaction was it before you were threatened with this attachment on the part of Shepherd, as to which Mr. Lilley has testified?—A. I don't recollect how long it was. It was some time, however.

Q. That is quite indefinite. Please fix your memory upon it, and state as nearly as you can.—A. I think it was a month, or two months, probably. I am a poor hand to recollect dates.

Q. State to the best of your recollection how long it was.—A. I think it was five or six weeks; it might have been longer than that.

Q. Is it your best recollection that it was at least five or six weeks?—A. I think it was. I am not positive as to that.

By Mr. MCCRARY:

Q. When did you first get acquainted with Lilley?—A. The first of my acquaintance with Lilley was five or six years ago, when I first came here to Congress.

Q. How did you happen to make his acquaintance?—A. I don't know. I have been trying to think of that, and cannot remember who introduced me to him.

Q. Is he a bachelor?—A. He is a widower, I think.

Q. Does he live alone?—A. Yes, sir.

Q. Did he often invite you to his rooms to spend an evening in a social way?—A. Yes, sir; I have been there several times in the evening.

Q. Were his rooms near the hotel where you stopped?—A. Yes, sir; not far from the hotel.

Q. Have you ever heard of his connection with charges of fraud in the matter of cadetships before this transaction?—A. Never in my life.

Q. Does he keep a law-office?—A. Yes, sir; he has a law-office.

Q. Do you know of his having any practice in the courts?—A. No, sir; I don't. I saw him engaged there and pretending to have a practice. I don't know whether it is pretense or whether he is practicing.

Q. When did you first visit Choctaw County?—A. The first time I was in Choctaw County was in 1858.

Q. What was your business there at that time?—A. I went down there to Blaydon Springs on a visit, and staid there a day or two.

Q. Did you go to visit friends?—A. No, sir; I just went to a watering-place.

Q. Did you visit any other point in the county at that time?—A. No, sir.

Q. When did you visit that county again?—A. I went to that county the first time that I was nominated for Congress. That has been six years ago, I think, or five years, at least. I went down to Butler, in Choctaw County. I came here to Washington in 1868.

Q. When did you make your second visit to Choctaw County; was it during the presidential election in 1868?—A. It was in that campaign.

Q. What places did you visit in that county at that time?—A. I went to Butler, the county-seat.

Q. For what purpose?—A. To make a speech.

Q. Did you visit any other place in that county?—A. No, sir.

Q. How long did you stay at Butler?—A. I arrived there in the morning and spoke about eleven. I left that evening, and started back to Demopolis. I stopped on the way on the river-bank and staid all night at a man's house, and went on the next morning to Demopolis.

Q. How near can you reach it by rail?—A. I think the Alabama and Chattanooga Railroad is the nearest road to it, and I suppose that is twenty-five or thirty miles away.

Q. When was that built?—A. Since the war.

Q. It was not in existence in 1868, was it?—A. No, sir; I think not. They were building the road at that time, according to my recollection.

Q. Your language in the statement which you have read is, that you never received a cent nor the promise of a cent. Do you mean by that to say that you never received any consideration or anything of value whatever in connection with this cadetship?—A. Nothing in the world, sir.

Q. You say that Mr. Lilley furnished a memorandum from which you filled up the appointment; is that so?—A. Yes, sir.

Q. Why did you say in answer to Judge Lord that you did not know that he made any memorandum?—A. What I stated to Judge Lord was that Lilley wrote on a piece of paper and handed it to me to fill out the appointment. I copied what he had written on the paper and filled it out.

Q. What you inserted in the blank, then, was the same thing that Lilley had written on the paper?—A. Precisely.

Q. You know nothing about the indorsement on the back of the paper "Blaydon Springs"?—A. I do not.

Q. Did Stokes seem to be rather anxious for you to make this appointment?—A. I cannot say that he was anxious about it. He spoke to me about it two or three times, and when I said to him that I wanted to appoint Mallet's son, he said, "You cannot appoint him, because he is not a *bona-fide* resident of your district, and if I were you I would appoint this boy." I was going home in a few days.

By Mr. LORD:

Q. How many days was it before you went home?—A. I am a poor hand to remember dates, but I think it was probably two weeks or ten days, and it may have been longer than that.

Q. Do you mean to say that it was as long as ten days?—A. Yes, sir; I think it was longer than that.

Q. What is Stokes's full name?—A. John G. Stokes.

Q. What is his business now?—A. He is a correspondent for the New York Herald and other papers.

Q. Were you ever in the habit of drinking at Lilley's?—A. Yes; I have taken several drinks there in my life.

Q. Did you usually drink something when you went in?—A. Yes; I usually took a drink. I do not say that I always did it, but sometimes I would.

Q. How many times, as near as you can recollect, did you ever take liquor there?—A. I

cannot answer that question. I have known him for five or six years. I would call in and sometimes he would ask me if I would take a drink, and I would take one, and sometimes I would not.

Q. You have been in the habit of taking liquor there for six years?—A. Well, four or five years. I would take it when I went in there and he asked me to take a drink.

Q. During that four or five years how often were you there by the day, week, or month? A. I could not answer that. I would go in there sometimes of an evening.

Q. Approximate, if you please, as to about how often you were in the habit of calling. About how many times a week?—A. I could not answer that question. Sometimes I would go maybe twice a week, and sometimes three times a week, and maybe not go at all during the week.

Q. Take the average of the year; how much would it amount to a week?—A. I should say, probably, twice a week.

Q. Did you ever play cards there?—A. No, sir.

Q. Did you ever see anybody play cards there?—A. No, sir.

Q. Was anybody there at any time when you were there?—A. O, yes. Mr. Sheats, my colleague, was there. I have met Mr. Pelham there, Senator Spencer, Mr. Cessna, and several others.

Q. How often did you meet Mr. Pelham there?—A. Three or four times, I reckon.

Q. Where does Mr. Pelham live?—A. In this city.

Q. Did you ever make any inquiry of anybody as to Lilley's character?—A. I did not until after this affair occurred.

Q. Did you ever hear anything said about his character before you made the certificate or appointment?—A. No, sir; I never heard his character discussed at all.

Q. Did you ever meet him at any other place than his own house?—A. Yes, sir; I have met him about in the city at different places.

Q. Did you ever meet him socially at any other place beside his own house?—A. No, sir.

Q. Was he ever at your house?—A. No, sir; never that I remember.

Q. You never met him at any place except his own house and in the street?—A. No, sir.

Q. When did you last see Mr. Stokes?—A. I saw him this morning.

Q. Did you converse with him on this subject?—A. No, sir.

Q. When did you last converse with him on the subject?—A. I spoke to him about it about a week ago, I suppose.

By Mr. McCrary :

Q. Did Lilley keep liquors in his room?—A. Yes, sir.

Q. What kind?—A. Gin, brandy, and whisky. I don't think that he ever gave me any wine there.

Q. Did you ever see anybody get intoxicated there?—A. Well, no, sir; I don't think I ever did.

By Mr. Lord :

Q. How positive are you about that?—A. I think I am pretty positive about that. I don't get that way myself, and I don't remember seeing anybody else that way there.

Witness subsequently added the following memoranda :

On the point of time which this slip said the boy had resided in the county of Choctaw I cannot, of course, be positive, but I am satisfied that the certificate I made as to the time in which the boy had been a *bona-fide* resident of this county was an exact copy of what Lilley told me and wrote on the slip, because I depended on him to state the truth and facts of the matter in that connection.

Choctaw, Choctaw County, Alabama. He, Lilley, either put upon the slip that the boy resided in Choctaw, Choctaw County, Alabama, or told me so, I am not positive which.

CHARLES HAYS.

The Shepherd note went to protest on the 18th of June. I was not threatened with an attachment until the last of July or some time in August, 1875.

CHARLES HAYS.

WASHINGTON, D. C., May 13, 1876.

ALEXANDER R. SHEPHERD recalled.

Question. In reference to this note of Mr. Hays which you put into Mr. Lilley's hands for collection, you say that you first put it in the hands of Mr. Pelham.—Answer. Yes, sir.

Q. About when?—A. I put it in the hands of William A. Cook, a lawyer, who attends to a large part of my business. Mr. Pelham at that time was associated in business with Mr. Cook. I think it was shortly after the protest of the original note.

Q. Have you got that original note?—A. I guess not.

Q. State when that protest was.—A. It must have been in December, 1874, or January, 1875. I think that note was given in December, 1873, for twelve months, and fell due either in December, 1874, or in January, 1875. It was protested, and I had to take it up.

Q. How long did it remain in the hands of Cook & Pelham?—A. I did not have anything to do with Pelham, except incidentally; I gave the note to Cook. I suppose it was probably with him a month.

Q. During the time it was in Cook & Pelham's hands, was an attachment threatened against Hays?—A. Mr. Pelham said that he could make the money; that he knew where to make the money. If my recollection serves me right, I met him about a month after I had put the matter into the hands of Cook and himself, and he said that Hays had sold his property, (a house and furniture in Georgetown.) I expressed myself very freely as to the manner of Hays's treatment to me; said that he had acted like a damned scoundrel. Pelham said that Hays felt very bitter about the manner in which I had spoken of him. This took place at the corner of Twelfth street and Pennsylvania avenue. I got the idea then that Pelham could not collect the money.

Q. Did you understand that the means which Pelham had of collecting was by the process of attachment?—A. Yes; by an attachment on Hays's property in Georgetown and Alabama. I then wrote or spoke to Mr. Spencer about it, and told him that I thought I had been treated shamefully, and that the thing must be settled. Mr. Spencer told me that he did not think it was best to sue Hays; that the money could be got out of him better by coaxing than by suing; that Pelham and Hays were not on good terms, and that I had better take the matter out of Pelham's hands, which I did at Mr. Spencer's suggestion. He then said he thought the money could be coaxed out of Hays, but that it would be very difficult to get it otherwise. Mr. Spencer indorsed the original note, and is a personal friend of Hays. I mean Senator Spencer, of Alabama. It was at his instance that I indorsed the note. It was about February, 1875, that it went into Lilley's hands.

Q. State whether there is any understanding, in any shape or form, between you and Lilley, or any one else, in regard to that note, as to why it runs along so, or whether you will be ultimately guaranteed if you wait.—A. Nothing in the world. Hays has been reducing the debt at the rate of \$200 every ninety days. It comes in a draft from his wife's agent at Mobile.

Q. Was there no promise or suggestion made in regard to what the result would be if you left the paper with Mr. Lilley?—A. None in the world. Spencer introduced me to Lilley one day as a person who he thought could collect this debt for me. I had seen Lilley a hundred times before, but I had no acquaintance with him. I did not go to him on any knowledge of my own, but simply on the recommendation of Spencer, who was the indorser of Hays.

Witness subsequently furnished the following papers:

"OFFICE OF ALEXANDER R. SHEPHERD,  
"PENNSYLVANIA AVENUE AND 12TH STREET,  
"Washington, D. C., May 17, 1876.

"DEAR SIR: I desire to correct my testimony given before your subcommittee, and to ask your attention to inclosed letter from B. H. Warner, of this city, the party who originally loaned the money, and which is exact as to dates and amounts.

"If desired, I will come before you and corroborate this exhibit.

"Yours respectfully,

"ALEX. R. SHEPHERD.

"Hon. SCOTT LORD."

"OFFICE OF B. H. WARNER,  
"CORNER 7TH AND F STREETS,  
"Washington, D. C., May 16, 1876.

"DEAR SIR: The records of my office show the following account of your note to the order of George E. Spencer, United States Senator, and Hon. Alexander R. Shepherd:

"The note was for \$2,000, and dated January 17, 1874, payable January 17-20, 1875, and was discounted by me January 9, 1875, to the National Metropolitan Bank of this city. When the same became due it was curtailed to \$1,800, and renewed to March 21-24, 1875; and was further curtailed on that date (March 22-24) to \$1,600, and renewed to June 18-21. On June 18-21, it was paid by the Hon. A. R. Shepherd by two notes for \$800 and \$843.38, payable ninety days after date, which he paid.

"Yours respectfully,

"B. H. WARNER.

"Hon. CHARLES HAYS."

WASHINGTON, D. C., May 13, 1876.

JOHN G. STOKES sworn and examined.

By Mr. MCCRARY :

Question. Where do you reside?—Answer. I reside in Washington City. I have resided here, during the sessions of Congress, for some six years.

Q. Were you ever a clerk of a committee of which Mr. Hays, of Alabama, was chairman?—A. Yes. I was clerk of the Committee on Agriculture, in the Forty-third Congress, of which Mr. Hays was chairman.

Q. Do you know a man by the name of William Lilley?—A. Yes, sir.

Q. Did you hear conversations between Lilley and Hays in regard to the appointment of a cadet at West Point while you were on that committee?—A. I did.

Q. How many conversations did you hear?—A. I had myself several conversations with Lilley about it. I cannot specify the exact date of the conversation between him and Mr. Hays, but I think it was in February or March of last year.

Q. Did you hear more than one conversation between them?—A. I cannot recall more than one conversation between them.

Q. State the purport of that conversation.—A. My best recollection of the conversation is about this; I had not thought of the thing until a short time back: Mr. Hays and I were walking down F street, near the Ebbitt House, when Mr. Lilley came across from his office, and asked Mr. Hays, "How about the appointment of this cadet?" or, "How about an appointment of a cadet?" or, "Have you got a vacancy at West Point?" I cannot tell exactly how the conversation originated, but I remember Hays telling him that there was a vacancy in West Point, in his district. Lilley then said, "I have a young man whose mother resides in Choctaw County, Alabama, and who is now being educated by an uncle of his in New York City. He is a very worthy young man." He went on to speak of him very highly, and asked Mr. Hays to give him the appointment. To the best of my recollection, Mr. Hays asked him where the boy lived, and he told him that he lived in Choctaw County, Alabama. I remember that very distinctly, and I will explain hereafter why I do so. Lilley said that the boy had an uncle educating him in New York, and that the boy was then, or had been, in New York. I do not recollect the entire conversation. It did not impress itself particularly on my mind. My impression is that Lilley, the same morning or the same evening, came to the Capitol and asked me to try and get Hays to make this appointment, saying that the young man was a very worthy young man. I told him that I would do so, and I did ask Mr. Hays several times about it. I had been aware of his having appointed several cadets, all of whom had failed, and I impressed on Mr. Hays the idea that this young man was a good appointment, and that he ought to make it. I think it was perhaps as much at my solicitation as anything else that Mr. Hays made this appointment.

Q. How many conversations did you have yourself with Lilley on the subject?—A. I cannot recollect, but I think I had several. You might not term them conversations; they are mere casual remarks.

Q. What knowledge had you of the actual residence of the young man?—A. None whatever other than the hearsay of Mr. Lilley—that his mother and he resided in Choctaw County, Alabama.

Q. Did you ever see the boy himself?—A. I think I did. I was not introduced to him, but I think I saw him.

Q. Did Mr. Lilley ever say anything to you about paying you for your services in the matter?—A. Never, in any manner, shape, or form; and I had no idea that Lilley ever got a dollar in the matter until I saw it in connection with this investigation.

Q. How long had you known Lilley before that?—A. I suppose I had known him eighteen months or two years.

Q. Did you never hear anything about his having been engaged in procuring appointments of that kind for a consideration?—A. Never. The way I became acquainted with Mr. Lilley was from my being here as a newspaper correspondent, and he was intimate with the Alabama delegation, Mr. White, Mr. Felham, Mr. Spencer, and other members. I had been at his office a number of times, and he had always treated me very kindly and very nicely, so that when he asked me to assist him, I told him that I would do it with a great deal of pleasure, just as I would have done with anybody whom I liked or had taken a fancy to. The only way I knew Mr. Lilley's business was from being in his office and seeing his books and papers, which made me suppose that he was a lawyer or a claim-agent.

Q. Do you know of Lilley's paying anything to anybody to assist him in getting that appointment, directly or indirectly?—A. Not one dollar, directly or indirectly. I did not dream that there ever was a cent paid him until I heard of it some weeks past.

Q. When did you last see Mr. Lilley?—A. I do not think I have spoken to him until within a year past. I may have bowed to him on the street, but nothing more than that.

Q. Take the eighteen months before last year, how often did you see and speak to him?—A. While I was clerk of the committee Lilley was very often in the committee-room, and I spoke to him, I suppose, two or three or four times, or, perhaps, once or twice a week, and I was at his office several times.

Q. Were you and Mr. Hays ever at his house together?—A. I am inclined to think that we were. I have been there with parties of gentlemen and with the Alabama members, and it is highly probable that I have been there with Mr. Hays, but I do not recollect so as to swear to it.

Q. Do you know any reason why Mr. Lilley thought that you had any influence with Hays?—A. I suppose he thought I had influence with him because I had lived in Alabama and was editor of a republican paper there, and had some political influence in Alabama, and had stumped Mr. Hays's district for him, and had been a great personal and political friend of his and a warm supporter. Lilley knew all these facts.

Q. How did he know of them?—A. I suppose we discussed the matter, but I do not recollect any specific conversation on this subject. In the sphere that I moved in, it was known just as it was known that you are a member of Congress from New York.

Q. Do you recollect speaking with Lilley about stumping Mr. Hays's district?—A. I do not think I ever did.

Q. Do you know any reason that Lilley had for calling on you in the matter beyond the fact that you were clerk to Mr. Hays's committee?—A. I do not know that he had any reason at all. I only know the fact that he did.

Q. State the number of times that you talked with Lilley on the subject of young Beardslee.—A. I should say three or four times. It may have been six or eight times; or it may have been only twice.

Q. Are you able now to state the precise conversation between you?—A. I am not able to state every conversation precisely. I recollect the general purport of the conversation.

Q. How many times did you ever see Lilley and Hays together?—A. I cannot say that I have seen them together more than two or three times, perhaps for a moment or two at a time.

Q. At each time did they talk on this subject?—A. No, sir.

Q. How many conversations did you hear between them in regard to young Beardslee?—A. I cannot say. I do not recollect any specific conversation except the one near the Ebbitt House, and the reason why I happened to remember that is that it was the first conversation I heard relative to that appointment.

Q. State that conversation as briefly as you can.—A. Mr. Hays and I were coming down F street, from the Ebbitt House; when nearly opposite Lilley's office, he crossed over and the conversation occurred, "How about this cadet?" or, "Have you not got a vacancy at West Point?" Mr. Hays replied that he had a vacancy at West Point. Lilley then told him, "I have a very nice young man, a very deserving young man, whose mother is a widow, and who has some property in Choctaw County. They have lived there a number of years, and his uncle is educating him in New York City."

Q. Did he say where his uncle lived?—A. Yes; he said that his uncle lived in New York.

Q. Did he say New York State, or New York City?—A. No; he said New York, and that his uncle was educating him; and he said, "If you appoint him he will be an honor to you and credit to the country." That was about the gist of it. He said that he was a very deserving young man, and that his mother was a very nice, deserving lady. Hays said that he would take the matter into consideration, or, at least, that is the inference he left on my mind. What impresses the Choctaw County part of the conversation on my mind was that I was very well acquainted in Alabama, and Choctaw County is what we call there one of the cow counties, and I remember making use of the expression to Mr. Hays, "A cow-boy at West Point will cut a hell of a figure," or something of that kind.

Q. Did you ever attempt to persuade Mr. Hays that you had personal knowledge as to this young man, independently of what you had derived from Lilley?—A. I think it is highly probable that I may have told Mr. Hays that the boy lived in Choctaw County, Alabama; I think I did.

Q. Do you say, on your oath, that you claimed to Mr. Hays that you had independent knowledge of the fact?—A. I do not say that I told him I had independent knowledge of it.

Q. Did you ever intend, or endeavor, to convince Mr. Hays that you had knowledge on the subject independently of what you derived from Lilley?—A. I certainly intended to convey the idea to Mr. Hays that the boy lived in Choctaw County, Alabama, because from what Lilley had told me I was certain that he did, and I would have been willing almost to take my oath on it.

Q. State the place where and the language in which you informed Mr. Hays that you had independent knowledge of the residence of Mr. Beardslee.—A. I cannot state the place nor the exact language.

Q. You cannot give us the language in which you informed Mr. Hays that you had independent knowledge as to the residence of this young man?—A. In the very nature of things, it would be impossible to give the exact language. I have given you the purport of it.

Q. Did you intend at any time to deceive Mr. Hays in that regard?—A. I did not, because I believed myself that the boy lived in Choctaw County.

Q. Do you mean to say now, as a witness, that you intended deliberately to convey to Mr. Hays the idea that you had knowledge of the residence of this young man in Alabama, independent of what Lilley had told you?—A. I do not think that I stated to him that I had

knowledge of what Lilley had told me, but I certainly stated to him repeatedly that the boy lived in Choctaw County, Alabama.

Q. Did you intend, and did you suppose that Mr. Hays understood, from that statement, that you knew as a personal fact, of your own knowledge, that the young man lived in Alabama?—A. That is requiring me to answer an inference. I certainly told him that the boy lived in Choctaw County, Alabama.

Q. Did you tell him anything more than that in regard to his residence?—A. No, sir; I do not think I did.

Q. And what you told him was predicated wholly on what you heard Lilley say?—A. On what I heard Lilley say.

Q. Did Mr. Hays ever ask you anything about the mother of the boy?—A. I cannot recollect whether he did or not.

Q. Did he ever ask you in what particular part of Choctaw County the boy resided?—A. I think that Lilley told him that in my presence.

Q. Did he ever ask you in what particular part of Choctaw County he lived?—A. I do not know that he ever asked me, but I may have told him.

Q. Did he ever ask you anything about the antecedents of the boy?—A. No, sir; nor did he ask me anything about the antecedents of the other boys whom he appointed.

Q. Were you instrumental in procuring the appointments of those other boys?—A. Yes, sir; one of the boys was a friend of mine, and I was instrumental in getting him appointed. He was a young man named Winn, who was recommended by Professor Tutwiler, of the Episcopal University down there.

Q. Was he a relative of Mr. Tutwiler's?—A. I do not know about that.

Q. Was there any other boy whose appointment you were instrumental in procuring?—A. No, sir; I do not know that I was instrumental in procuring his appointment. I merely suggested that it would be a good idea to give him the appointment.

Q. Did you say whether or not you had been up to Mr. Lilley's recently?—A. I have not been there in a year.

Q. I suppose you have no other reason for breaking up the intimacy except that you are not now a clerk to a committee?—A. I have been out West a good deal, and since I came back to Washington I have been very busy, and haven't had time to make calls.

Q. Are you able to state now, from your present recollection, any question that Hays put to you in regard to this boy Beardslee?—A. I am not. I cannot recollect any specific question.

Q. In regard to this Choctaw County, you say that it is called a "cow county;" what do you mean by that?—A. It is a "wire-grass county." We have counties in Alabama that are called "cow counties," where the population is not considered so good as in other parts of the State.

Q. Choctaw County is a poor county?—A. Not necessarily; some portions of it are rich.

Q. What portions?—A. Those adjacent to the Tombigbee River.

Q. Is Choctaw, in Choctaw County, adjacent to the river?—A. There is no such place as Choctaw, in Choctaw County, that I know of.

Mr. LORD. Young Beardslee is described as residing in Choctaw, Choctaw County: do you know where Choctaw is?

The WITNESS. Mr. Lilley represented him as living in Blaydon Springs, I think.

Mr. LORD. I know; but Mr. Hays certifies that the young man resides in Choctaw, Choctaw County.

The WITNESS. I do not know where it is. I know where Choctaw Corners is.

Q. Is that in Choctaw County?—A. I think so. I have been in every county in the State, and I think that Choctaw Corners post-office is about a mile from the line of Choctaw County, Alabama.

Q. Then you think there is such a place as Choctaw Corners, in Choctaw County?—A. Yes.

Q. Is that a wealthy place?—A. There is no place in Alabama particularly wealthy now. I should say it is an average place. It is only a little post-office, with perhaps a store or two.

Q. Are you pretty well acquainted in Choctaw Corners?—A. No, sir.

Q. Do you know anybody there?—A. I know a man living two miles from there. I believe that that is his post-office. Choctaw County is a very remote county, without railroad communication.

Q. Is there anybody in that county with whom you are acquainted?—A. O, yes.

Q. Can you name them?—A. I was major of a regiment in the confederate army, and I had a company from that county. I know probably two hundred men in that county.

Q. You did not know them in the county?—A. I knew them after they got into the army.

Q. Not in Choctaw County?—A. O, no; but in the army.

Q. When were you last in Choctaw County?—A. I was last in Choctaw County in the canvass of 1872, I think.

Q. Was there anybody with you?—A. Yes, sir; several.

Q. Was Mr. Hays with you?—A. No, sir.

Q. What part of the county did you go to then?—A. To the county-seat, a place called Butler. We also went to another point in the county, where we made speeches.

Q. Take it altogether, had you any intention in what you said to Mr. Hays to deceive him?—A. I certainly hadn't any intention of deceiving him, because I was honestly and sincerely of the belief myself that the boy lived in that county. I did deceive him, as it turned out, but I did not intend to do it.

Q. How do you know that you deceived him?—A. The sequel shows that I did.

Q. He says that he believed Lilley. Had you any knowledge to the contrary of that?—A. O, no; none whatever.

Q. Did you intend deliberately to make Mr. Hays believe that you had a knowledge on the subject which you did not have?—A. I suppose that, technically speaking, I did, but at the time I had no general intention to deceive Mr. Hays, because I thought the boy did live there, although I had no independent knowledge of it. I am satisfied that I did tell him that the boy was all right and lived in Choctaw County.

Q. When was your attention first called to this matter?—A. When the resolution of inquiry was introduced in the House by Mr. Lewis.

Q. When did you first have any conversation with any one on the subject?—A. I do not think I had any conversation with any one. It is highly probable that I wrote something to the newspapers about it.

Q. Have you, since you saw that announcement, had any conversation with Mr. Hays or Mr. Lilley on the subject?—A. None, whatever, with Lilley. I have not spoken to Mr. Lilley on any matter since the occurrence took place. I have spoken with Mr. Hays.

By Mr. MCCRARY:

Q. Are you acquainted in Clark County, Alabama?—A. I am.

Q. Do you know a place in Clark County called Choctaw Corners?—A. Clark County is the county adjoining Choctaw, and it may be that Choctaw Corners is in Clark County. It is very near the line. My impression is that Choctaw Corners is in Choctaw County, but I will not be positive.

By Mr. LORD:

Q. So far as you knew as to where the boy resided, from Mr. Lilley, and so far as you heard Mr. Lilley state it, and so far as you stated it, it was Blaydon Springs?—A. I do not think I stated anything at all about Blaydon Springs. Lilley remarked to me that the boy lived in Blaydon Springs.

Q. Why did you not tell that to Mr. Hays?—A. I think it likely that I did, but I think it highly probable that I spoke in general terms and said that the boy lived in Choctaw County.

Q. Have you any doubt that you communicated to Hays all that Lilley told you on the subject of the boy's residence?—A. In general terms, I have no doubt but I told him what Lilley told me. I do not recollect whether I specified the exact place.

Q. Did not Lilley tell Hays that the boy resided in Blaydon Springs, Choctaw County?—A. Yes; he told me so; and I think I told Mr. Hays so.



CHARLES PELHAM sworn and examined.

By Mr. LORD:

Question. You reside in Washington?—Answer. Yes.

Q. What is your profession?—A. I am practicing law here.

Q. How long have you been practicing law here?—A. Since the 4th of March a year ago; since the end of the Forty-third Congress.

Q. Where did you live before then?—A. I lived at Talladega, Ala., and my residence and citizenship are still there. I am temporarily stopping here.

Q. Did you, at any time, receive for collection a note, from Mr. Alexander R. Shepherd, against Charles Hays?—A. I was consulted in regard to one. I never fully had the note in my possession. Governor Shepherd came to my office last spring, about a year ago, I think, and asked me if money could be made out of Hays and Spencer; and stated that he had a note for about \$1,600, made by Hays and indorsed by Spencer. I told him that I thought it could be made. He was in Mr. Cook's office at the time, consulting him on some other business. My office is just back of Mr. Cook's, in the same building, and as I passed through he made this inquiry of me as to whether money could be made out of Hays and Spencer. When I told him that I thought it could, he says, "Then I will give you some business. I have a note for \$1,600 which I will place in your hands for collection."

Q. Are you able to fix the date by any memorandum?—A. No, sir.

Q. Is there anything in your books or papers to show?—A. No, sir. I will explain why. I expected him to come to the office and leave the note for me; but a few days afterward a

WASHINGTON, May 20, 1876.

messenger came to the office for Mr. Cook and myself, although we were not partners at all. The messenger said that Mr. Cook and myself were to come to Governor Shepherd's office, on Pennsylvania avenue, between Ninth and Tenth. We went down, and I found that the business upon which he wanted us was nothing more than that note. He handed the note over to Mr. Cook, although he addressed his conversation to me. Mr. Cook, therefore, had the custody of the note. We had some consultation about it.

Q. You came here on the 4th of March, 1875?—A. I came here to attend the Forty-third Congress, and I never went back to Alabama after Congress adjourned. I was a member of the Forty-third Congress, and was here all through that Congress, and when the House adjourned I opened an office here for the practice of law.

Q. Was this conversation before or after Congress adjourned?—A. Long after the Congress adjourned, in Mr. Cook's office. I think it was about a year ago now.

Q. Did you ever hear anything about an attachment?—A. Yes.

Q. Did you advise one?—A. No, sir; I advised against one. Mr. Hays had gone home. It was after the adjournment of Congress when this note was placed in Mr. Cook's and my hands, and Mr. Hays had then been home some time. Mr. Spencer was here, that is, he was in New York and here together, and I saw him one day and told him about this note, and suggested that it would not be the best thing to have a suit brought against him by Governor Shepherd on that note, and that, unless the note was fixed up, suit would have to be brought upon it.

Q. About what time was this?—A. A few weeks after it was put into my hands for collection. He asked me not to bring any suit; said that he would see Hays and have the note settled. I told Governor Shepherd what Spencer had said to me, and he told me that if it could be made by suit he wanted the money made. I explained to him the situation of Mr. Spencer's property in Alabama, and how it could be made by suit there, and he then said if there was any chance to fix it up, I should not proceed at once, but wait till later in the summer; and while I was corresponding, or trying to correspond, with Hays, (he never would answer my letters in regard to it; I wrote him twice,) Mr. Hays himself came on. I think it was some time in July or August. I went to Governor Shepherd's then, and told him that Hays was in the city, and that, as he was a non-resident, we could get process served on him here.

Q. Are you a native of Alabama?—A. Yes.

Q. Do you know anything about Choctaw County?—A. I do not think I have ever been in the county; I knew a few men in the Army from Choctaw County.

Q. Do you know any place in the county?—A. I really do not know a single place in the county.

Q. You cannot name now any place in that county?—A. No.

Q. Do you recollect hearing of Blaydon Springs?—A. Yes, but I never did know that it was in Choctaw County. I have heard it recently, I think, in connection with this case, but I do not remember how. I have an idea that I heard somebody say something about Blaydon Springs. Referring to the attachment in this case, I told Governor Shepherd that an attachment would lie against Hays as a non-resident. He got very mad about the note not being paid, and wanted me to send some very rough messages to Hays, which I declined to carry, and told him he must carry them himself. The reason I had not done anything with the note was, that Hays had gone, and there was a summer vacation here, and Cook had gone to New York with the note, so that I never had the note in my possession. I went to Governor Shepherd and told him that Mr. Cook had the note. He told me to telegraph Cook to know, where the note was. I did so; but Cook was coming home in a few days, and by that time Spencer was here, and got the note placed in Lilley's hands for collection.

Q. Spencer got it put in Lilley's hands for collection?—A. Yes; so I understood. I do not actually know it.

By Mr. CAULFIELD:

Q. What reason had you for supposing that Spencer had it placed there?—A. Governor Shepherd told me so. Governor Shepherd told me that Hays said that he would have paid the note if it had not been put into my hands for collection; but I told Governor Shepherd that that was simply an excuse of Hays's.

Q. What object was there in putting it in Lilley's hands?—A. I do not know, unless it was that Spencer was a friend of Lilley's, and wanted him to have the fees for the collection of the note. I do not know anything about it; it is only a supposition; I only know that it was taken out my hands and placed in Lilley's hands.

By Mr. LORD:

Q. Do you know Lilley?—A. Yes.

Q. Do you know of any relations of intimacy between Lilley and Hays?—A. No.

Q. Did you at that time?—A. No; I do not know that I have ever seen them together.

Q. Did Lilley ever talk with you about cadetships?—A. No, sir.

By Mr. McCARRY:

Q. Do you know whether the note was protested when Governor Shepherd first spoke to you about it?—A. Yes, sir; it had been protested.

Q. Do you know, or had you any means of ascertaining, what 'date it was that the note went to protest?—A. No means in the world, except that it had been protested at least several months before coming into my hands for collection.

Q. Do you think it was as late as June?—A. I think it was probably May; I am not certain about that; it may have been in June, but I rather think it was in May.

By Mr. LORD :

Q. You heard nothing of any attachment threatened before you were consulted?—A. No.

Q. How many cadets did you appoint while you were a member of Congress?—A. I really do not recollect; I have nominated quite a number, but it is very difficult to get anybody in Alabama to accept a cadetship. I made five or six nominations, but did not get anybody to accept them, and I had to let my successor appoint. I had two appointments, one at West Point, and one at Annapolis; and I got a man to accept the West Point cadetship, by taking him from school, at Chester, Pa.—a young man who had never been in my State; but the cadetship at Annapolis I had to leave for my successor, after trying for nearly a year to get somebody to take it. The young man whom I got to take the West Point cadetship has an uncle who had come to live in Alabama, and had bought property there; but the boy was at school at Chester, Pa. He was accepted at the academy.

Q. Do you know any reason why you could not get young men living in Alabama to accept?—A. One reason is that most of the republicans in Alabama are uneducated, and have not, at the age at which they would be eligible for admission to the academy, the necessary educational qualifications to enter. That is why the republicans do not accept. The reason why the democrats do not accept is, that while they are the best-educated people in the State, by long odds, yet many of them regard West Point as a Yankee institution, and will not send their children to it.

By Mr. CAULFIELD :

Q. You spoke of getting somebody who was at school at Chester, Pa., to take the position at West Point?—A. Yes.

Q. Had he lived in Alabama?—A. His uncle lived there.

Q. Was that the boy's home?—A. It was the only home he had; he was an adopted son of this uncle, who had lately moved into Alabama while this young man was at school.

Q. The young man himself had never lived in Alabama?—A. He had been there a few times, as his uncle represented. I tried a good many persons before nominating him.

Q. How did you manage about the question of residence?—A. The boy had no residence anywhere else.

Q. How old was he?—A. About eighteen years. His uncle's residence was in Alabama, and his support came from the uncle.

Q. Had he been living in his uncle's family?—A. Yes, always; although when his uncle came to live in Alabama the boy was at school in Chester, and only came to Alabama during the vacations. I explained the case to the Secretary of War, and showed that the boy's constructive residence was in Alabama. I thought that it was within the meaning of the law, because the boy certainly had no residence in any other State, and his support came from his uncle.

The following papers were furnished to the committee and put in evidence :

#### A.

James Holman Edwards, nominated by Hon. C. W. Pierce, August 6, 1868; rejected by academic board.

George A. Cornish, nominated by Hon. C. W. Pierce, October 26, 1868; admitted; graduated June 13, 1873.

Joseph W. Booth, nominated by Hon. Chas. Hays, July 8, 1872; rejected by medical board.

Wm. C. Jameson, nominated by Hon. Chas. Hays, October 11, 1873; declined appointment October 22, 1873; appointment canceled.

Wallace W. Winn, nominated by Hon. Chas. Hays, February 14, 1874; rejected by academic board.

John W. Blocker, nominated by Hon. Chas. Hays, June 2, 1874; admitted; subsequently discharged for deficiency, M. A. orders No. 2, of 1875.

Guy R. Beardslee, nominated by Hon. Chas. Hays, March 4, 1875; admitted; at present at the academy.

#### A 2.

HAYSVILLE, GREENE CO., ALA.,

July 8, 1872.

To the SECRETARY OF WAR :

I nominate Joseph Ward Booth, of Prattville, in the county of Autauga, and State of

Alabama, for appointment as a cadet of the United States Military Academy, from the 4th congressional district of that State.

He has been an actual *bona-fide* resident of the district for over 19 years, and is believed by me, upon due inquiry, to be qualified for appointment, according to law, in every respect. His age is 19 years and 6 months.

I have the honor to be, &c.,

CHARLES HAYS, M. C.,  
4th Dist. of Ala.

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[NOTE.—If selected by competitive examination, the Representative is requested to add a memorandum to that effect.]

WASHINGTON, D. C., Oct. 11, 1873.

Hon. W. W. BELKNAP,  
Secretary of War:

SIR: I have the honor to recommend the appointment of William C. Jameson, of Tuscaloosa, Ala., as cadet to the Military Academy.

Very respectfully,

CHARLES HAYS, M. C.,  
4th Dist. of Ala.

WASHINGTON, D. C., Oct. 22, 1873.

To the SECRETARY OF WAR:

William C. Jameson, of Tuscaloosa, Ala., declines the appointment of cadet to the Military Academy. I will forward another name in a few days.

CHAS. HAYS, M. C.,  
4th Dist. of Ala.

GREENE SPRINGS P. O., NEAR HAVANA,  
February 14, 1874.

To the SECRETARY OF WAR:

I nominate Wallace W. Wian, of Greene Springs, in the county of Hale and State of Alabama, for appointment as a cadet of the United States Military Academy, from the 4th congressional district of that State. He has been an actual *bona-fide* resident of the district for over 19 years, and is believed by me, upon due inquiry, to be qualified for appointment, according to law, in every respect. His age is 20 years and 6 months.

CHARLES HAYS, M. C.,  
4th Cong. Dist. of Alabama.

[NOTE.—If selected by competitive examination, the Representative is requested to add a memorandum to that effect.]

HOUSE OF REP., June 2, 1874.

To the SECRETARY OF WAR:

I nominate John W. Blocker, of Forkland, in the county of Greene and State of Alabama, for appointment as a cadet of the United States Military Academy, from the 4th congressional district of that State. He has been an actual *bona-fide* resident of the district for life, and is believed by me, upon due inquiry, to be qualified for appointment, according to law, in every respect. His age is 17 years and 4 months.

CHARLES HAYS, M. C.,  
4th Cong. Dist. Ala.

[NOTE.—If selected by competitive examination, the Representative is requested to add a memorandum to that effect.]

B.

M. A.

WAR DEPARTMENT,  
Washington City, July 8, 1873.

SIR: I regret to say that, upon examination of your nomination of John W. Blocker, he is found ineligible on account of age for appointment to fill the existing cadet vacancy at

the Military Academy, from the fourth district of Alabama, he being under the age prescribed by law for admission to the academy, viz : seventeen years. I am constrained to urge you to name another person at as early a day as possible. Blanks for the purpose are inclosed.

Very respectfully, your obedient servant,

W. T. BARNARD,  
*Acting Chief Clerk.*

Hon. CHARLES HAYS, M. C.,  
*Haysville, Alabama.*

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HAYSVILLE, ALA , July 24, 1873.

SIR : Some days since I had the honor of nominating John W. Blocker, of this county, for the appointment as cadet at the Military Academy. It seems that he is ineligible as to age, being within a few months of seventeen. Young Blocker is a very promising young man, will pass the examination, and take a good stand in his class. He is very anxious to receive a military education, and I am of the opinion he will make a soldier. I would be glad to have the Department overlook the few months required to make him eligible. I therefore call your personal attention to the nomination of young Blocker, and request his appointment.

I am, sir, very respectfully &c.,

CHARLES HAYS, M. C.,  
*Fourth District of Alabama.*

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WM. W. BELKNAP,  
*Secretary of War.*

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HOUSE OF REPRESENTATIVES,  
*Washington, D. C., June 3, 1874.*

SIR : I am in receipt of a letter from Wallace W. Winn, informing me of his failure to enter the Military Academy at West Point, and authorizing me to nominate another cadet from the fourth congressional district of Alabama. I have the honor to nominate John W. Blocker, of Forkland, Greene County, Alabama.

Very respectfully,

CHARLES HAYS, M. C.,  
*Fourth District of Alabama.*

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Hon. W. W. BELKNAP,  
*Secretary of War.*

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WAR DEPARTMENT,  
*Washington, January 21, 1875.*

DEAR SIR : In Mr. Crosby's absence I have received your note concerning Mr. Blocker. Under existing law he cannot be re-appointed to the Military Academy, except upon the recommendation of the academic board. In order to present the case to the board, it will be necessary for you to officially request his re-appointment. That request will be referred to West Point, and, if favorably entertained by the academic board, Mr. Blocker can be re-appointed ; otherwise the Secretary of War cannot accede to your request, having no discretion in the matter.

Very respectfully, your obedient servant,

W. T. BARNARD,  
*Private Secretary.*

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Hon. CHARLES HAYS ,  
*House of Representatives.*

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HOUSE OF REPRESENTATIVES,  
*Washington, D. C., January 22, 1875.*

SIR : I most respectfully and urgently urge the appointment of John W. Blocker as a cadet to the United States Military Academy. Mr. Blocker is in his seventeenth year, and sorely feels the disappointment of a failure. Being a young gentleman of splendid family, very energetic, industrious, and reliant, I sincerely believe that with another trial he will succeed, and make a cadet who will discharge his duties with honor to himself and credit to the country. For these reasons I am especially solicitous that Mr. Blocker be re-appointed.

Yours, truly,

C. HAYS, M. C.

Hon. W. W. BELKNAP,  
*Secretary of War.*

(Indorsed :) Respectfully referred to the Superintendent of the Military Academy for the recommendation of the academic board as to the re-appointment of Mr. Blocker.

WM. W. BELKNAP,  
Secretary of War

WAR DEPARTMENT, *January 23, 1875.*

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B 2.

HOUSE OF REPRESENTATIVES,  
*Washington, D. C., March 4, 1875.*

To the SECRETARY OF WAR:

I nominate Guy Roosevelt Beardslee, of Choctaw, in the county of Choctaw and State of Alabama, for appointment as a cadet of the United States Military Academy, from the fourth congressional district of that State. He has been an actual *bona-fide* resident of the district for over two years, and is believed by me, upon due inquiry, to be qualified for appointment, according to law, in every respect. His age is eighteen years and five months.

CHARLES HAYS, M. C.,  
*Fourth Congressional District of Alabama.*

[NOTE.—If selected by competitive examination, the Representative is requested to add a memorandum to that effect.]

(Indorsed :) No. 279. War Department. O. M. A. 1875. Washington, D. C., March 4, 1875. Hon. Chas. Hays, M. C., nominates Guy R. Beardslee, of Choctaw, Choctaw County, for cadet from fourth district of Alabama. Appointed March 4, 1875. Accepted. Residence, Bladen Springs, Choctaw, Ala.

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C.

UNITED STATES OF AMERICA.

WAR DEPARTMENT,  
*Washington City, March 16, 1876.*

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed is a true copy of the original on file in this Department.

In witness whereof I have hereunto set my hand, and caused the seal of the War Department to be affixed, on the day and year first above written.

[SEAL.]

ALPHONSO TAFT,  
Secretary of War.

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NEW YORK CITY, *March 5, 1875.*

SIR: I hereby respectfully acknowledge the receipt of your notification of my contemplated appointment as a cadet of the United States Military Academy, with the appended circular, and inform you of my acceptance of the same upon the conditions named.

I certify, on honor, that I am nineteen years and five months of age, having been born October 24, 1856, and that I have been an actual resident of the fourth congressional district of Alabama for six years and eight months.

GUY ROOSEVELT BEARDSLEE.

To the honorable SECRETARY OF WAR,  
*Washington, D. C.*

I hereby assent to the acceptance by my son of his conditional appointment as cadet in the military service, and he has my full permission to sign articles binding himself to serve the United States eight years, unless sooner discharged.

I also certify, on honor, that the above statements are true and correct in every particular.

HELEN C. BEARDSLEE.

D.

NEW YORK, *Friday, March 5, 1875.***Honorable SECRETARY OF WAR :**

**I acknowledge the receipt of my conditional appointment as a cadet of the United States Military Academy.**

**I have filled up the blank and sent the same to my mother for signature, my father being dead. After signing she will forward the same to a friend in Washington, who will deliver it to you.**

**I have been at school at the Charlier Institute, No. 108 West Fifty-ninth street, New York, for the past four years. Hence, I address you from New York. My residence is Blaydon Springs, Choctaw County, Ala., but I shall be in Tuscaloosa, Ala., for the next two months. After that I shall be at the Charlier Institute, New York, until I proceed to West Point for examination.**

**I am, respectfully, your obedient servant,**

**GUY R. BEARDSLEE.**

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D. C. HUMPHREYS.

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MEMORIAL  
OF  
R. D. MUSSEY,  
MAKING

*Charges against D. C. Humphreys, associate justice supreme court District of Columbia, and asking investigation of them.*

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JULY 1, 1876.—Referred to the Select Committee on Charges against Judge Wylie and ordered to be printed.

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*To the House of Representatives of the United States of America:*

The memorial of R. D. Mussey respectfully shows :

First. That he is a citizen of the United States, and a resident of the District of Columbia; and that for nine years he has been a member of the bar of the supreme court of the District of Columbia.

Second. That one of the associate justices of the said supreme court of the District of Columbia is D. C. Humphreys, appointed from Alabama.

Third. That the said D. C. Humphreys is wholly incompetent to fill the said position of associate justice of said supreme court, by reason of gross ignorance of law and mental infirmities, and also by reason of moral unfitness therefor, and also by reason of grave improprieties of conduct and misdemeanors, not to say judicial crimes.

Fourth. Your memorialist charges—

1. That the said Humphreys is wholly unfit mentally for a judge; that he is ignorant of law; incapable of logical reasoning; and given to feeble, vapid, hesitating, disconnected utterances upon the bench, devoid alike of legal point and common sense.

2. That his manner upon the bench, toward witnesses, counsel, jurors, and officers of the court, is fussy, ungentlemanly, discourteous, overbearing, tyrannical, and oppressive.

3. That he is frequently intoxicated upon the bench.

4. That he has sat in at least one case wherein he had a direct pecuniary interest in the result.

5. That he constantly assumes to pass upon and decide motions, demurrers, &c., without allowing argument by counsel, or even the reading of the papers in the case.

6. That he has refused to sign bills of exception to his rulings, &c.

7. That he has borrowed money from members of the bar which he has failed to repay.

8. That he has made many applications to members of the bar for money, and, where he has met with refusal, has discriminated against those who refused to lend him and in favor of those who acceded to his demands.

9. That, generally, by his conduct as a judge, he has hindered justice ; rendered himself a public laughing-stock, and brought discredit upon the court of which he is a member.

Fifth. Your memorialist stands ready to substantiate, by the oaths of competent, respectable, and trustworthy witnesses, in detail, the charges hereinbefore made.

Wherefore, the premises considered, your memorialist prays that the said charges may be inquired into by your honorable body, and such decision made thereon as to your wisdom and justice shall seem proper.

R. D. MUSSEY.

WASHINGTON, D. C., *June 26, 1876.*

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ANNA ELLA CARROLL.

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PETITION

OF

ANNA ELLA CARROLL

FOR

*Compensation for services rendered to the War Department during the late war.*

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FEBRUARY 14, 1876.—Referred to the Committee on Military Affairs.  
AUGUST 8, 1876.—Ordered to be printed.

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*To the Senate and House of Representatives in Congress assembled :*

The memorialist, Anna Ella Carroll, respectfully invites your consideration of her claim, heretofore submitted to Congress, for valuable services in the late civil war, and especially for furnishing the information and plan of the Tennessee campaign, November 30, 1861, as outlined in the following paper :

"The civil and military authorities seem to be laboring under a great mistake in regard to the true key of the war in the Southwest. It is not the Mississippi, but the Tennessee River. All the military preparations made in the West indicate that the Mississippi River is the point to which the authorities are directing their attention. On that river many battles must be fought and heavy risks incurred, before any impression can be made on the enemy, all of which could be avoided by using the Tennessee River. This river is navigable for medium-class boats to the foot of the Muscle Shoals in Alabama, and is open to navigation all the year, while the distance is but two hundred and fifty miles, by the river, from Paducah, on the Ohio. The Tennessee offers many advantages over the Mississippi. We should avoid the almost impregnable batteries of the enemy, which cannot be taken without great danger and great risk of life to our forces, from the fact that our boats, if crippled, would fall a prey to the enemy by being swept by the current to him and away from the relief of our friends. But even should we succeed, still we will only have begun the war, for we shall then have to fight to the country from whence the enemy derives his supplies.

"Now, an advance up the Tennessee River would avoid this danger; for if our boats were crippled, they would drop back with the current and escape capture.

"But a still greater advantage would be its tendency to *cut the enemy's line in two*, by reaching the Memphis and Charleston Railroad, threatening Memphis, which lies one hundred miles due west, and no defensible point between; also Nashville, only ninety miles north-east, and Florence and Tuscumbia in North Alabama, forty miles east. A movement in this direction would do more to relieve our friends in Kentucky and inspire the loyal hearts in East Tennessee than the possession of the whole of the Mississippi River. If well executed, it would cause the evacuation of all those formidable fortifications on which the rebels ground their hopes for success; and in the event of our fleet attacking Mobile, the presence of our troops in the northern part of Alabama would be material aid to the fleet.

"Again, the aid our forces would receive from the loyal men in Tennessee would enable them soon to crush the last traitor in that region, and the separation of the two extremes would do more than one hundred battles for the Union cause.

"The Tennessee River is crossed by the Memphis and Louisville Railroad and the Memphis

and Nashville Railroad. At Hamburg the river makes the big bend on the east, touching the northeast corner of Mississippi, entering the northwest corner of Alabama, forming an arc to the south, entering the State of Tennessee at the northeast corner of Alabama, and if it does not touch the northwest corner of Georgia, comes very near it. It is but eight miles from Hamburg to the Memphis and Charleston Railroad, which goes through Tuscumbia, only two miles from the river, which it crosses at Decatur, thirty miles above, intersecting with the Nashville and Chattanooga road at Stephenson. The Tennessee River has never less than three feet to Hamburg on the 'shoalest' bar, and during the fall, winter, and spring months there is always water for the largest boats that are used on the Mississippi River. It follows from the above facts that in making the Mississippi the key to the war in the West, or rather in overlooking the Tennessee River, the subject is not understood by the superiors in command."

Memorialist avers that she read and delivered the above to Hon. Thomas A. Scott, then Assistant Secretary of War, who stated that it was the first solution of the difficulty that had been made to the Government, and he had no doubt but it was the correct one.

That the ideas and suggestions contained in this plan were adopted by the Government and substantially carried out in the campaigns that followed is established by the testimony of Hon. Thomas A. Scott and Hon. Benjamin F. Wade given to the Senate Military Committee, Forty-third Congress, third session, Report 339, and again in Forty-second Congress, second session, Mis. Doc. 167.

"PHILADELPHIA, June 24, 1870.

"On or about the 30th of November, 1861, Miss Carroll, as stated in her memorial, called on me as Assistant Secretary of War, and suggested the propriety of abandoning the expedition which was then preparing to descend the Mississippi River, and to adopt instead the Tennessee River, and handed to me the plan of campaign, as appended to her memorial; which plan I submitted to the Secretary of War, and its general ideas were adopted. On my return from the Southwest in 1862, I informed Miss Carroll, as she states in her memorial, that through the adoption of this plan the country had been saved millions, and that it entitled her to the kind consideration of Congress.

"THOMAS A. SCOTT.

"HON. JACOB M. HOWARD,

"Of the Military Committee of the United States Senate."

Again:

"PHILADELPHIA, May 1, 1872.

"MY DEAR SIR: I take pleasure in stating that the plan presented by Miss Carroll, in November, 1861, for a campaign upon the Tennessee River and thence south, was submitted to the Secretary of War and President Lincoln, and after Secretary Stanton's appointment I was directed to go to the western armies and arrange to increase their effective force as rapidly as possible. A part of the duty assigned me was the organization and consolidation into regiments of all the troops then being recruited in Ohio, Indiana, Illinois, and Michigan, for the purpose of carrying through this campaign, then inaugurated.

"This work was vigorously prosecuted by the Army; and as the valuable suggestions of Miss Carroll, made to the Department some months before, were substantially carried out through the campaigns in that section, great successes followed, and the country was largely benefited in the saving of time and expenditure.

"I hope Congress will reward Miss Carroll liberally for her patriotic efforts and services.

"Very truly, yours,

"THOMAS A. SCOTT.

"HON. HENRY WILSON,

"Chairman Military Committee United States Senate."

On the 28th of February, 1872, Judge Wade addressed the following letter:

"To the Chairman of the Military Committee of the United States Senate:

"DEAR SIR: I have been requested to make a brief statement of what I can recollect concerning the claim of Miss Carroll, now before Congress. From my position as chairman of the Committee on the Conduct of the War, it came to my knowledge that the expedition which was preparing, under the special direction of President Lincoln, to descend the Mississippi River, was abandoned, and the Tennessee expedition was adopted by the Government in pursuance of information and a plan presented to the Secretary of War, I think, in the latter part of November, 1861, by Miss Carroll. A copy of this plan was put in my hands immediately after the fall of Forts Henry and Donelson. With the knowledge of its author, I interrogated witnesses before the committee to ascertain how far military men were cognizant of the fact. Subsequently, President Lincoln informed me that the merit of this plan was due to Miss Carroll; that the transfer of the armies from Cairo and the northern part of Kentucky to the Memphis and Charleston Railroad was her conception,

and was afterward carried out generally, and very much in detail, according to her suggestions. Secretary Stanton also conversed with me on the matter, and fully recognized Miss Carroll's service to the Union in the organization of this campaign. Indeed, both Mr. Lincoln and Mr. Stanton, the latter only a few weeks before his death, expressed to me their high appreciation of this service, and all the other services she was enabled to render the country by her influence and ability as a writer, and they both expressed the wish that the Government would reward her liberally for the same; in which wish I most fully concur.

"B. F. WADE."

With the knowledge that the plan had been approved, and on ascertaining some additional facts, showing more clearly the advantages of the Tennessee as the line of invasion, memorialist communicated the following letter:

"JANUARY 5, 1862.

"Having given you my views of the Tennessee River on my return from the West, showing that this river is the true strategical key to overcome the rebels in the Southwest, I beg again to recur to the importance of its adoption. This river is never impeded by ice in the coldest winter, as the Mississippi and Cumberland sometimes are. I ascertained, when in Saint Louis, that the gunboats then fitting out could not retreat against the current of the western rivers, and so stated to you; besides, their principal guns are placed forward, and will not be very efficient against an enemy below them. The fighting would have to be done by their stern-guns, only two, or, if they anchored by the stern, they would lose the advantage of motion, which would prevent the enemy from getting their range. Our gunboats, at anchor, would be a target, which the enemy will not be slow to improve and benefit thereby.

"The Tennessee River, beginning at Paducah, fifty miles above Cairo, after leaving the Ohio, runs across south-southeast rather than through Kentucky and Tennessee, until it reaches the Mississippi line, directly west of Florence and Tusculum, which lie fifty miles east, and Memphis, one hundred and twenty-five miles west, with the Memphis and Charleston Railroad eight miles from the river. There is no difficulty in reaching this point any time of the year, and the water is known to be deeper than on the Ohio.

"If you will look on the map of the Western States you will see in what a position Buckner would be placed by a strong advance up the Tennessee River. He would be obliged to back out of Kentucky, or if he did not our forces could take Nashville in his rear, and compel him to lay down his arms."

To understand the importance of the change in the military movements to which memorialist so largely contributed, it is sufficient to state that, in the autumn of 1861, a combined military and naval expedition had been devised to open the Mississippi, which President Lincoln, in view of the complications with foreign powers, regarded as the most important of the war, and reserved to himself its special direction. The merit of memorialist is that, as early as November, 1861, she was able to perceive the strategic value of the Tennessee line, and with such clearness and strength of conviction as to convince Mr. Lincoln that an advance of the Army up the Tennessee into North Mississippi and Alabama would open the way for the expedition to Memphis, besides free all Kentucky and Tennessee from the enemy; and on the entrance of Mr. Stanton into the War Department, the middle of January, 1862—the gunboats just then being ready—it was determined to put the plan into execution, and Assistant Secretary Scott was sent out to forward the movement, and General Halleck was impelled to undertake it before he thought himself prepared.

Mr. Lincoln and Mr. Stanton knew the weight memorialist's suggestions had in deciding the change of campaign, and the testimony given on this point by Assistant Secretary Scott, and Judge Wade, chairman of the Committee on the Conduct of the War, is conclusive. So far as memorialist knows or believes, no one, either in the military or naval service, had any conception of the strategic importance of this move. On the contrary, so deep a sweep into the Confederate States as memorialist proposed the Army should make, with only a fleet of iron-clads to protect the communications northward, was regarded by the highest in command as not in accordance with military principles.

No order, report, conversation, or communication of any sort, official or otherwise, embodying this conception, has any one ever produced.

Congress, in the enthusiasm inspired by the movement, by resolutions and discussions sought to find and reward the author by a vote of thanks.

The officers connected with the service were wholly uninformed, although it was a matter of frequent inquiry as to the author, as is evidenced by the testimony of General Wallace before the Committee on the Conduct of the War. For the origin and preparation of the plan and the subsequent papers in relation thereto, memorialist refers you to the statement of Judge Evans made to the Senate Military Committee, reported Mis. Doc. 167, Forty-second Congress.

"WASHINGTON, April 27, 1872.

"SIR: Having been requested to state my knowledge of the Tennessee plan of campaign, I respectfully submit that Miss Carroll was the first to conceive and suggest to the Government the practicability and importance of moving the armies from Cairo up the Ten-

nessee River into Northern Mississippi or Alabama, on the Memphis and Charleston Railroad.

"It may be remembered that the rebel power very early in the contest developed a strength and proportion which the country was not prepared to expect. This fact, together with our failure to achieve any early military success, was having a most depressing effect upon the spirit of the country, while the danger of foreign intervention was becoming more and more imminent. Indeed, our Government was warned that without some decided military advantage before spring, England and France would acknowledge the independence of the South, and raise the blockade for a supply of cotton. If, then, we would preserve the Union, we must in a very short period gain a strategic position that would satisfy the country, and convince European powers of the ability of the Government to suppress the rebellion.

"To find this decisive point, and the direction in which a blow could be delivered that would insure this result, became in the autumn of 1861 a matter of the most serious military consideration. It was in this exigency that Miss Carroll visited the West in quest of information in aid of the Union, as she stated to me and as I fully believe.

"From early in October to about the 20th of November, 1861, she was at the Everett House in Saint Louis. I was also in that city, particularly interested in the success of our arms, and conversed almost every day with her upon the military and political situation in that quarter, and especially in reference to the difficulties to be overcome by the expedition preparing to open the Mississippi. I am therefore able from personal knowledge to state the origin of the plan of the Tennessee campaign from its inception to its final draught and presentation to the War Department. The conception which is embodied in this plan occurred to the mind of Miss Carroll about the middle of November, 1861, in conversation with Captain Scott, a pilot on one of the transports connected with the expedition to descend the Mississippi River. She learned some important facts from his wife, whom she met in the hotel, concerning the naval preparations for the expedition, and requested to see her husband that she might be informed as to the special knowledge and opinions of practical steamboat-men, and on his arrival in Saint Louis, after the battle of Belmont, she sent for him.

"When he stated to her that it was his opinion, and that of the pilots generally who were familiar with the western waters, that the naval expedition could not open the Mississippi, that the gunboats were not fitted to fight down that river, and that it was practicable for them to go up the Tennessee, the thought occurred to her that the Government should direct the Mississippi expedition up the Tennessee River to some point in Northern Mississippi or Alabama so as to command the Memphis and Charleston Railroad. In a very earnest and animated manner she communicated this thought to me. Being a native of that section, and intimately acquainted with its geography, and particularly with the Tennessee River, I was at once impressed with the tremendous value of her suggestions. She immediately introduced Captain Scott to me with a request that I would interrogate him on all his special facts. He stated the number and strength of the fortifications on the Mississippi, and the impossibility of the gunboats to reduce them, the width and depth of the Tennessee River, and the practicability of ascending with the gunboats to the foot of the Muscle Shoals, but did not think they could pass above.

"With the view of ascertaining the practicability of a naval expedition to reach Mobile and ascend the Alabama and Tombigbee Rivers, I questioned him as to the depth of these waters also. We were so impressed with the fullness and accuracy of his information that Miss Carroll asked him to write it down for her, to do which he declined from want of education, but finally consented. The same day she writes from Saint Louis to Attorney-General Bates and to Hon. Thomas A. Scott, Assistant Secretary of War, suggesting the change of the expedition from the Mississippi to the Tennessee River, and on her arrival in Washington, the latter part of November, she prepared the plan of campaign appended to her memorial, and submitted it to me for my opinion, and, without signature, placed the same in the hands of Hon. Thomas A. Scott, to be used by the Government without her name being known in its connection.

"She communicated to the pilot, Captain Scott, at Cairo, what she had done, and the probabilities that her suggestions would be adopted by the Government, and requested him to send her from time to time all the information he could gather. He complied with her request, and gave her further important information, from which she prepared a second paper on the Tennessee campaign of January 5, 1862, an imperfect copy of which appears in Mr. Howard's report. I say imperfect, because I have a very distinct recollection of aiding her in the preparation of that paper, tracing with her upon a map of the United States which hung in her parlor the Memphis and Charleston Railroad and its connections southward, the course of the Tennessee, the Alabama and Tombigbee Rivers, and the position of Mobile Bay; and when Henry fell she wrote the Department showing the feasibility of going either to Mobile or Vicksburgh. She has no copy of this letter, but there is an allusion to it in her letter in the autumn of 1862, on the reduction of Vicksburgh. She has, however, a copy of the letter addressed the Secretary of War on the 14th of May, 1862, in anticipation of overwhelming the enemy at Corinth, advising the occupation of Vicksburgh.

"Again, in the autumn of 1862, learning that an expedition was prepared to attack Vicksburgh from the river, she addressed the Secretary of War showing the impracticability of taking Vicksburgh from the river, and stated that the true line of attack was down the Mississippi Central Railroad to Jackson.

"In conclusion, I will state that having critically examined all the plans of our generals and everything official which has been published by the War Department bearing on this point and every history that has been written upon the war, it is evident that up to the time Miss Carroll submitted her plan to the Government, it had not occurred to any military mind that the true line of invasion was not down the Mississippi River, nor yet up the Cumberland to Nashville and thence overland, but that it was the Tennessee River, and on that line alone, that the Mississippi could be opened and the power of the rebellion destroyed.

"It had not been perceived that moving a force up the Tennessee River into Northern Mississippi or Alabama strong enough to maintain itself and command the Memphis and Charleston Railroad would render all the fortifications from Bowling Green to Columbus and from Columbus to Memphis valueless to the enemy, and cause their immediate evacuation, and bring the whole of the Mississippi Valley under the control of the national arms.

"Respectfully submitted.

"L. D. EVANS.

"Hon. HENRY WILSON,

"*Chairman of the Military Committee of the United States Senate.*"

Memorialist submits the following papers, to which Judge Evans's statement referred :

On the fall of Fort Henry she suggested the feasibility of advancing immediately on Mobile or Vicksburg without turning to the right or the left. The copy of this letter has been mislaid or lost, but the original should be on file in the War Department.

Again, on the 26th of March, 1862, on the reduction of Island 10, pointing out the advantages of an immediate seizure of the Memphis and Charleston Railroad :

"The failure to take Island 10, which thus far occasions much disappointment to the country, excites no surprise to me. When I looked at the gunboats at Saint Louis and was informed as to their power, and considered that the current of the Mississippi at full tide runs at the rate of five miles per hour, which is very near the speed of our gunboats, I could not resist the conclusion that they were not well fitted to the taking of batteries on the Mississippi River if assisted by gunboats perhaps equal to our own. Hence it was that I wrote Colonel Scott from there that the Tennessee River was our strategic point and the successes at Forts Henry and Donelson established the justice of these observations. Had our victorious army, after the fall of Fort Henry, immediately pushed up the Tennessee River and taken a position on the Memphis and Charleston Railroad, between Corinth, Miss., and Decatur, Ala., which might easily have been done at that time with a small force, every rebel soldier in Western Kentucky and Tennessee would have fled from every position to the south of that railroad. And had Buell pursued the enemy in his retreat from Nashville without delay into a commanding position in North Alabama on the railroad between Chattanooga and Decatur, the rebel government at Richmond would have necessarily been obliged to retreat to the cotton States. I am fully satisfied that the true policy of General H. is to strengthen Grant's column by such a force as will enable him at once to seize the Memphis and Charleston Railroad, as it is the readiest means of reducing Island 10, and all the strongholds of the enemy to Memphis."

And again, observing in October, 1862, preparations for a naval attack on Vicksburg, she wrote as follows :

"As I understand an expedition is about to go down the river for the purpose of reducing Vicksburg, I have prepared the inclosed map in order to demonstrate more clearly the obstacles to be encountered in the contemplated assault. In the first place, it is impossible to take Vicksburg in front without too great a loss of life and material, for the reason that the river is only about half a mile wide, and our forces would be in point-blank range of their guns, not only from their water-batteries, which line the shore, but from the batteries that crown the hills, while the enemy would be protected by the elevation from the range of our fire. By examining the map I inclose, you will at once perceive why a place of so little apparent strength has been enabled to resist the combined fleets of the Upper and Lower Mississippi. The most economical plan for the reduction of Vicksburg now is to push a column from Memphis or Corinth down the Mississippi Central Railroad to Jackson, the capital of the State of Mississippi. The occupation of Jackson and the command of the railroad to New Orleans would compel the immediate evacuation of Vicksburg, as well as the retreat of the entire rebel army east of that line; and, by another movement of our army from Jackson, Miss., or from Corinth to Meridian, in the State of Mississippi, on the Ohio and Mobile Railroad, especially if aided by a movement of our gunboats on Mobile, the Confederate forces, with all the disloyal men and their slaves, would be compelled to fly east of the Tombigbee.

"Mobile being then in our possession, with 100,000 men at Meridian, would redeem the entire country from Memphis to the Tombigbee River. Of course I would have the gunboats with a small force at Vicksburg as auxiliary to this movement. With regard to the canal, Vicksburg can be rendered useless to the Confederate army upon the very first rise of the river, but I do not advise this, because Vicksburg belongs to the United States, and we desire to hold and fortify it, for the Mississippi River at Vicksburg and the Vicksburg and Jackson Railroad will become necessary as a base of our future operations. Vicksburg

might have been reduced eight months ago, as I then advised after the fall of Fort Henry and with much more ease than it can be done to-day."

Memorialist contributed other papers during the struggle, but those only relating to this expedition are given.

For military reasons the authorship of the plan was not made public at the time, though known to a few friends, in and out of Congress, among these Judge Whittlesey, of Ohio. His estimate of the service is evidenced by the following letter, found among his private papers, and transmitted to memorialist only a short time since:

"TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,

"February 20, 1862.

"This will accompany copies of two letters written by Miss Anna Ella Carroll to the War Department. Having informed me of the contents of the letters, I requested her to permit me to copy her duplicates. When she brought them to me, she enjoined prudence in their use. They are very extraordinary papers, as verified by the result. So far as I know or believe, our unparalleled victories on the Tennessee and Cumberland Rivers may be traced to her sagacious observations and intelligence. Her views were as broad and sagacious as the field to be occupied. In selecting the Tennessee and Cumberland Rivers instead of the Mississippi, she set at naught the opinions of civilians, of military and naval men. Justice should be done her patriotic discernment. She labors for her country and for her whole country.

"ELISHA WHITTLESEY."

And after the close of the war, for reasons not necessary here to relate, memorialist delayed application to Congress for proper recognition until 1870, and then upon the advice of Judge Wade in connection with his conversation with Mr. Stanton on the matter, just previous to his death, as will appear by the following:

"MARCH 28, 1873.

"MY DEAR JUDGE WADE: I took a memorandum at the time of some remarks of yours to me in a conversation we had in January, 1870. Alluding to the recent death of Secretary Stanton, you said I 'had lost a strong friend in him,' and repeated several remarks he made to you respecting myself in connection with the services I had rendered the country in the civil war. I inquired how long since this was said. You replied, 'Why the very last time I ever saw him; only a few weeks before he died. I was with him on that occasion four hours. He voluntarily spoke of you, and said there was one person who had done more to save this country than all the rest of the border State people together, and who to that time had had no proper recognition or reward for it. I asked him who he meant? He said, 'Why, Miss Carroll.' I told him I had always known that. He said, if his life was spared, he intended you should be properly recognized and rewarded for originating the Tennessee campaign, that the merit belonged to you, and he would see you through Congress if he lived.' Your remarks, coming so recently from Mr. Stanton, impressed me very much, especially as they accorded so fully with what he said himself to me some two years before. I would be pleased if you can recall what I have stated.

"With great esteem,

"A. E. CARROLL."

"WASHINGTON, March 31, 1873.

"MISS CARROLL: I have received your note, in which you desire me to state the language in which Mr. Stanton expressed himself in reference to your services during and after the war, the substance of which you already have. I remember that he stated those sentiments with great earnestness, but after such a length of time I cannot undertake to state the exact language that he used, but when I related to you what he said, so soon after the event, I doubt not that I used or rather repeated very nearly the language he used in expressing himself to me, and there is nothing in your relation of what I told you that conflicts with my recollection of his language to me.

"Yours, truly,

"B. F. WADE."

{ The transfer of the armies from the banks of the Ohio, up the Tennessee River, to the decisive position in Mississippi, will ever rank among the very few strategic movements in the world's history that have decided the fate of empires and peoples. No true history can be penned that does not assign to memorialist the credit of its conception, or withhold the names of the gentlemen who furnished the facts that inspired the conception of memorialist as well as the names of those who executed it.

Memorialist also respectfully invites the consideration of Congress to her claim for compensation for certain publications in and of the Union under the agreement with the War Department, in September, 1861. In the previous summer, having prepared, in pamphlet

form, an answer to Senator Breckinridge's speech, in the July session of Congress, the War Department decided to circulate it as a war measure, and advanced thereon \$1,250. It was then agreed between memorialist and the War Department that she should continue her services in this form, to be submitted for approval to the Department, and, if approved, to be paid their value. Upon this understanding, the pamphlet on the War Powers of the Government was submitted in December, 1861, approved, and published; and memorialist was informed payment would be made on the next appropriation, a few days later.

The Relations of the Revolted Citizens to the National Government was written to meet the express views of the President, and by him approved. On his request, other papers on the colonization of the freedmen were published, and she continued to write and publish subsequently on various questions that were evoked by the struggle.

In the following July, 1862, memorialist presented an account for the pamphlets that had been accepted. The Assistant Secretary of War suggested the form and advised memorialist to obtain the opinion of one or more competent judges as to the reasonableness of the charges and a statement of the understanding upon which they were written. On calling Colonel Scott's attention to the matter, he stated: "The credit of \$1,250 was erroneously made, as he, not having had time to settle before leaving the Department, had taken no credit; therefore it was proper to insert it in her account, as the Government had not paid it, and wrote to Assistant Secretary Tucker the following letter, reported *Mis. Doc.* 167:

"PHILADELPHIA, January 16, 1863.

"Hon JOHN TUCKER, *Assistant Secretary of War*:

"I believe Miss Carroll has fairly earned and ought to be paid the amount of her bill, (\$6,750,) and if you will pay her I will certify to such form as you may think necessary as a voucher.

"THOMAS A. SCOTT."

Mr. Tucker not having the settlement of the account, and the matter being referred to Assistant Secretary Watson, memorialist submitted the account indorsed by many eminent men as reasonable, and Hon. Thomas A. Scott's recollection of the agreement upon which they were produced.

Mr. Watson tendered but \$750, with a receipt in full. On objecting, he said her redress was with Congress, and upon being informed by Mr. Reverdy Johnson that the receipt would not bar her claim she accepted it. A copy of the account with indorsements, &c., is herewith presented and made a part of this memorial, the original being on file in the War Department.

The Senate Military Committee, Forty-first Congress, third session, Report 339, referring to these publications said: "Miss Carroll preferred a claim to re-imburse her for the expenses incurred in their publication, which ought to have been paid."

Memorialist having established by the most conclusive evidence that she rendered the services as set forth, and that they were of great value to the country, asks Congress to make compensation for the military service somewhat in proportion to its value to the country, and an equitable amount for her publications in aid of the Union at the same period.

Respectfully submitted.

ANNA ELLA CARROLL.

*Secret-service fund of the War Department to Anna Ella Carroll, Dr., as per agreement with Hon. Thomas A. Scott, Assistant Secretary of War.*

1861.	
Sept. 25. To circulating the Breckinridge Reply.....	\$1,250
Dec. 24. To writing, publishing, and circulating the "War Powers," &c.....	3,000
1862.	
May. Writing, publishing, and circulating the Relations of the National Government to the Rebelled Citizens.....	2,000
	6,250
Credit, October 2, 1861:	
By cash.....	1,250
	5,000

PHILADELPHIA, January 2, 1863.

I believe Miss Carroll has earned fairly, and should be paid, the compensation she has charged above.

THOS. A. SCOTT.

All my interviews with Miss Carroll were in my official capacity as Assistant Secretary of War, and in that capacity I would have allowed, and believed she should be paid, the amount of her bill within, which is certified as being reasonable by many of the leading men of the country.

THOS. A. SCOTT.

PHILADELPHIA, *January 28, 1863.*

The pamphlets published by Miss Carroll were published upon a general understanding made by me with her as Assistant Secretary of War, under no special authority in the premises, but under a general authority then exercised by me in the discharge of public duties as Assistant Secretary of War. I then thought them of value to the service, and still believe they were of great value to the Government. I brought the matter generally to the knowledge of General Cameron, then Secretary of War, without his having special knowledge of the whole matter; he made no objections thereto. No price was fixed, but it was understood that the Government would treat her with sufficient liberality to compensate her for any service she might render, and I believe she acted upon the expectation that she would be paid by the Government.

THOMAS A. SCOTT.

PHILADELPHIA, *January 28, 1863.*

Without intending to express any assent or dissent to the positions therein asserted, but merely with a view of forming a judgment in respect to their merits as argumentative compositions, I have carefully perused Miss Carroll's pamphlets mentioned in the within account. The propositions are clearly stated, the authorities relied on are judiciously selected, and the reasoning is natural, direct, and well sustained, and framed in a manner extremely well adapted to win the reader's assent, and thus to obtain the object in view. I consider the charges quite moderate.

CHARLES O'CONOR.

NEW YORK, *October 10, 1862.*

Without having seen the writings mentioned in the within account, I have heard them so favorably spoken of by the most competent judges that the charges of the account seem to be most reasonable.

REVERDY JOHNSON.

WASHINGTON, *September 19, 1862.*

Having been requested to give my opinion of the pamphlets described in the within list, I have in a cursory way looked them over. As I have but just returned from Europe from a long absence, and am at present with many unsettled matters of my own, I cannot undertake, therefore, to study them. From the examination I have given to them I cheerfully say they appear to be learned and able productions and the work of a well-stored mind. They are written in a clear style, and must be read with interest and advantage, and certainly cannot fail to be of service to the cause they uphold. Much labor must have been given to these productions. Their actual value in money I cannot determine, but I think they are well worthy of a high and liberal compensation.

BENJAMIN H. BREWSTER,  
706 Walnut Street, Philadelphia.

OCTOBER 11, 1862.

I have read several of the productions of Miss Carroll, and, among others, two of the within-mentioned. The learning, ability, and force of reasoning they exhibit have astonished me.

Without concurring in all the conclusions of the writer, I think that the writer is fully entitled not only to the amount charged, but to the thanks and high consideration of the Government and the nation.

RICH'D S. COXE.

WASHINGTON, *September 23, 1862.*

Having read with care the several pamphlets mentioned within, and comparing them with professional arguments in causes of any considerable importance, and considering the vast learning and the ability with which it is handled, I have to say that in my judgment the charges are not only very reasonable, but in the estimation of all men of learning who will carefully examine the documents be deemed too small.

L. D. EVANS.

WASHINGTON, D. C., *September 10, 1862.*

I have read the pamphlets mentioned within, together with others on similar subjects, written by Miss Carroll, and I fully concur in the opinion above expressed, believing that said pamphlets have been of essential service to the cause of the Union.

S. T. WILLIAMS.

WASHINGTON, D. C., *September 23, 1862.*

I have carefully perused some time since the papers within referred to, and without entering into any question of concurrence or non-concurrence of views, I deem the documents of great value to the Government, and that the estimate of the account is reasonable.

R. J. WALKER.

SEPTEMBER 8, 1862.

## CARROLL CLAIM.

COMMITTEE ON MILITARY AFFAIRS, *July 11, 1876.*

Present of the committee: Messrs. Williams and MacDougall.

Miss A. E. Carroll appeared in person, and by counsel, Mr. L. D. Evans.

Charles M. Scott appeared in person.

Miss A. E. CARROLL, having been duly sworn, read the following statement:

In the autumn of 1861 my attention was arrested by the confidence expressed by southern sympathizers in the Southwest that the Mississippi could not be opened before the recognition of southern independence. I determined to inform myself what the pilots thought of the gunboat expedition then preparing to descend that river. On inquiry I was directed to Mrs. Scott, then in the hotel, whose husband was a pilot, and learned from her that he was then with the expedition that had moved against Belmont, and the important facts she gave me increased my wish to see Mr. Scott. On his arrival in Saint Louis, I sent for him. He said it was his opinion and that of all the pilots on these waters that the Mississippi could not be opened by the gunboats. I inquired as to the navigability of the Cumberland and Tennessee. He said at favorable stages of water the gunboats could go up the former as high as Nashville, and the latter at all stages as high as the Muscle Shoals in Alabama. The moment he said the Tennessee was navigable for the gunboats the thought flashed upon me that the strongholds of the enemy might be turned at once by diverting the expedition in course of preparation to open the Mississippi up the Tennessee, and, having had frequent conversations with Judge Evans on the military situation, I left the room to communicate this thought, as he had just then called at the hotel, and asked him if it would not have that effect. He concurred that it would, and that it was the move if it was a fact that the Tennessee afforded the navigation: and he accompanied me to interrogate Mr. Scott, to be satisfied as to the feasibility of the Tennessee. The interview was prolonged some time. At the close I told Mr. Scott it was my purpose to try and induce the Government to divert the Mississippi expedition up the Tennessee River, and asked him to give me a memorandum of the most important facts elicited in the conversation, and wished them for this object. I further stated my intention to pen the history of the war, and requested him to write, from time to time, all valuable information he might be able, and I would remember him in my work. The same day I wrote again to Assistant Secretary of War Scott, to whom I had promised to communicate the result of my observations while in the West, and also to Attorney-General Bates, to both of whom I urged the importance of a change of campaign. On reaching Washington I found Mr. Scott's letter, containing substantially the facts I had elicited in the conversation, but, as a matter of fact, I was not indebted to it, for I left Saint Louis fully alive to the vast importance of my own conception, and my paper would have been prepared all the same had I not received it at all, as can be proved by the testimony of Judge Evans and Hon. Frederick Fickey, who were cognizant of the facts.

On learning the navigability of the Tennessee I perceived the strategic advantages of an army up that stream to the Memphis and Charleston Railroad, and with such clearness and strength of conviction as to secure its realization, with which Mr. Scott had absolutely nothing to do.

I sought Mr. Scott because he was a pilot and could give me the pilot's information, and

this he did give me, and I made it available to the salvation of the Union; but can any one say that these facts would have found their way from his brain to the War Department, and passed into the realization in the supreme moments of the nation's existence? It was only after I had impressed him with the idea of the importance of the information that he consented to write to me from time to time, and when he did, I stimulated and flattered him for the valuable information given me. But for me he would have simply continued the rôle of pilot-duty, and when with associates and other pilots would doubtless have speculated on this and that plan, as many were doing. Had Mr. Scott have had in his mind any clear and well-defined plan for military operations up the Tennessee River he could not have failed to have impressed it on the military and naval men with whom he was in contact for so long a time. That he had none is evident from the fact that General Grant and Admiral Lee, in their letters acknowledging valuable information furnished them of the Mississippi and Cumberland, make no mention whatever of the Tennessee River. All well-informed pilots of the western waters knew this gunboat fleet could not open the Mississippi within any reasonable time, and that the Tennessee was feasible. Strangely enough, it had never occurred to any military man to go to these river-pilots to inquire for these facts, and that is just what I did, and when I obtained them I saw their tremendous significance, and promptly turned them to account. I stated at the War Department that I had no doubt of their accuracy, as I had so derived them, and because, as a class, I knew the pilots must have more special knowledge on the subject than any other.

Mr. Scott sought my aid in Washington in 1865, and represented that he had been badly treated and was in great need to secure his prize-money then, and aid him in securing some thirty thousand dollars' worth of cotton, which he alleged to own in the South. I published an article in the National Intelligencer, which exceedingly gratified him, and was more than he had any right to have expected. Some months after Mr. Howard's report in 1871, awarding the merit of the Tennessee campaign to myself, I saw Mr. Scott in Saint Louis. He said, "he thought I was very right not to accept any small amount for my service, that the Government ought to give me at least a million," but manifested some displeasure that I had not given more prominence to him in the first memorial; said he had nothing against my claim; that was my due, but thought he was entitled to consideration for his losses and for the information given me and the military commanders, but would make no demand on the Government if I would give him \$5,000, a proposition I did not entertain.

After the publication of the magazine article, which I did not write, and which was not completed, I sent him a copy, which I supposed would please and interest him, as I had just previously had a letter expressing the wish of himself and wife that my claim might be successful at that session of Congress. I was therefore greatly surprised when I received a letter indicating his hostility, because he had not been mentioned in the pamphlet.

I also received a letter from Dr. McCoy, about the 15th of February, 1872, a friend of Mr. Scott and family, who said: "Scott seems to think himself neglected, inasmuch as he is not mentioned in the pamphlet. He speaks thus: 'I do not expect any remuneration, nor did I intend any publication, until the pamphlet came, and I saw that if I let this go now I could say but little hereafter. I do not wish to interfere with Miss Carroll's getting all she may from Congress; it is her due; but I do not want an historic injustice done me, and thus I am constrained to do something.' This is his idea and very near his language." On the 3d of March, McCoy again wrote that Scott said "his papers were ready and he should put them in the publisher's hands before he left, and that he should not put himself in condition that any one could charge him with the appearance of blackmailing." Not long after the receipt of this letter I received a letter from Mr. Scott, inclosing a petition to Congress for remuneration for loss of boat and for information furnished the military and myself. He said he thought these matters would make a good basis for a claim; and if I would take it in hand he thought I might secure favorable action with less difficulty than my own claim. In Saint Louis, in 1871, Mr. Scott did not pretend to question my claim, but stated that if I had his first letter, I would see that he had suggested in it the campaign; said he had no copy; that he gave his copy to General Grant, with my letter, and that he never returned them. He wrote his version in pencil and gave it to Judge Evans, whom I respectfully ask the committee to hear on this matter.

The New York Tribune in 1874 published a card signed C. M. Scott, charging that I had purloined his plan which he addressed to the Secretary of War and sent to my care. The statement is untrue in every particular. I have in every way given Mr. Scott credit for all his merit, and on every suitable occasion—in the National Intelligencer article in 1865, in a letter to the War Department, in my memorial to Congress, and letter to Dr. Draper, copies of which I herewith submit to the committee. During the War I revised and published his letter to me, descriptive of the Pittsburgh Landing battle, which I sent to Mr. Stanton and the President.

As heretofore stated in my communication to Congress on "literary services" my correspondence at this period was not carefully preserved, and much of it was mislaid or lost at home. I cannot find several of Mr. Scott's letters, among them his first, but I have several in which he refers to his first letter, and the character of it.

By Mr. SCOTT:

Q. Did you, Miss Carroll, or did Judge Evans, who was present at the conversation, have

any knowledge of the Tennessee River until that conversation with me?—A. [By Mr. Evans.] None whatever; it never occurred to me.

Q. Did it to Miss Carroll?—A. [By Mr. Evans.] No, sir; she admits that it did not.

Q. Was it not represented to me that Miss Carroll was an agent of the Government to collect information for the prosecution of the war?—A. [By Miss Carroll.] No, sir; nothing of the sort. There was nothing about it, except that he supposed that I was a Union woman.

Q. Was it not you, Judge Evans, that I went to see when I went there first?—A. [By Mr. Evans.] No, sir; it was not me.

Q. Miss Carroll states that it was at her invitation I met her at the Everett House. Was it she or Judge Evans that sent the invitation?—A. [By Miss Carroll.] It was Miss Carroll.

The account Mr. Scott gives as to how the interview with me was brought about in November, 1861, as also the interview itself, is incorrect in every particular.

I have no recollection of ever hearing that his wife received any letter from him. The day it was made known in Saint Louis that an engagement had taken place at Belmont, I saw Mrs. Scott, who manifested great anxiety for the safety of her husband. The next day she removed from the hotel, and, some days thereafter, on learning of Mr. Scott's arrival, I wrote her a note, requesting him to call and see me. When Mr. Scott sent up his name Judge Evans was in the room, where I was engaged in writing. He did not know until then that I had sent for Mr. Scott—manifested no wish to see him—and I did not ask him to go down, and but for the fact that the idea of the strategic advantages of the Tennessee River took possession of my mind, and I returned to communicate this to him, Judge Evans, perhaps, would never have seen Mr. Scott. He returned with me to be satisfied of the practicability of the gunboats ascending the Tennessee, as I requested.

Mr. Scott's statement that he hesitated when interrogated to reveal his knowledge until assured by Judge Evans that he and myself were secret agents of the Government is utterly untrue; no such idea was ever intimated, nor did I know that Judge Evans held any commission from the Government until many months after, when I learned it from Fremont's testimony before the "Committee on the Conduct of the War."

Judge Evans rejoined me. He proposed going to the Rio Grande. As to his business, I did not know, but at that time he had abandoned the idea of going farther west, and had decided to return to Washington.

Mr. Scott manifested not the least hesitation to tell everything he knew, and was exceedingly communicative. Judge Evans suggested to me, "Might it not be well to get a memorandum of the important facts we have elicited?" I did so request, and requested Mr. Scott to continue to write me all the information he could obtain. He objected strongly on the ground that he had no skill with the pen.

On receipt of Mr. Scott's first letter, which contained nothing more than the substantial facts he had given me in Saint Louis, I replied, thanking him for compliance; stated I had used them and deemed them of very great importance. I do not remember the precise language of my letter, but know that I never stated that the facts had been examined and verified at the surveyor-general's office or that Andrew Johnson had expressed the opinion that the Tennessee was not a navigable river. I never heard of anything of the sort.

It was early in December, 1861, when I wrote the letter and requested any further facts Scott might have obtained of the Tennessee River, &c. His reply is given in the *Intelligencer* articles. Scott states he gave to General Grant the copy of his first letter to me, which embraced "three sheets of foolscap." I know not what he may have given to General Grant; but I know that I never received from him any letter or communication of the kind. Scott, in 1865, informed me that Grant saw a letter to him, with the Washington post-mark, and inquired if he (Scott) was in correspondence with "the Washington people," and that he then handed my letter to Grant, which was about the 15th December, 1861. Desiring to get the facts in 1871, I referred to this statement, when Scott gave another and different version, which is in evidence.

Scott relates in his testimony that, in 1865, he sought Judge Evans's aid to secure a permit to bring out cotton from the South. This is entirely untrue. Scott called on me for aid in the matter, and Judge Evans had nothing to do with it further than when I informed him, in Scott's presence, what he wished of me, the judge may have made to me some suggestions as to the best mode of procedure. No papers were drawn; none were needed. Scott gave me a memorandum of the amount of cotton-bales, and where situated; but he furnished no evidence of ownership. I took his statement to the Department, procured the regulations, and wrote him when he complied with them he could get his cotton without tax. He said the cotton was worth \$30,000, and offered me one-fourth for aiding him; but I heard nothing further of Mr. Scott's cotton, nor did I ever think it worth while to inquire at the Department.

Scott makes the statement that the first time he ever heard of the *National Intelligencer* article it was shown him in *print*. This is not true. I showed it to him in the manuscript while all his wife's letters and his own were lying upon my table, and offered then to return his wife's letters. He gave no intimation that my communication to the War Department, as given in that article, was a transcript from his letter which was then before

us. Scott then knew that the idea of advancing the Army up the Tennessee River was mine; and when he saw, in that article, that I had credited him with the facts that suggested the idea to my mind of that campaign, he manifested the greatest delight—urged me to publish it as a communication, and that he would pay for it, and requested me to have fifty copies reserved for him; and he did pay for it.

As I stated, some months ago, to the chairman of the committee, all the papers first submitted to the Senate Military Committee were lost, among which was a copy of the letter of the 5th of January, 1862. I supplied their place, as far as I had copies of the originals, and requested Mr. L. R. Evans to make them out; and, in doing so, he copied the important facts I had taken from Scott's letter as a basis, and it was published imperfectly before I discovered it. Judge Evans, in his testimony before the committee in 1872, called attention to it that it was an imperfect copy of my letter which he assisted me in preparing.

The letter Mr. Scott has put in evidence as having been sent to me in 1872, is not true. I received no such letter from him. The answer to the one he wrote me at that time is on file in evidence, and to it I ask attention, as it will indicate the character of his letter to me. I sent the letter of Scott to Judge Evans.

Subsequently he made and inclosed me a copy of an intended application to Congress, to which I have heretofore referred, and which is in evidence.

A. E. CARROLL.

In 1865, when referring to my service in originating the Tennessee campaign, I called Scott's attention to my paper of November, 1861, and he understood perfectly well that that idea of that military movement originated with me, and with this understanding I published in the National Intelligencer article a copy of that paper and gave him credit for the facts that suggested the idea to my mind.

After reading the manuscript, he was so much pleased that to insure its publication he offered to pay and did pay the editor \$35 for its insertion, and took, I believe, fifty copies of the paper.

Then everything was fresh that had been said or written, and all his letters to me and all his wife's letters that related to the advance upon the Tennessee were on the table and everything that tended to Scott's advantage was given in that article.

Scott during this interview sought to impress me that General Grant got the idea of moving up the Tennessee from my letter to him. He said, when he arrived at Cairo, General Grant observed the post-mark, and said, "Why, Scott, are you in correspondence with the Washington folks?" Scott said yes, and as soon as he read it, handed it over to General Grant, and told him how he became acquainted with me in Saint Louis, and as soon as Grant read the letter, he turned to him and said, "Why, I never heard of this before," and asked Scott to leave the letter with him, which he did.

Scott then went on to say what information he had given General Grant and Admiral Lee of the Mississippi, Tennessee, and Cumberland Rivers, and as evidence as to how they appreciated his information, showed me their letters, copies of which I made at the time and are in evidence.

I remember that Scott at this time asked if I had not seen myself spoken of in the western papers as the author of the Tennessee campaign, though he said my name was not given, and that he had told a correspondent that the lady referred to came to the West early in the war, and sought information from him, and he had posted her, and knew, therefore, that it was true.

I then supposed Scott was telling me the truth, until I read the article in the Cincinnati Commercial of November, 1862, which does not contain a particle of truth.

Having determined to appeal to Congress for recognition of my service to the country, I saw General Grant in January, 1867, to ascertain his knowledge as to the origin of the Tennessee campaign, having in my hand a copy of my paper. I stated briefly its purport and how I came to prepare it, and said I believed I had been the first to suggest that movement to the administration. He asked if I got my information of Scott, the pilot: I said that I had, for I did not know that any military man would think of going to that class of men for information. He replied that that movement ought to have occurred to every military mind. I said, but it seemed not to have done so to any unless it had to his own. He then stated that Badeau was writing the history of his military campaigns, and he was supervising the work and was as responsible for every fact stated as though the book was written by himself: but as to the opinions of Badeau, that was a different matter, and with that part of the book he had nothing to do. He said, however, that the work was then temporarily suspended in consequence of the illness of Badeau, who was threatened with softening of the brain, but that he would advise me to delay action until the book was published, as I would then be in possession of all he knew on the subject, and remarked, "I most certainly would, were I in your place, claim in history my own connection with the matter."

Acting on this suggestion, I delayed my application to Congress.

I was impressed by that conversation with the belief that General Grant had a copy of the Intelligencer article, but upon reflecting that Scott had two years before told me he showed my letter to General Grant at Cairo in December, 1861, in which reference was made to the Ten-

nessee River, I wrote a letter to General Grant, a copy of which is in evidence. On account of my own claim and to establish an historical fact, I was anxious in 1871 to know if it was the truth that Scott did in December, 1861, place my letter in the hands of General Grant, and for this purpose saw Scott when in Saint Louis. He then reiterated that he did, but the statement which is in evidence varied from his oral statement in 1865. At this time he said he gave General Grant a copy of his letter to me also, and assumed that Grant got his ideas of the Tennessee River from his letter to me, and that Grant had acknowledged as much in an autograph letter to him. I reminded him that he had shown me that letter in 1865, of which I made a copy, and which is now in evidence, and that Grant referred to valuable information of the Mississippi and Cumberland, but made no mention whatever of the Tennessee River. I told Scott that General Grant had negatived his whole statement in Badeau's book; that he had stated therein that no one had ever mentioned the Tennessee River to him except Gen. C. F. Smith in his report of January, 1862. Scott said in proof of his statement he could get the affidavit of his partner, Barclay, and perhaps one other. I requested him to do so and forward to me. And now in his testimony before the committee he gives a totally different statement from either of his previous ones.

At this date, the middle of December, 1861, Scott had written me but one letter, and I had written but once to him. Not a word was said in my letter about verifying facts or the opinion of Andrew Johnson. Nor did Scott write me a word about the advantages of the Tennessee, through Chatanooga and Knoxville, nor did he ever mention Mobile and the Tombigbee River.

When in Saint Louis in 1871, Judge Evans, in my presence, stated to Scott why he interrogated him so fully in 1861, as to the navigation of the Tennessee River between the Muscle Shoals and Chattanooga, and from there to Knoxville, and the navigability of the Tombigbee and Alabama Rivers, &c. And to illustrate how little leading men knew of the Tennessee River, he mentioned that a gentleman from Corinth told him, in the summer of 1862 that after the fall of Henry, Andrew Johnson had said the Tennessee was not navigable in the summer months.

And now these statements of Judge Evans, made in 1871, are introduced by Scott in his own testimony and in the affidavits he furnishes, as being part of a correspondence that transpired in 1861, ten years before Scott or myself had any knowledge of the facts.

I now beg leave to introduce the deposition of Hon. Frederick Fickey, jr., and copies of original letters from Hon. Frederick Fickey, jr., and copies from the original letters of the late Ex-President Fillmore, Hon. Edward Bates, Hon. Wm. Mitchell, Hon. Samuel T. Williams, Captain James Tilghman, and Governor Hicks of Maryland, all of which are true copies.

A. E. CARROLL.

OAKLAND, GARRETT COUNTY, MD.,  
July 31, 1876.

I, Fred Fickey, jr., a resident of Baltimore City, swear: That I was the treasurer of the Union State central committee during the first two years of the rebellion; that I was well acquainted with Miss Anna Ella Carroll, and had frequent communications with her upon the political and military situation of the country.

In November, 1861, I saw her in Baltimore, on her return from the West. She remarked "that she was convinced that no expedition down the Mississippi could succeed in time to save the country, and that she had ascertained that the Tennessee afforded navigation for gunboats, and there was difficulty in moving the armies up that river into Mississippi and Alabama, within a mile or two from the Memphis and Charleston Railroad, and had suggested (from Saint Louis) to the Government to change the programme, and she would as soon as she reached Washington urge the importance of an advance upon the Tennessee, which would crush the rebellion.

I asked her if I might state this to Governor Hicks, whom I expected soon to see; to which she assented, and I did so inform him.

A month or two after the foregoing statement of hers, I again saw her in Baltimore, at which time she stated "she had, soon after seeing me in November, prepared and submitted a paper to the War Department containing her views as stated to me of the advantages of the Tennessee, and proposing an advance up that river," (a duplicate of which she read to me.) She was not sure but believed the Government had adopted it.

After Henry and Donaldson fell, Governor Hicks and myself recounted the subject of the Tennessee campaign, as it had been communicated by Miss Carroll, and neither of us ever doubted but that Miss Carroll had caused the movement. During the progress of the campaign we often remarked upon it, and fully believed the credit due to her, and I do now confidently believe that the Tennessee campaign was originated by her.

FRED FICKEY, JR.

Subscribed and sworn to before me, the subscriber, a justice of the peace for the State of Maryland, in and for Garrett County, this 1st day of August, in the year 1876.

E. G. HALL, J. P.

L. D. EVANS being duly sworn, made the following statement :

In view of the questions which Captain Scott has asked, I can perhaps point out the source of the error into which he has fallen. I went to Saint Louis in the fall of 1861. I was intrusted with a commission to the Mexican frontier, and I was dependent upon the military authorities for success in reaching my destination. I may have stated that fact to Captain Scott in conversations, and inquired in relation to General Frémont and the situation of affairs in Missouri, but that was not until after Miss Carroll had conceived and submitted to me her idea of the Tennessee campaign. Miss Carroll was seeking the information she has stated as to the probability of the success of the Mississippi campaign. Mrs. Scott had left the hotel before Captain Scott returned from Belmont, and upon Miss Carroll learning that Captain Scott had arrived she sent a note to him and he called at the Everett House in Saint Louis, and saw her. I was not boarding at the house, but I was then engaged in writing, which brought Miss Carroll and myself in intercourse daily, and I was in her room at the time Captain Scott sent up his card, in response as I understood (and as he has admitted in some of his papers) to an invitation from Miss Carroll. Miss Carroll left the room and soon returned, very much animated, and stated the fact that Captain Scott had said that the Tennessee River was navigable and the idea of moving up the Tennessee River was then broached by her, and she asked my opinion. It at once flashed upon me, as it had upon Miss Carroll, that if the Tennessee was navigable it was the move, and I immediately went with her for the purpose of satisfying her and myself as to the feasibility of navigating the Tennessee. This was between the 15th and the 20th of November, 1861. Perhaps the committee might better understand the rapidity of the impression made upon my mind when I stated that the question of the military movements, not only in General Frémont's department, but also to the southward, had been a subject of frequent and anxious inquiry on my part. As a native of the South, and a fugitive from the South, if you please, I was alive to every question of that character, and had informed myself as to the general plans of military operations and the position and strength of the enemy. My attention was first called to the gunboats by Secretary Chase, in August, and then again I was interrogated at great length by General Frémont, with the maps before him, as to the military topography of the Mississippi Valley. He pointed out on the map the railroad connections, and the positions of the enemy, and expressed his regret that he had not possession of Bowling Green; he said that it was a great blunder to let the enemy get possession of Bowling Green, but that he had some compensation, having seized Paducah. Frémont's idea at that time, as I understood, was, after breaking the enemy's lines, to move a column east of the Mississippi to Memphis. He concurred with me that there were no high bluffs below Cairo to Helena. The Tennessee River as a line of invasion had never suggested itself to General Frémont—it had not entered my mind. The subject of the military movements in that region had been a matter of frequent conversation and inquiry on the part of Miss Carroll, and she was very thoroughly posted in regard to it. As soon as Captain Scott mentioned the navigability of the Tennessee River, the strategic value of the information flashed upon her mind, and when stated to me it struck my mind also. I at that time had never seen Captain Scott, and I went with her to the parlor and was introduced by Miss Carroll. In the statement which Captain Scott gave me in Saint Louis in pencil, and which is submitted to the committee, he states how the conversation came up between us. Now, I do not undertake to say but what that is correct—I mean what he says about my interrogating him about General Frémont, though I have no recollection of it. My mind was fixed upon the great question of moving up the Tennessee to the Memphis and Charleston road, and it was with that view, as I stated in my testimony before a former committee, that I interrogated Captain Scott at great length, going over the whole ground of the Mississippi, Cumberland, Tennessee, and the Alabama, and Mobile Bay. I interrogated him on all these points, with the view of learning the feasibility of military operations there, and I found him exceedingly intelligent and well posted. The suggestion that he should write down the result of his observations was from myself. I advised Miss Carroll that he should communicate with her. She finding him intelligent in conversation, requested him to become a correspondent—for that was really the capacity—and after much hesitation and excusing himself on account of his want of education, he promised to comply, which promise he very faithfully kept, and communicated to Miss Carroll a great deal of very valuable information, much of which, however, as she has stated, she has lost. The battle of Pittsburgh Landing was one of the best descriptions, and she has also a description of Donelson. They are reserved for history. I wish to state another fact very distinctly, which I have no doubt Captain Scott has forgotten. On returning to Washington, Miss Carroll showed me a letter received from Captain Scott—his first letter—which recited substantially the facts that he had gone over in conversation—a very full letter, which was used in her first paper. As she states, however, she was not dependent upon that letter, because having got the information orally, her paper would have been prepared without having received that letter from Mr. Scott, as she was fully competent to prepare it with the aid that I could give her, I being (with the exception of the river information) perhaps better acquainted with the military topography of that region than Captain Scott.

By Mr. MACDOUGALL:

Q. When did you first become acquainted with Miss Carroll?—A. Some twenty years ago.

Q. Did you go to Saint Louis to meet her in relation to these matters?—A. O, no. As I have stated, I was then seeking to go to Mexico. I went to Saint Louis with a letter to General Frémont. I met Miss Carroll there, where she had gone to visit her relatives, and, as she states in her memorial, for the purpose of gaining information, being then engaged in writing, under an agreement with the War Department, and was collecting information for that purpose.

By Mr. WILLIAMS:

Q. How long had she been there when this conversation with Scott took place?—A. Some four weeks I presume.

By Mr. MACDOUGALL:

Q. How long had you been there before this conversation with Scott?—A. I was there first in September. I returned to Washington, and went back about the middle of October, the time that she went.

Q. You went from Washington to Saint Louis with Miss Carroll?—A. I do not know whether from Washington or Baltimore; I think I met her in Baltimore; I presume I did; her home was then in Maryland. I don't think I left Washington with her. She had at that time an agreement with Col. Thomas A. Scott, Assistant Secretary of War, under which she was engaged in writing. The result of her writings in pursuance of that agreement I have here and can submit.

To return, Miss Carroll, when she prepared that paper, submitted it to me, and I advised her that it embraced the important facts, and she carried it to the War Department, and laid it before Colonel Scott, as she states and as I believe. Miss Carroll then wrote to Captain Scott; I don't know whether I saw the letter, but I heard her speak of it often. I cannot remember its contents, except that it was acknowledging the receipt of his letter, thanking him for the information, and desiring him to write further; with which request he complied, writing her a very important letter in relation to the Tennessee River. She used the ideas conveyed in preparing a paper, which, by the way, is incomplete. Captain Scott made his appearance in Washington in 1865, just before the surrender. He then, as stated by Miss Carroll in this paper, came to her and to me, and claimed that he was entitled to some prize-money, and also that he was interested in some cotton. Perhaps he gave me the history of how he obtained the claim; that I don't recollect, but he desired a permit to get it out, and it was with that view, and to give him prominence, that the article in the *Intelligencer* was written. That article was written by me, or at my dictation, and signed by Miss Carroll. It was written not only to do Captain Scott justice, but also to give him prominence and standing, as he complained of injustice having been done him. It was at that time that he exhibited letters from General Grant and Admiral Lee. He had been down to City Point, and he produced those letters, and I called his attention to the fact that General Grant, though acknowledging important information in relation to the Cumberland, made no mention of the Tennessee River. I suppose Captain Scott has those letters. Copies of them are referred to in these papers, and I know the copies are correct, because the question came up in 1871. Captain Scott still thought that General Grant had given him credit for the Tennessee campaign. I said, "No; it is not in the letter." He got the letter, and when he read it there was an entire absence of any mention of the Tennessee in the letter. I therefore know that the copies are correct, and I will submit them to the committee.

By Mr. SCOTT:

Q. When Miss Carroll first called on me, was there any knowledge on her part derived from any person of the Tennessee River?—A. I have stated already that I had never thought of it. Although I knew that the Tennessee was a navigable river, I didn't know how available it was for gunboats, and the idea had never occurred to my mind, although my attention had been directed to the military movements in that region.

Q. Did I not clearly point out, in your presence, in conversation, that by going up the Tennessee River to the foot of Big Bend Shoals, we flanked all the impregnable batteries on the Mississippi, and did I not explain about the country and the distance across, and tell you how I knew the road by having traveled across it when a boy?—A. I don't recollect now the details, but we went over every point that is made in the paper of Miss Carroll. Every one of those points was made by yourself or by myself in that conversation; whether you suggested them originally, or whether it was in reply to questions of mine, I am not prepared to say, because we were engaged in conversation one or two hours.

Q. When I first came in, the conversation was in regard to the battle of Belmont, was it not?—A. I have no recollection; perhaps it was.

Q. And the second point was upon your question as to public opinion in regard to the removal of Frémont?—A. I may have asked you, in that conversation, in regard to General Frémont.

Q. That was the first conversation?—A. I cannot recollect that.

Q. You asked that question, though?—A. Yes, sir.

Q. Then how was it possible that I should have unfolded this story to Miss Carroll, when the thing did not come out until you were present?—A. You had not unfolded it. That is the point.

Q. In your evidence you have stated that I had told Miss Carroll about the Tennessee River. Now it is evident that the Tennessee River was not spoken of until you asked me the question: "What is the public opinion in regard to the removal of Frémont?" and my answer to that question was, "It is like fried wool." Now, I ask you, did I not state distinctly that there was not a man at the head of affairs, civil or military, who knew the true key of the West, and did you not then ask me, "Where is the key of the West?"—A. I have no recollection of that question.

Q. Then it is not worth while asking any more questions on that point, so I drop the balance and come now to Washington. When I came to Washington, didn't I ask you to draw me up a paper to obtain the privilege of getting one thousand bales of cotton in free of the 25 per cent. duty?—A. Yes; you wanted to get your cotton out.

Q. Did you not draw up a paper embracing ten thousand bales, which paper I refused to take?—A. I have no recollection of that, and I don't think I did.

Q. Did you not also, the day after that publication, propose to me that you and Miss Carroll would engineer a claim on the Government for me for a large amount for originating the Tennessee campaign, if I would divide with you two?—A. Not at all; nothing of the kind.

Q. Was not what you stated to me as the object of that publication to manufacture public opinion?—A. It was not.

Q. When you came to Saint Louis in the winter of 1871-'72, did not you wait there some time until I came up the river, and send for me?—A. No, sir.

Q. You did not send for me?—A. No.

Q. Did not you represent that you wanted these papers, and ask me quite a number of questions, saying that you wanted to use these letters in relation to General Grant as a political document in the ensuing campaign? Did not you represent that you were going to the convention and wanted these papers as political ammunition?—A. Which papers?

Q. These letters of General Grant to me?—A. I stated to you that I desired the facts in relation to this matter.

Q. Was not your whole object there to ascertain what letters I had of Miss Carroll's still in existence?—A. Not at all.

Q. Did not you ask me the question if I had any of Miss Carroll's papers to refer to?—A. I don't know whether I did or not. I was in Saint Louis in 1871 for the purpose of seeing you.

Q. Yes, in 1871 or 1872, previous to the political campaign in which General Grant was elected?—A. It was in the fall of 1871. I was on my way to Texas, and I did send for you then.

Q. That is the time I meant when I asked you a while ago?—A. Certainly I sent for you at that time, and desired to see you so as to get all the information that you had in relation to Miss Carroll's claim. I stated then, as I state now, that General Grant was not entitled to any credit for inaugurating that campaign, and that the fact ought to be known. I will put in evidence, also, a letter of Miss Carroll to General Grant, written in 1867, which has a bearing upon this.

CHARLES M. SCOTT, being duly sworn, made the following statement:

At the beginning of the war I had to leave New Orleans. I left on the night of the last of May, 1861; ran away, you might say. I came up to Memphis, and there I was arrested by Gideon J. Pillow, who seized my boat. I had a quarter-interest in the boat. Pillow gave a certificate of valuation for the boat, to be paid when we proved our allegiance to the Confederate government. I asked a permit to come to Saint Louis. He refused it unless I would take an oath of allegiance to the Confederate government. I refused to do it, and I escaped from there and came up to New Madrid. There I got information that they had telegraphed ahead of me to Columbus, and that it was dangerous to go there, so I got off and went by land to Cairo. I got into Cairo about the 19th of June, 1861. I went to General Prentiss and reported myself to him, and he asked me to make a map of the country. I did make a map of the batteries and everything pertaining to the fortifications. I then came on to Saint Louis, and from there to Ohio. The day General Grant was appointed I came right back to Cairo. I reported to Admiral Foote on the way, and he had no use for me; and I went to Cairo and went right to work for General Grant. During the time I was there I had frequent conversations with one or two men that I knew to be loyal. There were so many disloyal men that I was afraid to trust anybody, and I then matured in my mind a campaign on the Tennessee River. I knew that country as a boy. This was in September, 1861, that I reported to General Grant as a pilot ready for duty. I had this plan, but I hadn't any means of making it known. I was almost afraid to let my right hand know what my left was doing, because everybody around Cairo was a traitor, and there were only one

or two that I could trust even in the Army. I looked on half of them as rebels. However, in conversation with one of the men I have mentioned, Major Gillem, (belonging to an Illinois regiment, and now living in Rushville Ill.,) I discussed this Tennessee campaign. At the battle of Belmont I had a front seat, and when the ball was over I came home to Cairo, and I got so infernally scared that I could neither write, nor stand, nor sleep, I may say. I wrote a letter to my wife the next day, and she received it on Sunday at 2 o'clock, so I have heard her say. This is how we come to the intercourse with Miss Carroll. My wife was stopping at the Everett House in Saint Louis. When my letter was read, a number of ladies in the house who had relations down there wanted to hear the news; and Miss Carroll with the other ladies heard the letter read. She reported to Judge Evans, and he also requested to be allowed to read the letter. He read it, and then Judge Evans expressed a desire to know who I was; and Mr. Merritt, of the hotel, who knew me very well, gave him my history. When I arrived there on the Saturday following, (I came up with the Fifth Iowa to go to Benton Barracks,) I received a note signed "Judge Evans, of Texas," asking me to call. I sent word that I could not go then, but I would go "to-morrow morning." I have not preserved that note. I did not think it was of sufficient importance. However, I called and found Judge Evans and Miss Carroll there, and in conversation about the battle of Belmont, one word brought on another, and Judge Evans asked my view as to public opinion about the removal of Frémont. My answer was that it was like "fried wool, greatly mixed;" that when he was first appointed I thought he was "the right man in the right place," but that now I did not think that he or any other man in the civil or military service knew the key of the West. Judge Evans said, "Why, don't you consider the Mississippi River the key of the West?" I told him, "No, sir." He said, "Why?" I hesitated, and Judge Evans then assured me that he and Miss Carroll were agents of the Government, (he has acknowledged here that he was an agent of the Government,) and as a consequence I was glad to give the information where it would reach headquarters, as I had no means of giving it to the right parties.

By Mr. MACDOUGALL:

Q. You had reported to General Grant before that?—A. As a pilot.

Q. Why could not you have communicated the information to General Grant?—A. Because at the time I saw a good many reasons against it, and I thought I would hold on until I knew how the cat was going to jump. I didn't think he had the power, and besides I thought they were going to remove him.

By Mr. WILLIAMS:

Q. How large a command had General Grant at that time?—A. He had six thousand or eight thousand. I kept the thing to myself until it should be matured. I explained the whole thing to Judge Evans, and he being partially acquainted with the topography of the country understood it completely. He said to me, "You ought to write that down." I told him I would gladly do so, but I was going right away, and I was not a good writer anyhow. Judge Evans said, "Miss Carroll is going to Washington to-morrow morning with dispatches, and if you will write it and send it to her (handing her address in Washington) she will lay it directly before the War Department."

Q. Was this before you had ever seen Miss Carroll?—A. This was in conversation, the first day I ever saw her. She was a little deaf, and Judge Evans did most of the talking. I wrote a letter at Cairo, in accordance with my promise, and sent it to Miss Carroll, and in ten days afterward I received a communication from her stating that she had received my letter and laid it before the War Department, and they were surprised as well as pleased at the information it contained, and that if found to be correct it would be of the utmost importance. They also stated, she said, that Andy Johnson, in consultation with them, had stated that the Tennessee River was not navigable, and she asked me to write further, even at the risk of repetition. I wrote again, and in about ten days after I received her second letter, about the 15th of December. In the mean time, my opinion of General Grant had changed considerably in some respects, and in conversation with Major Gillem, and John Barclay, my partner, we concluded that they were not doing justice to General Grant, and that I would give him the information, and it might lead to something, perhaps to a command in the expedition. I took the papers up to his office; it was about the 15th of December, 1861. I gave him first a copy of the letter that I had written to Miss Carroll, three sheets of foolscap; one was about the obstructions of the Mississippi, giving the reasons why they could not be overcome; the next was on the advantages of the Tennessee; and the third was a general description of the country from the Tennessee River through by Chattanooga and Knoxville, down to Mobile, down the Tombigbee River. I had boated and keelboated down those rivers when I was a boy.

Q. What did General Grant say?—A. He asked if I would not let him have them. I told him I didn't want to lose them, and he promised to give them back; but he never has done so.

Q. Have you ever asked him for them?—A. I have.

Q. What did he say?—A. Well, he says he has not got any letters of mine. The remainder of the story up to the close of the war is historical. I wrote letters to Miss Carroll.

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roll from time to time, as she states. In 1861, I came to Washington. My partners had sold General Pillow's certificate of valuation for the cotton at a very low figure, and in 1862 we had 1,000 bales of cotton, in which I had a one-fourth interest. I came on to Washington, feeling that my services had been well worth to the Government the 25 per cent. duty, and I asked that they would relieve me of that 25 per cent. and allow me to get my cotton in, and that would make me whole. I went to Judge Evans and asked him to get me a permit to bring in one thousand bales of cotton. He promised to do so, and wrote out a permit for ten thousand. I refused to accept it; I wanted it for only one thousand, which was all I was entitled to. Then the next day, or a few days afterward, a publication came out in the National Intelligencer, of which I knew nothing until it was shown to me. This is the article:

[Communicated.]

"CAPTAIN CHARLES M. SCOTT.—PLAN OF THE TENNESSEE CAMPAIGN.

"The capitulation of General Lee and the surrender of his Army ends the rebellion forever as a belligerent power; and it is now in order to nominate for historic honors the individuals who have contributed an important part to this grand result.

"Those who have studied the campaigns and battles of the war in their logical connections and sequences cannot fail to have perceived that the moves up the Tennessee River in 1862 have had a more important bearing upon the termination of this struggle than any other campaign of the war. It made the opening of the Mississippi River possible, broke the Confederate power throughout its great valley, and opened the gate for the great Sherman into the South Atlantic States, enabling him to co-operate with General Grant in the siege of Petersburg and Richmond, and leaving Davis without a country in which to create another army.

"In the early stages of our civil war, two theories for its prosecution obtained. One was to send an expedition down the Mississippi River to unite with the blockading fleet and crush the rebellion by external pressure. This was known as the anaconda theory. The other was to send a column into the interior of the rebel States to pierce the heart, or, as it was sometimes said, to break the backbone of the rebellion.

"The disaster of Bull Run advertised how difficult it was with the forces then available to penetrate the enemy's country; and General Sherman, commanding in Kentucky, stated to the Secretary of War that it would require a column of at least two hundred and fifty thousand men to penetrate the Cotton States through East Tennessee, or to make the grand expedition down the Mississippi, then preparing, a success.

"On my visit to the West in the fall of 1861, I became thoroughly satisfied with the soundness of the view as expressed by General Sherman, that the Mississippi expedition, if then persisted in, would prove a failure, and to succeed we must strike the vitals of the rebellion at some other point.

"Three or four days after the repulse of our gunboats at Columbus and the defeat of our arms at Belmont, I sought, for information, an interview with Captain Charles M. Scott, whose wife, a refined and educated lady, I had met in Saint Louis, and who informed me that her husband had long been a professional pilot on the Mississippi, and was at the wheel of the Memphis at the critical time when it brought off safely General Grant and his army from the field of Belmont. I found Captain Scott a gentleman remarkable for his ardor and devotion to the Union, for the force and clearness of his intellect, and the extent and accuracy of his information. He cited many facts going to show that it would be impossible for the gunboats then being fitted out to pass the batteries on the Mississippi, and stated that the true policy was to divert our gunboats up the Tennessee River, where they could meet no insuperable obstructions. He suggested, what seemed never to have occurred to the Government, that the Tennessee was navigable for our gunboats to the foot of the Muscle Shoals, in Alabama.

"Judge Evans, of Texas, was present, and participated in this interview, and, being also well acquainted with the topography of the Southwest, fully concurred in the views expressed; and, perceiving their immense bearing upon the destruction of the rebellion, suggested to me the importance of requesting them in writing for the use of the Government.

"On my return home, I received from Captain Scott a letter fully detailing the facts I had elicited in Saint Louis, from which I prepared and read, about the last of November, to Colonel Thomas A. Scott, then Assistant Secretary of War, the following paper:

"NOVEMBER 30, 1861.

"The civil and military authorities seem to be laboring under a grave mistake in regard to the true key of the war in the Southwest. It is not the Mississippi but the Tennessee River. It is well known that the eastern part, or the farming interests of Tennessee and Kentucky, are generally loyal, while the middle and western parts, or what is called the planting-districts, are in sympathy with the traitors; but, except in the extensive western parts, the Union sentiment still lives.

"Now, all the military preparations made in the West indicate that the Mississippi River is the point to which the authorities are directing their attention. On that river many bat-

ties must be fought and heavy risks must be incurred before any impression can be made on the enemy, all of which could be avoided by using the Tennessee River. This river is navigable for medium-class boats to the Mississippi line, and is open to navigation all the year, while the distance is but two hundred and fifty miles by the river from Paducah on the Ohio.

"The Tennessee River offers many advantages over the Mississippi. We should avoid the almost impregnable batteries of the enemy, which cannot be taken without great danger and great risk of life to our forces, from the fact that our boats, if crippled, would fall a prey to the enemy by being swept by the current to him, and away from the relief of our friends.

"But, even should we succeed, still we will only have begun the war, for we shall then have to fight to the country from whence the enemy derives his supplies.

"Now, an advance up the Tennessee River would avoid all this danger; for, if our boats were crippled, they would drop back with the current to their friends, and escape all damage. But a greater advantage still would be its tendency to cut the enemy's lines in two, by reaching the Memphis and Charleston Railroad, threatening Memphis, which lies one hundred and fifty miles due west, and no defensible point between; also Nashville, only ninety miles northeast, and Florence and Tusculumbia in North Alabama, forty miles east. A movement in this direction would do more to relieve our friends in Kentucky, and inspire the loyal hearts in East Tennessee, than the possession of the whole Mississippi River. If well executed, it would cause the evacuation of all those formidable fortifications on which the rebels ground their hopes of success; and, in the event of our fleet attacking Mobile, the presence of our troops in the northern part of that State would be material aid to the fleet.

"Again: The aid our forces would receive from the loyal men in Tennessee would enable them soon to crush the last traitor in that region, and the separation of the two extremes would do more than one hundred battles for the Union cause.

"The Tennessee River is crossed by the Memphis and Louisville Railroad and the Memphis and Nashville Railroad. Hamburg, where the river makes the big bend on the east, touches the northeast corner of Mississippi, entering the northwest corner of Alabama, and, forming an arc to the south, enters the State of Tennessee at the northeast corner of Alabama, and if it does not touch the northwest corner of Georgia, comes very near it.

"It is but eight miles from Hamburg to the Memphis and Charleston Railroad, which road goes through Tusculumbia, only two miles from the river, which it crosses at Decatur, thirty miles above, intersecting with the Nashville and Chattanooga road at Stephenson.

"The Tennessee River was never less than three feet to Hamburg, on the shoalest bar, and during the fall, winter, and spring months, there is always water for the largest boats that are used on the Mississippi River.

"It follows from the above that in making the Mississippi the key to the war in the West, or rather in overlooking the Tennessee River, the subject is not understood by the superiors in command.

"The Assistant Secretary of War, Colonel Scott, with his uncommonly acute and practical mind saw at a flash the immense value of the paper, and desired me to leave it with him, which I did, remarking that I had gathered this information for the benefit of my country, and had brought it to him that he might use it for that end, if, in his superior judgment, he deemed it of sufficient importance. I informed Captain Scott, of Saint Louis, what action I had taken, and on the 5th of January, 1862, I received a letter, from which the following is an extract:

"I assure you I felt flattered at the approval you say my views of the true key of the war in the West met with from those in high position. \* \* \* Our gunboats are not fit to retreat against the current of the western rivers, and as their principal guns are placed forward they are not so efficient against an enemy below them. They have either to fight with their stern guns, which are but two to the boat, or else to anchor by the stern, and thus lose all the advantage that their motion gives them, and become a target for the enemy, who will not be slow to find the range. \* \* \* If you will look at a map of the Western States, you will see in what a position Buckner would be placed if we would now make a strong advance up the Tennessee. He would be compelled to fall back out of Kentucky, as if he did not, this force could take Nashville in his rear, and force him to lay down his arms. \* \* \*

Our gunboats will be fit for service in about fifteen days at farthest.

"After the expedition moved up the Tennessee River, Mrs. Scott inclosed me, from time to time, the following extracts from letters received from her husband:

"IN SIGHT OF FORT HENRY, TENNESSEE RIVER,

"February 4, 1862.

"I think that this move is the beginning of the plan I proposed to Miss Carroll last fall; at least, it looks so.

"I was the only man on the three first boats that arrived here who had ever been up the Tennessee River before, and we came the whole way in the night, without any trouble, I leading the way. The gunboats left the morning before, and had daylight for it most of the way. The distance from Paducah is sixty-five miles. We are now just over the line and in Tennessee."

“‘FOUR MILES BELOW FORT HENRY, TENNESSEE RIVER,

“‘ February 6, 1862.

“‘No other casualty, but that to the Essex, has occurred. The enemy seemed to know that that was the only boat that had her boilers on deck.’

“‘FORT HENRY, February 7, 1862.

“‘I would like to have you write to Miss Carroll, and tell her that I am glad to find our arms on the move up the Tennessee, and hope we shall continue on until we reach the State of Mississippi when I think we may soon end the war. By taking the Memphis and Charleston railroad we will have command of their lines of communication, menacing them at every point. This is the wedge which, I think, the rail-splitter knows how to use to the best advantage.’

“‘FORT HENRY, February 17, 1862.

“‘There is no doubt that Fort Donelson is the hardest fight ever fought on this continent. What the moral effect will be remains to be seen. \* \* \* I think Sumner was right when he said ‘slavery brutalizes man,’ for such acts as have been here perpetrated by the Mississippi, Arkansas, Texas, and Louisiana troops would be a disgrace to devils, especially the Texas and Mississippi regiments.’

“‘FORT HENRY, March 6, 1862.

“‘No one knows where we are going, but I think it will be (according to what I proposed to Miss Carroll last fall) some two hundred miles further up, which will have the same effect on Memphis that the move on this place had upon Columbus; for if you will take a map and run your eye up the Tennessee River, you will find that going up you go nearly due South, until opposite Memphis, and it is a good natural road into Memphis, which cannot be destroyed; also it cuts the main connection between East and West; this move will completely break the backbone of the rebellion, or at least it will put the misery where it rightfully belongs—in the cotton States.’

“‘PITTSBURGH LANDING, March 17, 1862.

“‘I have not a doubt, without being an egotist, but that my suggestions to Miss Carroll were the first ever made to the administration that the Tennessee River was the best point to attack the enemy and shorten the war.’

“‘From Pittsburgh Landing, March 17, 1862, Captain Scott addressed me as follows:

“‘I think you will find that, as far as we have gone, every prediction has been fulfilled, namely, that the occupation of the Tennessee would render Columbus and Memphis untenable in a military point of view, and it was our strongest point of attack; this is proven at Fort Donelson; for had the gunboats been fighting down stream they would most assuredly have been taken where they were injured,’ &c., &c.

“‘In anticipation of the history of this civil war, I deem it a pleasant duty, on this the day of the nation's rejoicing, to make known to the American people how much they are indebted to Capt. Charles W. Scott for the crowning victory which now thrills with joy every patriot heart; for when this history shall be correctly written, it will be obliged to treat the campaign up the Tennessee River as the turning-point which decided the triumph of the Union over treason and rebellion; and that this campaign was the result of the information herewith submitted was fully confirmed by conversation with Hon. Thomas A. Scott, Assistant Secretary of War, the last of May, 1862, to whom the country is incalculably indebted for inaugurating the movement.

“‘ANNA ELLA CARROLL.

“‘MARYLAND, April 10, 1865.”

LIBRARY OF CONGRESS,  
Washington, June 27, 1876.

I hereby certify that the foregoing is a true copy of the original communication, signed Anna Ella Carroll, published in the National Intelligencer of April 12, 1865, on file in the Library of Congress.

Witness my hand, and the seal of my office, the day and year above written.

A. R. SPOFFORD,  
Librarian of Congress.

By Mr. MACDOUGALL:

Q. You were the author of this letter of the 23d of May, 1864, published in the New York Tribune?—A. Yes, sir.

The letter was put in evidence as follows:

*"A claim to Miss Carroll's claim.—A charge that Miss Carroll purloined the plan of the Tennessee campaign.*

*" To the Editor of the Tribune :*

"SIR: An article appeared in your columns recently, calling attention to the claim of a Miss Carroll for originating the plan of the Tennessee campaign, and as I do not believe that you would do an injustice to any one, or that you would lend your columns to assist a fraud or further an unjust claim, I beg leave to say that I claim to have originated that movement in November, 1861, in a letter sent by me to the Secretary of War, dated the 18th of November, and directed to Miss Carroll's care, as she represented herself to me as a secret agent sent out by the Government to collect information, and I was assured by those accompanying her that such was the case. She has since published my letter to the Secretary of War, merely changing the address, as her own production, and, thinking I am out of the way, she has the effrontery to claim remuneration for it.

"I have never made any claim for remuneration for doing what I believed to be my duty, although I lost by doing so. Many lost their lives in the same cause, so I felt recompensed when my humble services were beneficial to it. What I did is known to the commanding officers that I served under, and I can refer, with pride, to him that the nation has honored with its highest gift; also to Admiral S. P. Lee and Capt. Frank Ramsey, of the Navy, who will each testify that I did my whole duty in whatever position I was placed. But while I make no claim for doing my duty, I do make a distinct claim for an invention that enabled the Government to carry on the war in the West at a great deal less cost than it could have done without such invention, viz, the shields to protect the pilots from the enemy's riflemen stationed along the shores; and, also, for the invention of the signal system in use on our western rivers, that is acknowledged to have done more to save life and property than anything since the invention of steam; and I shall present a distinct claim for remuneration for those two inventions at an early date.

"CHARLES M. SCOTT.

"SAINT LOUIS, MO., May 23, 1874."

Miss Carroll began to soft-soap me up about it, and told me that the object in publishing that article was to manufacture public opinion for me, and then she and Judge Evans would put in a claim to Congress, in my name, and engineer it through, and I would divide with them. That was the statement to me. I refused *in toto*. I told them I had done nothing but my duty, and all I asked was the privilege of bringing in my cotton; so the thing dropped right there. A year or two afterward I saw in the newspapers about Miss Carroll's claim. That was the first intimation I had of it.

By MR. WILLIAMS:

Q. What became of your cotton claim? Did you get it through?—A. No, sir; I dropped it. The very day of the death of Lincoln I presented my papers and stated what they were. He said he would take them, and look them over. I told him I had been there nearly a month trying to get them through, and was completely out of money. He told me it would make no difference, that he would look over the papers, and would send them if they were correct. I started from here about five o'clock in the evening, and at Harrisburgh I heard of his death. My papers disappeared. I heard nothing more of them, and there was no use of coming on and presenting the claim without the papers. I saw this publication about Miss Carroll's claim, and I wrote to her about it, and the matter dropped for the time. The next thing I saw was her pamphlet. I wrote to her denouncing it as a fraud, and stating that if it was not stopped I should make a claim myself and expose it, as I considered it a fraud. I stated in my letter to her that she had published my first letter almost verbatim in her pamphlet. As published in the pamphlet it corresponds with the publication in the *Intelligencer* article, but she gives it as my letter in the *Intelligencer*, while in the pamphlet she gives the same letter as her own. The thing stopped again. Again I heard that there was a claim, and I wrote to Mr. Stone, in the House here, about a year ago, telling him where he would find the documents and this *Intelligencer* article, and denouncing the claim as a fraud. I stated that it was not Miss Carroll that was making the claim, that she was merely a stalking-horse, and Judge Evans was the claimant. That ended it at that time, and I supposed it was the end of it altogether. I came on here this winter at the request of some steamboat men to explain a steamboat bill. When I came here I found that Miss Carroll had her claim up again, and I thought if it was going on so, the only way was to put in my claim and let the thing come squarely up on its merits. I have here some papers that I want to put in—Major Gillam's letter and John Barclay's letter. They are as follows:

"Personally appeared before me, L. S. Brotherton, a notary public, in and for the county of Saint Louis, and State of Missouri, John Barclay, a resident of Saint Clair County, in the State of Illinois, who on oath states:

"On or about the 17th day of November, 1861, I went on the steamboat *Belle Memphis* as pilot, she being then engaged as a Government transport.

"I furthermore testify that on the arrival of the boat at Cairo, my partner on the boat,

Charles M. Scott, (pilot,) consulted me as to the propriety of his sending to a Miss Carroll at Washington City, certain information for the use of the Government. My memory is that I told him, Scott, 'he ought by all means to do so.'

"He appeared to me somewhat undecided as to which was best: to send it to her, and, through her, to the heads of Government, or to give it direct to the commander at Cairo, General Grant. My understanding afterward there was that he transmitted his papers to Miss Carroll as above indicated. On or about the 19th of November, Mr. Scott had read to me from papers prepared by him a full description of, first, the difficulties to be encountered by going down the Mississippi with an army, as he suggested, of even a million of men, whereas my decision was that all the armies in the West could not go down that way. Secondly, he gave a description of the Tennessee, and that as the true point of attack, with a synopsis of the advantage to be gained by our forces taking it. Previous to this I had heard no suggestion of any attempt by way of the Tennessee River, but knowing that Mr. Scott from his early boating experience on that stream had a competent knowledge of it and of its importance, I had confidence in his judgment. The engrossing topic in the way of attacking the enemy at this time being the Mississippi River expedition, I am satisfied his plan of the Tennessee campaign was sent to Miss Carroll in November, for I saw her letter responsive thereto.

"On or about the 15th of December, of the same year, Mr. Scott showed me a letter from Miss Carroll in which she stated to him that every statement he had made was verified in the surveyor-general's office, and that the movement up the Tennessee River was to be carried out. This I state from a general memory of the matter.

"Mr. Scott and myself consulted, at length, as to the propriety of showing the whole correspondence to General Grant, who was at that time commander at Cairo. He, Scott, thought it was right that General Grant should know of the contemplated movement, so as to enable him, the general, to secure a command in it, and I warmly advised him to do so.

"Then, Mr. Scott took the correspondence and plan and said he was going to lay the whole matter before the general, and very soon thereafter he informed me that he had done so. And now I am convinced, as I have ever felt, that to my partner, Mr. Scott, is due the originating of the campaign up the Tennessee.

"JOHN BARCLAY.

"Subscribed and sworn to before me this 8th day of November, 1871.

[SEAL

L. S. BROTHERTON,

} "Notary Public, Saint Louis County, Missouri."

#### MAJOR GILLAM'S STATEMENT.

"I was a major of the Twenty-eighth Regiment of Illinois Volunteers. I was stationed at Fort Holt in Kentucky, opposite Cairo, Ill., during the months of October, November, and December, 1861. I frequently met Captain Charles M. Scott, and having been acquainted with him previously, we had frequent conversations in regard to the movements to be made to suppress the rebellion. At that time it was the general opinion that we were going down the Mississippi River. Mr. Scott strenuously opposed it in our conversations, and emphatically declared we could not go down the Mississippi with a million of men if the different defensible points were resolutely defended by 15,000 resolute men to each point, but that, by advancing up the Tennessee River, we would either force the evacuation or surrender of every defensible position on the Mississippi as far south as we could go up the Tennessee; this included Memphis and all above Randolph, Fort Pillow, No. 10, and Columbus. He also pointed out that with the gunboats to keep the river open below, and our Army well secured on the river as close to Corinth as possible, breaking the railroad, we would not only secure the Mississippi, but seriously threaten Mobile and Montgomery by the way of the Tombigbee and Alabama Rivers on the south, Nashville on the north, and assist the loyal men of East Tennessee. Scott also claimed that there was always as much average depth of water in the Tennessee to Big Bend Shoals as there was in the Ohio, and that it had the further advantage of not being obstructed by ice in winter.

"About the middle of November, 1861, Scott read to me a long communication embodying his views, with a description of the obstacles to be encountered by going down the Mississippi as well as those of the Tennessee and the character of the country lying between and up to Chattanooga, also to Mobile. All of which Scott claimed to have been over several times, and which from my own observations and information from others I have since found to be correct. This communication Scott informed me he was going to forward to the War Department.

"In about ten or twelve days after this conversation Scott showed me a letter from Washington, in which it was stated that his communication had been received and laid before Scott, the Secretary of War, (Tom Scott,) and that he was surprised as well as pleased at the information it contained, which, if found to be correct, would be of the utmost importance to the Government, but that Andy Johnson had given it as his opinion that the Tennessee was not navigable. The letter also requested Captain Scott to write again such further information, and that it would be laid before the War Department at once.

"About the 15th of December, 1861, I met Captain Scott and he showed me another letter from Washington, in which it was stated that the information that he had furnished had been found to be correct, and that the movement up the Tennessee was resolved on. Scott consulted with me as to the propriety of showing this information to Grant, as he thought that justice had not been shown Grant in regard to the Belmont affair, and he thought that by furnishing him (Grant) this information, it would enable him to get command of the expedition. I counseled him to do it, and the next time we met he informed me he had done so. I found that every statement made to me by Captain Scott was correct as regards the Tennessee, and I believe that the United States Government is more indebted to him for the victories that followed our advance up the Tennessee than any other human being, and hope that even at this late day justice may be done to him for services that in these results were second to none rendered by any other.

"Respectfully,

"BARCLAY C. GILLAM.

"Subscribed and sworn to before me this 22d day of June, A. D. 1876.

"EPHRAIM J. PEMBERTON,

"County Judge, Schuyler County, Illinois.

Here is a communication to the Cincinnati Commercial by a man named McQuirk, with whom I was stopping in Ohio :

[Communicated.]

"GENERAL BUELL AGAIN—WHO PLANNED THE CAMPAIGN IN THE WEST ?

"EDITORS COMMERCIAL : A writer in your issue of the 22d claims that it was the scintillations of General Buell's military genius which enlightened the War Department on the 'plan of operations which opened the Tennessee and Cumberland Rivers, which involved the capture of Forts Henry and Donelson, causing the immediate evacuation of Bowling Green, &c.,' and that Generals Grant and Pope and Halleck are all greatly indebted to that same splendid genius for their elevation to their high military honors. A very modest assumption, truly, considering how General Buell has carried out his programme.

"Now, sirs, a friend of mine, a pilot on the Mississippi, Tennessee, and Cumberland, of thirty years' experience, and who understood those rivers like a book ; who escaped from Memphis, and reaching Cairo through Missouri, passed the month of August, 1861, in my family. During this time we had several conversations on the plan of the southwestern campaign. He showed conclusively and laid down almost precisely the plan of the campaign as it has been attempted to be carried out. He had an interview with General Prentiss, while commandant at Cairo, convincing him of the practicability of successfully attacking the rebels by the way of the Mississippi ; and that the only feasible route was up the Cumberland and Tennessee, and, I think, expressed the same views to General Frémont. The following extract, from a strictly private letter, will show that the War Department was informed by him of the feasibility before General Buell was even appointed to the command of the Army of the Ohio. He says :

"Immediately after the Belmont affair, I met a Government agent from Washington, who was in Saint Louis for the purpose of inquiring into the public sentiment in regard to the removal of Frémont, and to obtain such other useful information as would be beneficial to the Government. Some one referred him to me for a knowledge of the river, when (after he showed me his letters of recommendation) I gave him all the information in my power. After I had satisfied him about the river, he asked me the state of feeling in regard to Frémont. I told him it was divided. For myself I believed I was deceived in him, as I did not think he understood the true key to the West, nor did I believe any of our leaders, either civil or military, understood it. On inquiring what I meant, I took a map, and after showing him the difficulties and dangers of an advance down the Mississippi, and how little was to be gained by it, I then explained the advantage of an advance up the Tennessee into the heart of rebellion, and, by cutting their lines of communication, render their forces unavailable at more than on one point. As I was on the point of starting to Cairo, he requested me to commit my views to writing, and to forward them to his address at Washington. This I did, and shortly after received a letter acknowledging its receipt, and stating that my views had been submitted to the heads of departments, and that they were astonished, as well as pleased, at the information contained, and, if reliable, would be of much importance to the Government ; that means would be taken to verify it from other sources, and that any additional information I could render would be acceptable."

"The battle of Belmont was fought about the 6th or 8th of November. General Buell took command about the 20th, and a 'few weeks' after suggested to the President, to General McClellan, and General Halleck, that 'plan of operations' which ended in smoke. I think that another comparatively unknown individual was ahead of him in enlightening

the War Department on the 'plan of operations.' But how was it carried out? The only redeeming feature was at Pittsburgh Landing, and that would have failed but for the gun-boats. The usual 'dilly-dally' which has marked all of Buell's movements had well-nigh sacrificed the whole of Grant's army. With an army of six divisions, with twenty-four batteries and seven regiments of cavalry, containing, in the whole, not less than seventy thousand men, he did less than General Mitchel with fifteen thousand; let the rebels concentrate an army almost within striking distance, and never made an attempt to disturb them. He frittered away the whole glorious summer doing nothing, making himself the sport and contempt of his army, till it passed into a by-word that 'where Buell was there was no danger!' But let us follow him in his chase back to Louisville, and see what can be said of Munfordsville—since your correspondent has become his apologist for that disgraceful affair—and with what energy he pursued Bragg from Green River.

"I avail myself of another correspondent, who was on the spot, and had opportunities of observation equal to 'J. L.' A large portion of Buell's army entered Bowling Green on the 11th of September, and remained till the 15th, and Munfordsville was taken on the 16th. I quote:

"And here, in my opinion, the blunder, mistake, or treachery of Buell began. Instead of keeping his divisions, which were consolidated, on the road, he massed them in one tremendous camp, and commenced fortifying, as if the rebels were going to attack us in one of the strongest positions in the world. Here we lay, and Bragg, sending a small force from Glasgow to attract our attention, pushed on with his main force, and gained time to make his successful descent upon Colonel Wilder and his gallant band at Green River bridge. I am confident that, had we left Bowling Green twenty-four hours earlier, that disaster to our cause might have been averted, and, probably, Bragg's entire plan of invading Kentucky frustrated. On Monday evening, the 15th instant, we crossed Barren River, and toward evening of the 16th left the pike, and started out to the right, toward Glasgow. The road was narrow and rough; the equinoctial storm came on; we camped in the open fields: the wagons could not come up, and so we had neither supper nor blankets.

"On the 17th, we drew three days' rations, but had no time to cook them, and started at 1 p. m., marching till 11 p. m. \* \* \* We were in fine spirits when we received orders to march again in two hours, as all confidently expected a battle on the morrow; but Buell, our evil genius, was present, and the sun was gilding the western hills as we marched with colors flying, but in complete silence, past the headquarters of the general commanding. He was invisible, as usual, and we got not even a look, much less an encouraging, cheering word. 'If it had been Mitchel, we shouldn't have gone by that way,' was the word passed along the line of Old Starry's boys.

"Another thing which served to discourage at the same time that it angered us was meeting the paroled prisoners who had been obliged to surrender to overwhelming numbers at the bridge only the day before. These noble men need no eulogy. Their acts speak for them more eloquently than any words can do, and that defense will be marked in future history as one of the brightest, noblest acts of the war. But where will stand the name and fame of the man who, with his impatient thousands, lay idle and made not the slightest effort to rescue them? In the varying fortunes of war some brilliant success may retrieve the name of General Buell from the reproach of treason, but it can never remove the responsibility and disgrace of that surrender from his own shoulders. But I wander. We marched six miles to a little village and cross-road, our division occupying the extreme right, when our regiment was sent in advance, throwing out skirmishers, and the whole division deployed in line of battle. All were eager and hopeful and in condition to make a gallant fight. About 10 o'clock skirmishing began on the right and soon after on the left, continuing at intervals all day. The cavalry were flying around in the road, and about noon brought in quite a squad of prisoners, who reported the enemy crossing Green River. Still we considered an attack certain and rested easy, thinking the delay was occasioned by the other divisions getting into position. One, two, three came and passed, and still there came no order to advance. We were getting hungry. Bragg held our cracker line and we had to go to the corn-fields.

\* \* \* The night passed quietly, and again in the morning we thought 'we will certainly move,' but hour after hour passed till 10 o'clock, when we were relieved by the Tenth and marched to the rear. Saturday came and passed and on Sunday rumors arrived that the rebels had escaped us again. At 5 p. m. we started for Green River, with the assurance that there was no one there, Bragg and his army having got three days' start of us on the road to Louisville. We marched twelve miles, and, when the sun got hot, the next morning moved into the woods, and lay till 3 p. m., when we moved again, and then back again. Tuesday morning we marched nine miles and overtook McCook's division, when we cooked lunch and started again, marching sixteen miles, to Nolin's Creek. Wednesday we marched to Elizabethtown and got dinner, and on the afternoon made fourteen miles. Long ere this we had become satisfied that the rebels had left the pike, and that we were to make no immediate effort to overtake them. We were fast becoming worn out, and the excitement of pursuit being removed, the men began to straggle, and the road was lined with them from Nolin's Creek to this place, (Louisville.) We entered the city just at daylight on Friday, the 25th, having been thirty-two days coming from Huntsville, a dis-

tance of three hundred and fifty miles. So Buell's great southern campaign is ended, and we are to-day just where we were ten months ago. Our splendid Army has done wonders, and accomplished nothing—marched up the hill and then marched down again. Surely the nation ought to follow the Journal, throw up their hats and cry, 'Great is Buell.' The feeling in the Army is very bitter against him, and I believe he will never fight a battle until forced to, by the enemy.'

"From the foregoing I think three conclusions are deducible: First, Bragg fooled Buell at Bowling Green and secured plenty of time to capture Colonel Wilder and his five thousand men; second, that he did the same at Green River; and, third, that having three days' start of Buell, he did not 'precipitately' (according to J. L.) get out of Buell's way. And we all know that the same strategy was again successfully played against Buell at Perryville. If these trials of a 'conservative' general will not satisfy 'J. L.,' they have at least satisfied many who have dearest friends in that Army of the incompetency of General Buell to successfully manage it, and we rejoice that a 'conservative' President is at last getting sick of 'conservative' generals, who have done nothing but waste away the finest armies in the world, and is putting live men in their places. For eighteen months conservatism has had its sway, and what has it accomplished? Almost nothing. Let its opposite have at least a fair trial.

"G. M.

"WESTERVILLE, OHIO, November 24, 1862."

The occasion of this publication is as follows: I stopped at the house of Mr. McQuirk, in Ohio, during July and August of 1871. He had two sons in the Army already, and was an enthusiastic Union man. He and I had frequent talks about the war and the best points of attack, and I had unfolded my ideas to him.

The witness also submitted copy of a letter written by himself to Miss Carroll, protesting against the statement contained in her pamphlet, as follows:

"SAINT LOUIS.

"RESPECTED MISS: Your pamphlet came to hand to-day, and I assure you that I was very much surprised when I read it to find that I am ignored altogether in the authorship of the Tennessee campaign, and Miss Carroll alone is the author of the plan. I would respectfully ask of you if this is justice to me. I have asked no pecuniary reward from either the Government or any one else; but I cannot sit quiet and have the product of my brain awarded to another without making a protest against it.

"I may have allowed Colonel Badeau in his life of Grant to credit Grant indirectly with being the author, but I think the time has come when I should claim what I believe is justly due me, viz, the credit of originating the Tennessee campaign.

"In your pamphlet, page 11, you quote my first letter verbatim as your own, and on page 15, after distinctly claiming, you again quote my letter from before Vicksburgh. Now, in conclusion, I beg leave to notify you that if this claim is not withdrawn I shall take means to explode it.

"With respect, I subscribe myself your obedient,

"CHAS. M. SCOTT.

"Miss E. A. CARROLL."

By Mr. MCDUGALL:

Q. You have stated that when Judge Evans wrote that permit for you for that cotton he made it for 10,000 bales?—A. Yes, sir.

Q. Did he hand it to you to sign without reading it to you?—A. He handed me the paper all ready for me to sign. He did not read it to me, but he handed it to me to read.

Q. And you read it and saw that it was for 10,000 bales?—A. Yes, sir.

Q. What was your precise language in regard to that?—A. I said, "This is wrong. I have no claim for 10,000." I told him I had no right to it.

Q. What did he say?—A. He said, "You might as well take it;" that everybody else was doing so; and he proposed that I would give him an interest in it.

Q. What interest did he propose you should give him?—A. I have now forgotten the amount.

Q. State the precise language that he used.—A. I cannot now state the precise amount that he proposed I should give him.

Q. But he made a definite proposition to you to share a portion of it?—A. Yes, sir; a definite proposition

By Mr. WILLIAMS:

Q. One-half, or one-third, or as much as that?—A. I think I was to give him and Miss Carroll an equal half in it—an equal half of all I got through over my thousand bales. That is as near as I can recollect it now.

Q. Was Miss Carroll present at that time?—A. She was there. It was down on F street, I think.

Q. What did she say in relation to that?—A. Nothing. She very seldom did any talking. Judge Evans did all the talking between us.

By Mr. WILLIAMS:

Q. Could she understand your conversation?—A. Most of it. Judge Evans would frequently have to speak pretty loud to her.

Q. Was there any loud talking between her and Judge Evans in relation to this cotton?—A. No; he stated my objections to her rather loud.

Q. What did she say in reply to your objections?—A. I don't recollect now, because my mind was so uneasy about other things. I recollect that I definitely rejected it. That is the principal point.

Q. In what way did you acquire this knowledge of the navigation of the Tennessee River and of the country that lies between the Tennessee and the Mississippi?—A. When I was a boy of thirteen I was cook on a keel-boat, and I keel-boated on that river and on the Tombigbee River, and in the season when the Tennessee would rise I would float down on the cotton-boats, landing here and there, and in that way I acquired a knowledge of the different points on the Mississippi. Then, frequently we would come up the river on a Louisville or a Saint Louis boat to Memphis, and walk across to Eastport or Waterloo. I had also experience in keel-boating up the Tombigbee River and those other streams in that country, and frequently about the close of the season a big crew of us would come up to Cottonginport, or wherever it might be, and the larger part of us would get paid off, and would walk across through the Tennessee country to Eastport—it was then Waterloo. Then, I hunted over nearly every foot in that country when I was a boy. I also served under old Sam Houston in the Texas war, and acquired some little knowledge of military tactics, and I applied the one knowledge to the other, and originated the Tennessee campaign, or the idea of it, from that information.

Q. What information had you about the fortifications upon the Mississippi River?—A. I came up the river in June, 1861, and I took a good view of them as I passed along, and seeing them in front, and knowing the country around, I was pretty well aware that I could not get by them.

Q. Had you been a keel-boatman on the Tennessee?—A. I had.

Q. Then you knew the depth of water in the Tennessee?—A. I did.

Q. From the shoals to the mouth?—A. From the mouth to Chattanooga. I was on the first steamboat that ever went above the shoals.

By Mr. EVANS:

Q. In that conversation between us did not I interrogate you particularly in regard to the points on the Tennessee River—as to whether the ~~boats~~ could go over the Mussel Shoals, and did I not also interrogate you with regard to the ~~depth~~ of water in Mobile Bay?—A. You did.

Q. And as to the probability of being able to move up the Alabama and Tombigbee Rivers?—A. No, sir; nothing that I understood so at all. I suggested the idea of striking the Tombigbee River from Eastport, and using it for transportation down, and attacking Mobile from the north.

Q. Did I not call your attention to that?—A. Not at all.

Q. And as to the probability of Farragut's fleet passing Dog River Bar?—A. No, sir; I have no knowledge of such a thing; because Farragut's fleet was not known at that time.

By Mr. WILLIAMS:

Q. In 1861?—A. In 1861 it was not known as attacking New Orleans or engaged down in that country; at least not that I had heard of.

By Mr. MACDOUGALL:

Q. Did Mr. Evans question you as to the probability of any fleet being able to pass Dog River Bar?—A. No, sir.

By Mr. WILLIAMS:

Q. In this conversation with Mr. Evans and Miss Carroll at Saint Louis, did you understand that she was to act as your agent in presenting to the War Department your views in regard to the Tennessee River?—A. Yes, sir.

Q. And not that you were to furnish her information that she was to use on her own account?—A. I understood that the information I gave her was to be laid before the War Department directly from me. I had no idea of doing anything but my duty in the matter, and I was willing to give it to the devil to carry if I could get him to take it to the right persons.

Q. How many pilots were there on the river that were loyal?—A. Five out of one hundred and twenty-eight.

By Mr. MACDOUGALL:

Q. Where were you born?—A. I was raised in Pittsburgh, Pa.

Q. Where were you born?—A. I am Irish born.

Q. How old were you when you came to this country?—A. About three years old. My father, however, was born in the State of Ohio.

CHAS. M. SCOTT.

The witness submitted in evidence the following letters :

" HEADQUARTERS ARMIES OF THE UNITED STATES,  
City Point, Va., March 18, 1865.

"CAPTAIN : I was placed in a position in September, 1861, where I could see the course pursued by you at that stage of the rebellion. It was my understanding that you had been an old Mississippi River pilot, and had left the Lower Mississippi about the last chance that was left for escape. I know nothing about your personal sacrifices further than you have stated them to me, but have no reason to doubt these statements. It gives me pleasure to say that at a time when the great majority of your profession were decidedly disloyal, or at least sympathized with the rebellion, you professed the strongest devotion to the old Union, and as long as I remained in command at Cairo stood always ready to conduct either transports or armed vessels wherever Government authorities wished them to be taken. You also furnished information of the Mississippi River and its defenses, and of the Cumberland, which proved both correct and valuable.

"Yours, truly,

"U. S. GRANT,  
Lieutenant-General.

"Capt. C. M. SCOTT,  
"Mississippi River Pilot."

"MISSISSIPPI SQUADRON, FLAGSHIP BLACKHAWK,  
"Mound City, March 1, 1865.

"SIR : I accept, to take effect at the expiration of your leave on the 31st instant, with much regret, your resignation as first-class pilot in this squadron. But I cannot withhold my acceptance in view of the state of your health, the long, able, and faithful and willing public service you have rendered in the Army and Navy from the outbreak of the rebellion, and because you have provided not one, but several substitutes, who are qualified pilots. When you wish to return to the service you will be gladly re-appointed.

"With my best thanks for your good example and wishes for your health and happiness,  
"I have the honor to be, sir, your obedient servant,

"S. P. LEE,  
"A. R. Admiral, Commanding Mississippi Squadron.

"CHARLES M. SCOTT,  
"First-Class Pilot."

"PITTSBURGH LANDING, April 16, 1862.

"This is to certify that Capt. Charles M. Scott, a pilot on the Mississippi River, has been in Government service, and detained on the Cumberland and Tennessee Rivers until the present time, thereby preventing him from appearing for examination before the local inspectors of Saint Louis at the time required.

"I will further state that Captain Scott, from his great knowledge of the Tennessee and Mississippi Rivers, and interest felt by him in the Union cause, has been able to give valuable information from time to time, and has done so cheerfully.

"U. S. GRANT,  
"Major-General.

"To the BOARD OF INSPECTORS,  
"Saint Louis Mo."

"WASHINGTON, June 11, 1862.

"DEAR SIR : I gave your document to Senator Browning, of Illinois, with a promise exacted that you should have credit for your valuable information. A member of the Cabinet advised me to give it to him. I cannot procure yours, but another copy, which I inclose, of your valuable letter.

"Truly, yours,

"A. E. CARROLL."

"SAINT LOUIS, MO.,  
"November 5, 1871.

"Capt. C. M. SCOTT :

"Referring to the Tennessee campaign, when I met you in Washington in April, 1865, you told me you showed my letter to General Grant, which I wrote you the 1st of December, 1861, informing you of the use I had made of the important facts which I obtained from you when in Saint Louis, a memorandum of which you were kind enough afterward to send me, as I had requested.

"My recollection is very distinct that you informed me he (General Grant) manifested much surprise, and said he had never heard of the matter before, and that you gave him my

letter. The time has now come when it is important to the truth that all the facts in relation to this campaign be brought to light.

"I will therefore be obliged if you will state your recollection of what you said to me.

"With much respect,

"MISS CARROLL."

[Personal and private.]

"TREMONT HOUSE,

"Washington, D. C., January 26, 1872.

"DEAR CAPT. SCOTT: Yours of the 14th instant only reached me to-day. I was very glad to hear from you and Mrs. Scott, and fully appreciate your good wishes in the matter before Congress. Under all the circumstances which complicate the political world just now, it needs an immense influence to carry the matter through; but I have every confidence that success will result. I wrote to Mr. Tucker for a position on his road, but he was full. I would not ask a small place for you, because, as the judge and myself think, you could fill almost any. Colouel Scott has just leased the Memphis and Charleston Railroad, and I have applied to him for a place, and think this will be more successful. Will send you and other friends a copy of the pamphlets, and the rest will contain the information you asked.

"Judge E. will be here early in February. His residence is at Austin, Tex.; he is the chief judge of the supreme court. I know he will be well pleased to hear from you. I think he will come direct via New Orleans to this city.

"Let me hear from you on receipt of the pamphlet. Judge Wade, late United States Senator from Ohio, who was chairman of the 'Committee on the Conduct of War,' and knows all about it, is here taking a main part, and highly delighted with it. It will be published in Congress on Monday. Remember me most kindly to Mrs. Scott and Mr. and Mrs. Fish.

"Sincerely, your friend,

"MISS CARROLL.

"P. S.—I will tell you soon about the political question; a change in affairs seems inevitable."

"TREMONT HOUSE, WASHINGTON, D. C.,

"February 6, 1872.

"DEAR SIR: Yours of the 2d instant is just received. I do not think I could have been more surprised than that you should say injustice is done you in the pamphlet which I sent you, supposing you would be interested in the presentation of the case. The facts therein cannot be successfully controverted, and here they are. In aid of the Union and to obtain accurate information of the western campaign, I, with the understanding at the War Department, went there in person in 1861. The result of the Belmont battle aroused me to a sense of the danger to which the Mississippi expedition would encounter. Mrs. Scott, with whom I conversed, informed me you were the pilot on the Memphis, which was then in great peril, and I requested her to introduce you to me when you returned. You say in the memorandum you gave me, that I sent for you three times and wrote a note. You called. I inquired about the Belmont fight, and the dangers to be apprehended by the Mississippi River campaign. You told me there was not a pilot on the river who did not believe with you, that it would be next to impossible to open it, &c. I left the room and called in Judge Evans, who knew that whole country in its geography and topographical connections. I requested him to interrogate you on all the western rivers, especially the Mississippi, Cumberland, and Tennessee. He did so for about two hours, and the information you gave was to my mind of the greatest importance, and feeling I might not remember all the facts as they were elicited from you through the questions submitted by Judge Evans, I requested you to send me the substance of what you said in writing. You refused for some time, but finally consented and did so. I acknowledged the receipt of it and of all your subsequent letters. I did more than any man in America would have done. I gave you the credit for that we drew from you in Saint Louis, and I tried during the war to have you made surveyor in consideration of the same. When you say I have your letters in the pamphlet your greatly err. I used the fact as I should have done, and with a map in my parlor in Washington went over the whole ground with Judge Evans, and should have made the same plan and the same proposition to the Administration to abandon the Mississippi and adopt the Tennessee if I had never got any communication from you whatever. When all the Tennessee River was known to me as having greater advantages, I had, with Judge Evans's assistance, all the information to enable me to write a proposition and influence enough to secure its adoption by the Government. The main statement of Judge Evans, which you saw in Saint Louis, gives you full credit for the service you rendered me in bringing about the result. Indeed, he does more; he wholly ignores his own claim, for but for his general knowledge and interrogatories the information I was seeking would not have been gained. Furthermore, you only had heard of me as an author, and you had no more conception of my object in seeking you further than the natural one of an intelligent inquirer, much less did you know that I possessed the influence to change the military movements of the Army.

"As, then, regards the Vicksburg letter, I am prepared to make affidavit that you had no more to do with that letter than though you had never existed. That letter you never saw until in the pamphlet.

"I submitted that paper and map unseen by any mortal eye, except Judge Evans. I had not a suggestion from you on the subject, and I have all your letters.

"I repeat, that I have done you the fullest justice, and if the claim succeeds you will find me just as magnanimous as my whole course has been to you. You can in no way damage me personally. Anything you might state might embarrass my success with Congress; that is, one disposed to be an enemy might use any statement, but the facts will ever remain that, so far as the information you possessed being made the means of producing the result, it is absolutely certain that but for myself it could never have been utilized and made efficacious, and you had no idea that we would until I informed you from W—.

"Judge E. is the author of the pamphlet, and will be here in a few days.

"Some ill-informed party may have suggested that you have not had justice. My whole course proves the contrary toward you, and so far from being a benefit to you, it would by no possibility do you any good, but in every way tend to injury. I think I have made myself explicit. I hope so.

"With best regards for Mrs. Scott and friends, sincerely,

"MISS CARROLL.

"Capt. C. M. SCOTT."

"TREMONT HOUSE,  
"Washington, February 8, 1872.

"MY DEAR CAPTAIN SCOTT: In my letter in answer to yours I should have referred you to Judge Evans in regard to my pamphlet. I inclosed him your letter, which I think will more than surprise him. It would not have been likely that I did not understand myself when I came before Congress, or that I should have sent the first publication of the pamphlet to you and others in Saint Louis, had there been any possibility of its being liable to the charge of injustice to yourself. Everything published and written has been seen in the committee who gave me the report, and that report gives you the fullest justice, as does my forthcoming book.

"The pamphlet was for Congress, and not the place to have introduced the evidence in report. Any attempt to antagonize could not further damage than to give something for enemies to the claim to seize upon—this you can rely upon—while it would forfeit my friendship, and in the event of success my ability to show my kindest appreciation for yourself and Mrs. Scott.

"Yours, sincerely."

"TREMONT HOUSE,  
"Washington, D. C., March 30, 1872.

"DEAR CAPTAIN SCOTT: I have been waiting the arrival of Judge Evans before replying to your letter, and he having been unexpectedly detained in Texas, has only at last arrived. I read to him your letter and paper inclosed. He expresses the most friendly regard for you, and says he will give your communication immediate attention and see what can be done, and will write you in a few days.

"I shall have to inclose this to the care of Mr. McCoy, as I have mislaid your number, and it is not in your last letter.

"My regards for Mrs. Scott and Mr. and Mrs. Fish.

"Yours, truly,

"MISS CARROLL."

"WASHINGTON CITY, July 24, 1863.

"MY DEAR SIR: Yours of the 7th instant reached me yesterday, and afforded me, as usual, pleasure and edification. I fully appreciate all your views, and it is beyond all question true that the suggestions made by you to me have proved of more value to the Government than all others beside. I have recorded your name in the Department and in the history which, in due time, will emanate from myself, if it shall please Providence to spare my life. I have been at the North for several months, and only reached here in time to receive your letter. I was at a loss to account for your long silence, for my letters are forwarded where I may happen to be, when not here. I retain all your letters and those also sent from Mrs. Scott. Your services to the Government have and are purely invaluable, and knowing your ardor and demonstrated courage and heroism I was really apprehensive that something had occurred which I feared to learn. I am, indeed, glad to hear from you and learn your views at the present time. I hope you will write as often as possible and give me all the information you can, and which I value far more than what I get from the ordinary correspondents of the press. I will write to Mrs. Scott in a few days.

"Trusting you may escape all the calamities incident to your position and enjoy a rich reward for all your love and sacrifice,

"I remain, very truly, your friend,

"ANNA ELLA CARROLL.

"C. M. SCOTT, Esq."

"WASHINGTON, February 13, 1864.

"MY DEAR SIR: I have not had the pleasure to receive a letter from you in many months. Your last was dated in July, from Vicksburgh; you had then joined the naval squadron on the Mississippi. I answered immediately, and have since written. Last week I wrote Mrs. Scott to inquire what the reason was that I did not hear from you again. I have very much to write of importance to you at this time. Let me hear from you at once, if you please, and give me your present views on the war, as *fully* and *freely* as you possibly can. I am in this city for the present season, and your letters addressed here will reach me promptly.

"Most respectfully and truly, yours,

"A. E. CARROLL."

"437 E STREET, NEAR SEVENTH STREET,

"NEAR GENERAL POST-OFFICE DEPARTMENT, March 22, 1865.

"MY DEAR SIR: I am just in receipt of your note of the 20th instant, and shall be delighted to have you call; indeed, I beg you not to leave this city until I see you. It may be of great importance.

"Truly, your friend,

"MISS CARROLL, of Md.

"The name on the door is M. M. McGregor, 437 E street north.

"Please call immediately if you receive this before half past 3 p. m. If you intend to remain here in this city, at 7 o'clock this evening. But don't leave without calling; and if you go to-day call any hour.

"A. E. C."

[Private.]

"DEAR CAPTAIN: I forgot to give you a friendly caution, which is not to allude to your business here or to cotton in any shape, for the reason that the Treasury Department gives all its instructions secretly, and they do this to cut off all illicit trade. Everything on this subject is confidential. I will explain fully when I see you about 10 in the morning.

"Your friend,

"A. E. C."

"WASHINGTON, D. C., 437 E STREET.

"April 27, 1865.

"As I have not heard from you, I conclude to send you at once the authority from the Government to bring out your own cotton free from all tax, and have telegraphed you that they are inclosed to Hon. E. Bates as agreed—not knowing your address.

"Very respectfully,

"A. E. CARROLL.

"Capt. CHARLES M. SCOTT,  
"Saint Louis, Mississippi Pilot."

"SAINT LOUIS, MO., July 30, 1864.

"DEAR COLONEL: If you can give the bearer of this, Captain C. M. Scott, employment on one of the snag-boats, you will reward a truly patriotic man. Captain S. is one of the very few Union pilots who stood ready in 1861 to help the Government, and to denounce treason. He was with me at Cairo that year, and was always ready to run a boat wherever it was wanted, regardless of danger. I have no doubt but his loyalty to the Government then tells against him in his profession now, and makes the stronger reason why the Government should employ him.

"I would be well pleased if you could give Captain Scott a good place.

"Yours, truly,

"U. S. GRANT,  
"General.

"To COLONEL MCCOMB,  
"United States Engineer, Cincinnati, Ohio."

We would particularly call the attention of the committee to her pamphlet, page 3, and ask them to compare the letter she claims to have laid before the Government, on November 30, 1861, and the letter of mine that she published in her communication to the National Intelligencer, on April 12, 1865, a copy of which is herewith presented, marked 12 to 21, inclusive. The particular letter begins on page 14 and ends on page 17. And again on page 9 of her memorial, she acknowledges herself as an agent of the War Department, thus corroborating my testimony of her and Judge Evans having informed me that they were such agents, which they now deny.

WASHINGTON, *July 11, 1876.*

At the conclusion of the testimony of Mr. Scott, L. D. EVANS made the following additional statement:

Without any definite recollection as to the number of bales of cotton claimed, or the nature of his claim, I wish now to say that the imputation that I made any definite proposition to him to make out a claim for a larger number of bales than he was entitled to is absolutely untrue, and Captain Scott knows that it is untrue.

I may have suggested the form for his application, but I have no recollection of doing so. If I did it was for Miss Carroll, and is in her handwriting. Doubtless it was understood that in the event of Captain Scott's recovering his cotton, he was to pay a certain per cent. to Miss Carroll; but I do not recollect anything of it.

I sent no note of invitation for Captain Scott. I had no reason for desiring to see him; and certainly would not have seen him but for the fact that Miss Carroll reported to me what he had said as to the navigability of the Tennessee River. If Captain Scott had at that time a plan of campaign which he had matured, and kept, he did not reveal it to me.

I did not ask him to write out any plan to the War Department to be sent to the care of Miss Carroll.

I did not state that she and myself were agents of the Government, or that she was leaving with dispatches for Washington. I solemnly state that it is my conviction that he had no plans—no definite conception, immediate or remote—that would follow upon the military movements. He had a clear appreciation of the difficulties to be encountered in the Mississippi expedition; his knowledge of that river, as also of the Cumberland and Tennessee, was full and accurate. I deemed the information most important and especially in reference to the difficulties of the Mississippi, the number of the bluffs from Cairo to Baton Rouge the character of the contiguous lands, whether swamps or overflowed, and the fact that many of these bluffs were fortified, and some of them very strongly; the average current, and the width and depth of the channel of the Cumberland and Tennessee and the head of gunboat navigation on those rivers; the draught and speed of the gunboats.

This was the sum of the information he communicated in that conversation which I deemed important, and requested him to write down for Miss Carroll, as she had stated it was her purpose to endeavor to induce the Government to change the plan of campaign.

Scott had not the remotest idea that I held any commission from the Government. No one knew this outside the State Department but General Frémont, and it was not until Mr. Seward's letter to him in reference to my mission was published, some time in 1862, that it became known.

APPLEBY, *September 22, 1861.*

MY DEAR MISS C.: I will thank you very much if you will send me a couple of hundred copies of your Reply to Breckinridge, with bill of expenses for the same. I do not think it is right that you should furnish your publications gratis any longer. I told our friends in Baltimore last week that the Union State Committee must go to work and send your documents over the entire State if they expect to carry this election. Mr. Mayer and Mr. Fickey, of the committee, said they would make application to you immediately and pay for all you can supply. No money can ever pay for what you have done for the State and the country in this terrible crisis, but I trust and believe the time will come when all will know the debt they owe you.

I saw the doctor yesterday; said the family were all well. My family send their warmest regards to you.

Please excuse brevity, and believe me, with great respect, your friend and obedient servant,

THOS. H. HICKS.

BALTIMORE, *October 2, 1861.*

MISS CARROLL: If you could let me have more of your last pamphlet, in answer to Breckinridge, I could use them with great effect. I have distributed from my house on Camden street all the committee could furnish me. I set my son at the door with paper and pencil, and five hundred men called for it in one day. These men are the bone and sinew of the city, wanting to know which army to enter. Please send as many as you can spare. They go like hot cakes.

Yours, very respectfully,

JAMES TILGHMAN.

WASHINGTON, D. C., *October 3, 1863.*

MY DEAR SIR: I have just received a note from Miss Anna Ella Carroll, of Maryland, informing me she is going to Philadelphia, where she is a comparative stranger, and desiring an introduction to some one of the eminent publicists of your famous city.

I venture to present her to you, sir, first, as an unquestionable lady of the highest personal standing and family connection; second, as a person of superior mind, highly cultivated, especially in the solids of American literature, political history, and constitutional law; third, of strong will, indomitable courage, and patient labor; guided by the light of her own understanding, she seeks truth among the mixed material of other minds, and, having found it, maintains it against all obstacles; fourth and last, a writer fluent, cogent, and abounding with evidence of patient investigation and original thought. I commend her to your courtesy, less for the delicate attentions proper for the drawing-room than for the higher communion of congenial students alike "devoted to the good of the commonwealth."

With the greatest respect, I remain, sir, your friend and servant,

EDWARD BATES.

Hon. ISAAC HAZLEHURST,  
*Philadelphia.*

WASHINGTON, D. C., June 5, 1874.

DEAR MISS CARROLL: I did not receive your polite note and the pamphlet in relation to your claim till this morning. \* \* \* The statement of your case is very strong, both as to the clear proof of "value received" from you by the Government, and on which was founded its promise to pay, and as to the favorable opinions of your literary and military services expressed by leading men. I know of no instance in which a woman, not born to sovereign sway, has done so much to avert the impending ruin of her country, and that not by cheap valor, like Joan of Arc, but by rare mental ability. As a Marylander, I am proud that the "Old Maryland Line" was so worthily represented by you in the struggle for the Union.

You would have had your substantial reward long ago but for the very absurd opinion that by some fixed mysterious law of nature, the labor done by women is worth less than precisely similar labor done by men. You should persist in your just claim, if only to establish the principle that the value of work should be estimated according to its merits, and not with reference to the worker. But, whatever may be the fate of your demand on the Government, you cannot fail to receive the grateful thanks of the people.

Very respectfully,

SAM'L T. WILLIAMS.

BUFFALO, November 25, 1871.

MY DEAR MISS CARROLL: I remember well your visit to this city in the autumn of 1861, and your criticisms on the military operations in the West. I cannot, after such a distance of time, recall the details of your conversation, but I see you have a strong report on the matter, and sincerely hope you may be successful with Congress.

Very truly, yours,

MILLARD FILLMORE.

WASHINGTON CITY, April —, 1862.

MY DEAR LADY: I thank you for sending me the last number of your able essays in the New York Times. The President paid you a very handsome compliment in the cabinet meeting yesterday in reference to your usefulness to the country. He handed your views on colonization and the proper point to initiate the colony, which he said he had requested of you, to Secretary Smith, and said you had given him a better insight into that whole question than any one beside, and you had, on his inquiry, suggested the Interior Department as proper to look after the matter, and advised the Secretary to get into communication with you. This was no more than your desert, but, coming from the President in cabinet meeting, it was as gratifying to me to hear as it is now to communicate this to you.

With great regard, your obedient servant,

EDWARD BATES.

HOUSE OF REPRESENTATIVES, May 13, 1862.

MISS CARROLL: I send a package by your servant which came here yesterday, I suppose, as I had the honor to frank some of your documents from here. If you will excuse my poor writing, will tell you what Mr. Lincoln said about you last night. I was there

with some seven or eight members of Congress and others, when a note and box came from you, with products from Central America. He seemed much delighted, and read your letter out to us and showed the contents of your box. He said, "This Anna Ella Carroll is the head of the Carroll race. When the history of this war is written, she will stand a good bit taller than ever old Charles did." I thought you might like to hear this.

Very respectfully,

WM. MITCHELL.

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[Senate Mis. Doc. No. 100, Forty-first Congress, second session.]

*Petition of Anna Ella Carroll, praying compensation for suggesting certain plans of operation for the armies of the United States during the late war.*

MARCH 31, 1870.—Referred to the Committee on Military Affairs and ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled :*

Your memorialist, Anna Ella Carroll, of Maryland, being convinced at the inception of the rebellion that it would demand for its overthrow the united exertions of all patriots of every capacity, hesitated not to devote all her energies wholly to the cause of the Union ; and, to this end, wrote and published, at her own expense, continuously, for the dissemination of information, and, as opportunity offered, communicated throughout the struggle important facts and suggestions to those who were officially charged with the maintenance of the Government.

It may be remembered that for some months after the battle of Bull Run, the administration were not satisfied that the best plan for the suppression of the rebellion had been devised. In the hope of being useful in this exigency, your memorialist made a tour to the West in the autumn of 1861, and, after careful observation, became thoroughly satisfied that the expedition then in course of preparation to descend the Mississippi could not succeed, and from information elicited from steamboat pilots, and other practical men who were familiar with the topography of that country, she was convinced that the Tennessee River was the only way to penetrate the vitals of the rebellion with our then available forces. And for the purpose of inducing our Government to adopt the Tennessee River instead of the Mississippi, she prepared and placed in the hands of Hon. Thomas A. Scott, Assistant Secretary of War, on the 30th of November, 1861, the paper, a copy of which is hereto annexed. That distinguished official expressed himself highly gratified, and said he had no doubt but she was right ; and after the success of the expedition he informed her that she had saved the country incalculable millions, and was unquestionably entitled to the thanks of Congress. Your memorialist is not advised as to how that paper was used by the War Department, but she does believe that it caused the Tennessee River to be adopted as the strategical line in 1862, and thereby influenced most materially the destinies of the war.

Therefore, if the facts herein recited shall, upon the investigation of Congress, prove to be well grounded, your memorialist would respectfully ask for compensation commensurate with the service.

ANNA ELLA CARROLL.

MARCH 25, 1870.

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*Copy of paper laid before Hon. Thomas A. Scott, Assistant Secretary of War, by Miss A. E. Carroll, November 30, 1861.*

The civil and military authorities seem to be laboring under a grave mistake in regard to the true key of the war in the Southwest. It is not the Mississippi, but the Tennessee River. It is well known that the eastern part, or farming interests of Tennessee and Kentucky, are generally loyal, while the middle and western parts, or what are called the planting districts, are in sympathy with the traitors, but, except in the extreme western parts, the Union sentiment still lives. Now all the military preparations made in the West indicate that the Mississippi River is the point to which the authorities are directing their attention. On that river many battles must be fought and heavy risks incurred before any impression can be made on the enemy, all of which could be avoided by using the Tennessee River. This river is navigable for medium-class boats to the foot of the Muscle Shoals in Alabama, and is open to navigation all the year, while the distance is but two hundred and fifty miles by the river from Paducah on the Ohio. The Tennessee offers many advantages over the Mississippi. We should avoid the almost impregnable batteries of the enemy, which cannot be taken without great danger and great risk of life to our forces, from the fact that our boats,

if crippled, would fall a prey to the enemy by being swept by the current to him, and away from the relief of our friends. But even should we succeed, still we will only have begun the war, for we shall then have to fight to the country from whence the enemy derives his supplies.

Now, an advance up the Tennessee River would avoid this danger; for, if our boats were crippled, they would drop back with the current and escape capture.

But a still greater advantage would be its tendency to *cut the enemy's lines in two*, by reaching the Memphis and Charleston Railroad, threatening Memphis, which lies one hundred miles due west, and no defensible point between; also Nashville, only ninety miles north-east, and Florence and Tusculumbia in North Alabama, forty miles east. A movement in this direction would do more to relieve our friends in Kentucky, and inspire the loyal hearts in East Tennessee, than the possession of the whole of the Mississippi River. If well executed, it would cause the evacuation of all those formidable fortifications on which the rebels ground their hopes of success; and, in the event of our fleet attacking Mobile, the presence of our troops in the northern part of Alabama would be material aid to the fleet.

Again, the aid our forces would receive from the loyal men in Tennessee would enable them soon to crush the last traitor in that region, and the separation of the two extremes would do more than one hundred battles for the Union cause.

The Tennessee River is crossed by the Memphis and Louisville Railroad and the Memphis and Nashville Railroad. At Hamburg the river makes the big bend on the east, touching the northeast corner of Mississippi, entering the northwest corner of Alabama, forming an arc to the south, entering the State of Tennessee at the northeast corner of Alabama, and if it does not touch the northwest corner of Georgia, comes very near it. It is but eight miles from Hamburg to the Memphis and Charleston Railroad, which goes through Tusculumbia, only two miles from the river, which it crosses at Decatur, thirty miles above, intersecting with the Nashville and Chattanooga road at Stephenson. The Tennessee River has never less than three feet to Hamburg on the "shoalest" bar, and, during the fall, winter, and spring months, there is always water for the largest boats that are used on the Mississippi River. It follows from the above facts that in making the Mississippi the key to the war in the West, or rather in overlooking the Tennessee River, the subject is not understood by the superiors in command.

Senate report No. 339, Forty-first Congress, third session. In the Senate of the United States, February 2, 1871, ordered to be printed.

Mr. HOWARD made the following report, (to accompany bill S. No. 1293:)

*The Committee on Military Affairs and the Militia, to whom were referred the memorial and papers of Miss Carroll, of Maryland, claiming to have furnished the Government with the information which caused the change in the military expedition which was preparing in 1861 to descend the Mississippi River from that river to the Tennessee River, submit the following report:*

Miss Carroll placed in the hands of Hon. Thomas A. Scott, Assistant Secretary of War, on the 30th of November, 1861, the following paper:

"The civil and military authorities seem to be laboring under a great mistake in regard to the true key of the war in the Southwest. It is not the Mississippi, but the Tennessee River. It is well known that the eastern part, or farming interests of Tennessee and Kentucky, are generally loyal, while the middle and western parts, or what are called the planting districts, are in sympathy with the traitors, but except in the extreme western parts the Union sentiment still lives. Now, all the military preparations made in the West indicate that the Mississippi River is the point to which the authorities are directing their attention. On that river many battles must be fought and heavy risks incurred before any impression can be made on the enemy, all of which could be avoided by using the Tennessee River. This river is navigable for medium-class boats to the foot of the Muscle Shoals in Alabama, and is open to navigation all the year, while the distance is but two hundred and fifty miles by the river from Paducah on the Ohio. The Tennessee offers many advantages over the Mississippi. We should avoid the almost impregnable batteries of the enemy, which cannot be taken without great danger and great risk of life to our forces, from the fact that our boats, if crippled, would fall a prey to the enemy, by being swept by the current to him and away from the relief of our friends. But even should we succeed, still we will only have begun the war, for we shall then have to fight to the country from whence the enemy derives his supplies.

"Now, an advance up the Tennessee River would avoid this danger; for if our boats were crippled, they would drop back with the current and escape capture.

"But a still greater advantage would be its tendency to *cut the enemy's lines in two* by reaching the Memphis and Charleston Railroad, threatening Memphis, which lies one hun-

dred miles due west, and no defensible point between; also Nashville, only ninety miles northeast, and Florence and Tusculumbia in North Alabama, forty miles east. A movement in this direction would do more to relieve our friends in Kentucky, and inspire the loyal hearts in East Tennessee, than the possession of the whole of the Mississippi River. If well executed, it would cause the evacuation of all those formidable fortifications on which the rebels ground their hopes for success; and in the event of our fleet attacking Mobile, the presence of our troops in the northern part of Alabama would be material aid to the fleet.

"Again, the aid our forces would receive from the loyal men in Tennessee would enable them soon to crush the last traitor in that region, and the separation of the two extremes would do more than one hundred battles for the Union cause.

"The Tennessee river is crossed by the Memphis and Louisville Railroad and the Memphis and Nashville Railroad. At Hamburg the river makes the big bend on the east, touching the northeast corner of Mississippi, entering the northwest corner of Alabama, forming an arc to the south, entering the State of Tennessee at the northeast corner of Alabama, and if it does not touch the northwest corner of Georgia, comes very near it. It is but eight miles from Hamburg to the Memphis and Charleston Railroad, which goes through Tusculumbia, only two miles from the river, which it crosses at Decatur, thirty miles above, intersecting with the Nashville and Chattanooga Road at Stephenson. The Tennessee River has never less than three feet to Hamburg on the 'shoalest' bar, and during the fall, winter, and spring months there is always water for the largest boats that are used on the Mississippi River. It follows from the above facts, that in making the Mississippi the key to the war in the West, or rather in overlooking the Tennessee River, the subject is not understood by the superiors in command."

That this plan as suggested was adopted, we submit the following letter from Hon. Thomas A. Scott, then Assistant Secretary of War:

"Hon. JACOB M. HOWARD,

*"United States Senate:*

"On or about the 30th of November, 1861, Miss Carroll, as stated in her memorial, called on me as Assistant Secretary of War, and suggested the propriety of abandoning the expedition which was then preparing to descend the Mississippi River, and to adopt instead the Tennessee River, and handed to me the plan of campaign, as appended to her memorial; which plan I submitted to the Secretary of War, and its general ideas were adopted. On my return from the Southwest in 1862, I informed Miss Carroll, as she states in her memorial, that through the adoption of this plan the country had been saved millions, and that it entitled her to the kind consideration of Congress.

"THOS. A. SCOTT.

"PHILADELPHIA, June 24, 1870."

The affidavit of Hon. Lemuel D. Evans, of Texas, at present chief justice of that State, states that he was intrusted by our Government with a confidential mission to the Mexican border on the Lower Rio Grande, and in the autumn of 1861 proceeded to Saint Louis, the then headquarters of the Army of the Southwest, and as the success of his mission depended on the movements of the Army in that military department, it became his business to obtain accurate information, and with that object in view he remained in Saint Louis until some time in November. This deponent states that Miss Carroll was in Saint Louis in October and November, seeking information, as she claimed and as he believes, in aid of the Union; that he held many conversations with her on the military and political situation; that there was boarding in the same hotel with Miss Carroll a Mrs. Scott, a lady who seemed well informed as to what was going on, and whose husband was then a pilot on the steamer Memphis, one of the transports in the expedition designed to descend the Mississippi.

A few days after the battle of Belmont this gentleman, Mr. Scott, came to the hotel, when Miss Carroll sought and obtained an interview through his wife, and becoming impressed with the value of his special knowledge, she requested deponent to join in the interview and to interrogate Mr. Scott, which he did at great length, in regard to the Mississippi, the Tennessee, and Cumberland Rivers; and in reply he stated that it was his opinion, in which all the pilots connected with the expedition concurred, that it would be next to impossible to open the Mississippi with the gunboats. He mentioned one pilot who had been familiar with these waters for forty years. He stated that it was entirely practicable for the gunboats to ascend, at favorable stages of water, the Cumberland to Nashville, and, at all stages, the Tennessee to the foot of the Muscle Shoals. Miss Carroll requested Mr. Scott to write down for her the principal facts which she had elicited, and also requested him to communicate to her his observations during his connection with the expedition; to do which he at first declined, on the ground of defective education, as he alleged, but finally he consented. On Miss Carroll's return from the West she prepared and submitted to deponent for his opinion the plan of the Tennessee River expedition as set forth in her memorial. Being a native and resident of that section and intimately acquainted with its geography, and particularly with the Tennessee River, deponent was convinced of the vast military importance of her paper, and advised her to lose no time in laying the same before the War Department, which she did on or about the 30th of November, 1861.

"JANUARY 5, 1862.

"Hon. THOMAS A. SCOTT,

"Assistant Secretary of War :

"Having given you my views of the Tennessee River on my return from the West, showing that this river is the true strategical key to overcome the rebels in the Southwest, I beg again to recur to the importance of its adoption. This river is never impeded by ice in the coldest winter, as the Mississippi and Cumberland sometimes are. I ascertained, when in Saint Louis, that the gunboats then fitting out could not retreat against the current of the western rivers, and so stated to you ; besides, their principal guns are placed forward, and will not be very efficient against an enemy below them. The fighting would have to be done by their stern guns—only two—or if they anchored by the stern, they would lose the advantage of motion, which will prevent the enemy from getting their range. Our gunboats at anchor would be a target, which the enemy will not be slow to improve, and benefit thereby.

"The Tennessee River, beginning at Paducah, fifty miles above Cairo, after leaving the Ohio, runs across south-southeast rather than through Kentucky and Tennessee, until it reaches the Mississippi line, directly west of Florence and Tusculum, which lie fifty miles east, and Memphis, one hundred and twenty-five miles west, with the Charleston and Memphis Railroad eight miles from the river. There is no difficulty in reaching this point any time of the year, and the water is known to be deeper than on the Ohio.

"If you will look on the map of the Western States you will see in what a position Buckner would be placed by a strong advance up the Tennessee River. He would be obliged to back out of Kentucky, or if he did not, our forces could take Nashville in his rear and compel him to lay down his arms.

"Very truly,

"ANNA ELLA CARROLL."

Hon. B. F. Wade, Ex-United States Senator and chairman of the Committee on the Conduct of the War, states that he has always understood that it was the information Miss Carroll gave that caused the change in the expedition that was to be sent down the Mississippi River, from that river to the Tennessee ; that a copy of Miss Carroll's paper was shown him immediately after the success of the campaign, by the late Hon. Elisha Whittlesey, of Ohio ; that he knows how highly the information and services of this lady were appreciated by President Lincoln and Secretary Stanton, and has heard them both say that she ought to be liberally rewarded ; that Hon. Thomas A. Scott, then Assistant Secretary of War, will, no doubt, corroborate what he states, as well as many others, and he knows Secretary Stanton would were he living. "Her labors," he adds, "were attended with great expense, as they extended throughout the whole period of the war ;" that he is glad to hear that her claim is before Congress, and as her services were most beneficial to the Government, her claim is just, and he hopes will be liberally considered by that body.

In preferring her claim, Miss Carroll says :

"My claim to having originated this movement receives strong confirmation in the fact that no military man has ever controverted it. It is not to be doubted that no educated gentleman could have been ignorant of the fact that the Tennessee was a navigable river, and run from the very center of the rebellion north, through the States of Tennessee and Kentucky, but the significance of this knowledge had not awakened the attention of any one, and my special claim to merit is that I was the first to point out to the Government how this knowledge could be made available. In preferring my claim to this I cannot by any possibility detract from our brave and heroic commanders, to whom the country owes so much ; and so far from opposing me, I believe that as a class they would be gratified to see me or any one properly rewarded according to the part performed in this mighty drama."

From the high social position of this lady and established ability as a writer and thinker, she was prepared at the inception of the rebellion to exercise a strong influence in behalf of liberty and Union. That it was felt and respected in Maryland during the darkest hours in that State's history there can be no question. Her publications throughout the struggle were eloquently and ably written and widely circulated, and did much to arouse and invigorate the sentiment of loyalty in Maryland and other border States. It is not too much to say that they were among the very ablest publications of the time, and exerted a powerful influence upon the hearts of the people.

Some of these publications were prepared under the auspices of the War Department, and for this Miss Carroll preferred a claim to re-imburse her for the expenses incurred in their publication, which ought to have been paid ; and as evidence of this we subjoin the following statement from the Assistant Secretary of War :

"PHILADELPHIA, January 23, 1863.

"All my interviews with Miss Carroll were in my official capacity as Assistant Secretary of War. The pamphlets published were, to a certain extent, under a general authority then exercised by me in the discharge of public duties as Assistant Secretary of War. No price was fixed, but it was understood that the Government would treat her with sufficient liberality to compensate her for any service she might render."

On the 15th of June, 1870, Hon. Thomas A. Scott addressed a letter to Hon. J. M. Howard, United States Senate, in which he says:

"I learn from Miss Carroll that she has a claim before Congress for services rendered in the year 1861 in aid of the Government. I believe now that the Government ought to reward her liberally for the efforts she made in its behalf to rouse the people against the rebellious action of the South. I hope you will be able to pass some measure that will give Miss Carroll what she is certainly entitled to.

"THOMAS A. SCOTT."

In view, therefore, of the highly meritorious services of Miss Carroll during the whole period of our national troubles, and especially at that important epoch of the war to which her memorial makes reference, and in consideration of the further fact that all the expenses incident to this service were borne by herself, the committee believe her claim to be just, and that it ought to be recognized by Congress, and consequently report a bill for her relief.

The above report is published by authority from the chairman of the Senate Military Committee of this Forty-second Congress.

JULY 13, 1871.

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[Senate Mis. Doc. No. 167, Forty-second Congress, second session.]

*Memorial of Anna Ella Carroll, asking compensation for service rendered the United States in the war of the rebellion.*

June 8, 1872.—Referred to the Committee on Military Affairs and ordered to be printed.

*To the Honorable the Senate and House of Representatives of the United States in Congress assembled:*

It is a fact well remembered that in the autumn of 1861 very great solicitude was felt both by the Government and the people in regard to the expedition to open the Mississippi River. It is also remembered that *that* expedition was changed and diverted up the Tennessee River. On whose motion or suggestion that change was brought about is less generally known.

Your memorialist, Anna Ella Carroll, claims to have furnished this information and plan. From her memorial to your honorable bodies on the 23th of March, 1870, she begs leave to make the following extracts:

"Your memorialist being convinced at the inception of the rebellion that it would demand for its overthrow the united exertions of all patriots, of every capacity, hesitated not to devote all her energies wholly to the cause of the Union; and, to this end, wrote and published, at her own expense, continuously, for the dissemination of information, and as opportunity offered, communicated throughout the struggle important facts and suggestions to those who were officially charged with the maintenance of the Government.

"It may be remembered that for some months after the battle of Bull Run the administration were not satisfied that the best plan for the suppression of the rebellion had been advised. In the hope of being useful in this exigency, your memorialist made a tour to the West in the autumn of 1861, and, after careful observation, became thoroughly satisfied that the expedition then in course of preparation to descend the Mississippi *could not succeed*, and from information elicited from steamboat-pilots, and other practical men who were familiar with the topography of that country, she was convinced that the Tennessee River was the only way to penetrate the vitals of the rebellion with our then available forces; and for the purpose of inducing our Government to *adopt the Tennessee River instead of the Mississippi*, she prepared and placed in the hands of Hon. Thomas A. Scott, Assistant Secretary of War, on the 30th of November, 1861, the paper a copy of which is hereto annexed. That distinguished official expressed himself highly gratified, and said he had no doubt but she was right; and after the success of the expedition he informed her that she had saved the country incalculable millions, and was unquestionably entitled to the thanks of Congress."

On the 5th of January, 1862, she addressed the War Department a second letter, urging an immediate advance up the Tennessee River. On the 14th of May, 1862, she sent a letter to Secretary Stanton advising the occupancy of Vicksburgh. Again, in October, 1862, she addressed the Secretary of War, showing that Vicksburgh could not be reduced by the river expedition. This memorial being referred to the Committee on Military Affairs in the Senate, they reported unanimously, in January, 1871, in favor of her claim, which was made through the late Senator Howard, but Congress adjourned before the bill was reached.

Since that time new testimony has been secured and new evidence developed, making more manifest the magnitude of the service and strengthening her confidence, as she again appeals to Congress for its adequate recognition. She is permitted to furnish facts and testimony

from men of the highest position, of unquestioned integrity, and enjoying the amplest means of information.

The first is Hon. L. D. Evans, present chief-justice of the supreme court of Texas, who, in the autumn of 1861, was intrusted by our Government with a confidential mission to the Mexican border on the Lower Rio Grande; and as the success of his mission depended on the movements of the Army in the Southwest, it became his business to obtain accurate information from the headquarters of the Army, and with this view remained in Saint Louis until some time in November. Judge Evans was cognizant of the time and manner in which your memorialist conceived and perfected the plan submitted to the Department, which he fully and faithfully describes.

The next, Hon. Thomas A. Scott, Assistant Secretary of War, testifies from his personal knowledge that not only was the information and plan that changed the expedition which was to descend the Mississippi and transfer the armies from Cairo up the Tennessee River to the Memphis and Charleston Railroad furnished by your memorialist and adopted by the Government, but that he himself was sent to the armies of the West for the express purpose of contributing his services in aid of its execution; and that, in the campaigns which followed, the plan of your memorialist was substantially carried out.

Hon. B. F. Wade, chairman of the "Committee on the Conduct of the War," and afterward President of the Senate, who had necessarily abundant opportunities of becoming acquainted with the facts in the case, and whose unquestioned reputation for probity leaves no doubt concerning any statement he may make, not only recognizes and indorses the claim of your petitioner, but confirms the fact that President Lincoln and Secretary Stanton did also.

The first paper addressed the War Department for a campaign upon the Tennessee River and thence south was placed in the hands of Hon. Thomas A. Scott, Assistant Secretary of War, the 30th of November, 1861, and is as follows:

"The civil and military authorities seem to be laboring under a great mistake in regard to the true key of the war in the Southwest. It is not the Mississippi, but the Tennessee River. All the military preparations made in the West indicate that the Mississippi River is the point to which the authorities are directing their attention. On that river many battles must be fought and heavy risks incurred before any impression can be made on the enemy, all of which could be avoided by using the Tennessee River. This river is navigable for medium-class boats to the foot of the Muscle Shoals in Alabama, and is open to navigation all the year, while the distance is but two hundred and fifty miles by the river from Paducah on the Ohio. The Tennessee offers many advantages over the Mississippi. We should avoid the almost impregnable batteries of the enemy, which cannot be taken without great danger and great risk of life to our forces, from the fact that our boats, if crippled, would fall a prey to the enemy by being swept by the current to him, and away from the relief of our friends. But even should we succeed, still we will only have begun the war, for we shall then have to fight to the country from whence the enemy derives his supplies.

"Now, an advance up the Tennessee River would avoid this danger; for if our boats were crippled, they would drop back with the current and escape capture.

"But a still greater advantage would be its tendency to *cut the enemy's lines in two*, by reaching the Memphis and Charleston Railroad, threatening Memphis, which lies one hundred miles due west, and no defensible point between; also Nashville, only ninety miles northeast, and Florence and Tuscumbia in North Alabama, forty miles east. A movement in this direction would do more to relieve our friends in Kentucky and inspire the loyal hearts in East Tennessee than the possession of the whole of the Mississippi River. If well executed, it would cause the evacuation of all those formidable fortifications on which the rebels ground their hopes for success; and, in the event of our fleet attacking Mobile, the presence of our troops in the northern part of Alabama would be material aid to the fleet.

"Again, the aid our forces would receive from the loyal men in Tennessee would enable them soon to crush the last traitor in that region, and the separation of the two extremes would do more than one hundred battles for the Union cause.

"The Tennessee River is crossed by the Memphis and Louisville Railroad and the Memphis and Nashville Railroad. At Hamburg the river makes the big bend on the east, touching the northeast corner of Mississippi, entering the northwest corner of Alabama, forming an arc to the south, entering the State of Tennessee at the northeast corner of Alabama, and if it does not touch the northwest corner of Georgia, comes very near it. It is but eight miles from Hamburg to the Memphis and Charleston Railroad, which goes through Tuscumbia, only two miles from the river, which it crosses at Decatur, thirty miles above, intersecting with the Nashville and Chattanooga road at Stephenson. The Tennessee River has never less than three feet to Hamburg on the 'shoalest' bar, and, during the fall, winter, and spring months there is always water for the largest boats that are used on the Mississippi River. It follows from the above facts that in making the Mississippi the key to the war in the West, or rather in overlooking the Tennessee River, the subject is not understood by the superiors in command."

The second paper, urging an immediate advance up the Tennessee, bears date on the 5th of January, 1862, of which the following is an extract:

"Having given you my views of the Tennessee River on my return from the West, showing that this river is the true strategical key to overcome the rebels in the Southwest, I beg

again to recur to the importance of its adoption. This river is never impeded by ice in the coldest winter, as the Mississippi and Cumberland sometimes are. I ascertained, when in Saint Louis, that the gunboats then fitting out could not retreat against the current of the western rivers, and so stated to you; beside, their principal guns are placed *forward*, and will not be very efficient against an enemy below them. The fighting would have to be done by their *stern* guns, only two, or if they anchored by the stern they would lose the advantage of *motion*, which will prevent the enemy from getting their range. Our gunboats at anchor would be a target, which the enemy will not be slow to improve, and benefit thereby.

"The Tennessee River, beginning at Paducah, fifty miles above Cairo, after leaving the Ohio, runs across south-southeast rather than through Kentucky and Tennessee, until it reaches the Mississippi line, directly west of Florence and Tuscumbia, which lie fifty miles east, and Memphis, one hundred and twenty-five miles west, with the Charleston and Memphis Railroad eight miles from the river. There is no difficulty in reaching this point any time of the year, and the water is known to be deeper than on the Ohio.

"If you will look on the map of the Western States you will see in what a position Buckner would be placed by a strong advance up the Tennessee River. He would be obliged to back out of Kentucky, or if he did not our force could take Nashville in his rear and compel him to lay down his arms."

The next is an extract from the letter to the Secretary of War on the 14th of May, 1862, advising the occupation of Vicksburgh:

"It will be the obvious policy of the rebels in the event of Beauregard's defeat, to send a large column into Texas for the purpose of holding that country for subsistence, where beef and wheat abound. This can be defeated by strongly occupying Vicksburgh and plying a gunboat to be placed at the mouth of the Red and Arkansas Rivers."

"Whether the impending battle in North Mississippi should occur at Corinth or within the area of a hundred miles, a large part of the enemy's forces will retreat by the Yazoo River and by the railroad to Vicksburgh, on the Mississippi, and will take the railroad through Louisiana into Texas. \* \* \* She also handed Mr. Watson a letter on Monday, giving information that the canoes, skiffs, and other transports had been sent up the Yazoo from Memphis and Vicksburgh for the purpose, undoubtedly, of securing the rebels' retreat from our pursuing army."

In October, 1862, she wrote the following letter to the Secretary of War, through the hands of Hon. John Tucker, Assistant Secretary, on the reduction of Vicksburgh:

"As I understand an expedition is about to go down the river for the purpose of reducing Vicksburgh, I have prepared the inclosed map in order to demonstrate more clearly the obstacles to be encountered in this contemplated assault. In the first place, it is impossible to take Vicksburgh in front without too great a loss of life and material, for the reason that the river is only about half a mile wide, and our forces would be in point-blank range of their guns—not only from their water-batteries which line the shore, but from the batteries that crown the hills, while the enemy would be protected by the elevation from the range of our fire. By examining the map I inclose, you will at once perceive why a place of so little apparent strength has been able to resist the combined fleets of the Upper and Lower Mississippi. The most economical plan for the reduction of Vicksburgh now is to push a column from Memphis or Corinth down the Mississippi Central Railroad to Jackson, the capital of the State of Mississippi. The occupation of Jackson and the command of the railroad to New Orleans would compel the immediate evacuation of Vicksburgh as well as the retreat of the entire rebel army east of that line; and by another movement of our army from Jackson, Mississippi, or from Corinth to Meridian, in the State of Mississippi, on the Ohio and Mobile Railroad, especially if aided by a movement of our gunboats on Mobile, the Confederate forces, with all the disloyal men and their slaves, would be compelled to fly east of the Tombigbee.

"Mobile being then in our possession, with 100,000 men at Meridian, would redeem that entire country, from Memphis to the Tombigbee River. Of course I would have the gunboats with a small force at Vicksburgh as auxiliary to this movement. With regard to the canal, Vicksburgh can be rendered useless to the Confederate army upon the very first rise of the river, but I do not advise this, because Vicksburgh belongs to the United States, and we desire to hold and fortify it for the Mississippi River at Vicksburgh, and the Vicksburgh-Jackson Railroad will become necessary as a base for our future operations. Vicksburgh might have been reduced eight months ago, as I then advised after the fall of Fort Henry, and with much more ease than it can be done to-day."

#### THE CONCEPTION AND PRESENTATION OF THE PLAN.

Having placed before you the several communications made to the Government in behalf of the Tennessee campaign, your memorialist respectfully and earnestly calls your attention to the following evidence above referred to. The first is the statement of Judge Evans, present chief-justice of the supreme court of Texas:

"WASHINGTON, April 27, 1872.

"SIR: Having been requested to state my knowledge of the Tennessee plan of campaign,

I respectfully submit that Miss Carroll was the first to conceive and suggest to the Government the practicability and importance of moving the armies from Cairo up the Tennessee River into Northern Mississippi or Alabama, on the Memphis and Charleston Railroad.

"It may be remembered that the rebel power very early in the contest developed a strength and proportion which the country was not prepared to expect. This fact, together with our failure to achieve any early military success, was having a most depressing effect upon the spirit of the country, while the danger of foreign intervention was becoming more and more imminent. Indeed, our Government was warned that without some decided military advantage before spring, England and France would acknowledge the independence of the South, and raise the blockade for a supply of cotton. If, then, we would preserve the Union, we must in a very short period gain a strategic position that would satisfy the country, and convince European powers of the ability of the Government to suppress the rebellion.

"To find this decisive point, and the direction in which a blow could be delivered that would insure this result, became in the autumn of 1861 a matter of the most serious military consideration. It was in this exigency that Miss Carroll visited the West in quest of information in aid of the Union, as she stated to me, and as I fully believe.

"From early in October to about the 20th of November, 1861, she was at the Everett House in Saint Louis. I was also in that city, particularly interested in the success of our arms, and conversed almost every day with her upon the military and political situation in that quarter, and especially in reference to the difficulties to be overcome by the expedition preparing to open the Mississippi. I am therefore able from personal knowledge to state the origin of the plan of the Tennessee campaign from its inception to its final draught and presentation to the War Department. The conception which is embodied in this plan occurred to the mind of Miss Carroll about the middle of November, 1861, in conversation with Captain Scott, a pilot on one of the transports connected with the expedition to descend the Mississippi River. She learned some important facts from his wife, whom she met in the hotel, concerning the naval preparations for the expedition, and requested to see her husband that she might be informed as to the special knowledge and opinions of practical steamboat-men, and on his arrival in Saint Louis, after the battle of Belmont, she sent for him.

"When he stated to her that it was his opinion, and that of the pilots generally who were familiar with the western waters, that the naval expedition could not open the Mississippi; that the gunboats were not fitted to fight down that river, and that it was practicable for them to go up the Tennessee, the thought occurred to her that the Government should direct the Mississippi expedition up the Tennessee River to some point in Northern Mississippi or Alabama so as to command the Memphis and Charleston Railroad. In a very earnest and animated manner she communicated this thought to me. Being a native of that section, and intimately acquainted with its geography, and particularly with the Tennessee River, I was at once impressed with the tremendous value of her suggestions. She immediately introduced Captain Scott to me with a request that I would interrogate him on all his special facts. He stated the number and strength of the fortifications on the Mississippi, and the impossibility of the gunboats to reduce them, the width and depth of the Tennessee River, and the practicability of ascending with the gunboats to the foot of the Muscle Shoals, but did not think they could pass above.

"With the view of ascertaining the practicability of a naval expedition to reach Mobile and ascend the Alabama and Tombigbee Rivers, I questioned him as to the depth of these waters also. We were so impressed with the fullness and accuracy of his information that Miss Carroll asked him to write it down for her, to do which he declined from want of education, but finally consented. The same day she writes from Saint Louis to Attorney-General Bates, and to Hon. Thomas A. Scott, Assistant Secretary of War, suggesting the change of the expedition from the Mississippi to the Tennessee River, and on her arrival in Washington, the latter part of November, she prepared the plan of campaign appended to her memorial, and submitted it to me for my opinion, and, without signature, placed the same in the hands of Hon. Thomas A. Scott, to be used by the Government without her name being known in its connection.

"She communicated to the pilot, Captain Scott, at Cairo, what she had done, and the probabilities that her suggestions would be adopted by the Government, and requested him to send her from time to time all the information he could gather. He complied with her request, and gave her further important information, from which she prepared a second paper on the Tennessee campaign of January 5, 1862, an imperfect copy of which appears in Mr. Howard's report. I say imperfect, because I have a very distinct recollection of aiding her in the preparation of that paper, tracing with her upon a map of the United States which hung in her parlor the Memphis and Charleston Railroad and its connections southward, the course of the Tennessee, the Alabama and Tombigbee Rivers, and the position of Mobile Bay; and when Henry fell she wrote the Department showing the feasibility of going either to Mobile or Vicksburgh. She has no copy of this letter, but there is an allusion to it in her letter in the autumn of 1862, on the reduction of Vicksburgh. She has, however, a copy of the letter addressed the Secretary of War on the 14th of May,

1862, in anticipation of overwhelming the enemy at Corinth, advising the occupation of Vicksburgh.

"Again, in the autumn of 1862, learning that an expedition was prepared to attack Vicksburgh from the river, she addressed the Secretary of War showing the impracticability of taking Vicksburgh from the river, and stated that the true line of attack was down the Mississippi Central Railroad to Jackson.

#### NO PREVIOUS CONCEPTION OF THE PLAN.

"In conclusion, I will state that having critically examined all the plans of our generals and everything official which has been published by the War Department bearing on this point, and every history that has been written upon the war, it is evident that, up to the time Miss Carroll submitted her plan to the Government, it had not occurred to any military mind that the true line of invasion was not down the Mississippi River, nor yet up the Cumberland to Nashville, and thence overland, but that it was the Tennessee River, and on that line alone, that the Mississippi could be opened, and the power of the rebellion destroyed.

"It had not been perceived that moving a force up the Tennessee River into Northern Mississippi or Alabama strong enough to maintain itself and command the Memphis and Charleston Railroad would render all the fortifications from Bowling Green to Columbus and from Columbus to Memphis *valueless* to the enemy, and cause their immediate evacuation and bring the whole of the Mississippi Valley under the control of the national arms.

"Respectfully submitted.

"L. D. EVANS.

"Hon. HENRY WILSON,

"*Chairman of the Military Committee of the United States Senate.*"

#### ITS ADOPTION AND EXECUTION BY THE GOVERNMENT.

In proof that the Mississippi expedition was changed and the Tennessee River campaign was inaugurated in pursuance of the suggestions and plan of your memorialist, she offers the following testimony from Hon. Thomas A. Scott, then Assistant Secretary of War :

Hon. Thomas A. Scott, in a letter to Hon. J. M. Howard, United States Senate, 15th of June, 1870, says :

"I learn from Miss Carroll that she has a claim before Congress for services rendered in the year 1861, in aid of the Government. I believe the Government ought now to reward her liberally for the efforts she made in its behalf. I hope you will be able to pass some measure that will give Miss Carroll what she is most certainly entitled to."

On the 24th of June, 1870, he addressed Senator Howard, as follows :

"Hon. JACOB M. HOWARD, *United States Senate* :

"On or about the 30th of November, 1861, Miss Carroll, as stated in her memorial, called on me as Assistant Secretary of War, and suggested the propriety of abandoning the expedition which was then preparing to descend the Mississippi River, and to adopt instead the Tennessee River, and handed me the plan of campaign, as appended to her memorial, which plan I submitted to the Secretary of War and President Lincoln, and its general ideas were adopted. On my return from the Southwest, in 1862, I informed Miss Carroll, as she states in her memorial, that through the adoption of this plan the country had been saved millions, and that it entitled her to the kind consideration of Congress.

"THOS. A. SCOTT."

Again, on the 1st of May, 1872, Colonel Scott addressed the following to the honorable chairman of the Military Committee of the United States Senate :

"PHILADELPHIA, *May 1, 1872.*

"MY DEAR SIR : I take pleasure in stating that the plan presented by Miss Carroll, in November, 1861, for a campaign upon the Tennessee River, and thence South, was submitted to the Secretary of War and President Lincoln. And, after Secretary Stanton's appointment, I was directed to go to the western armies and arrange to increase their effective force as rapidly as possible. A part of the duty assigned me was the organization and consolidation into regiments of all the troops then being recruited in Ohio, Indiana, Illinois, and Michigan for the purpose of carrying through this campaign, then inaugurated.

"This work was vigorously prosecuted by the Army, and, as the valuable suggestions of Miss Carroll, made to the Department some months before, were substantially carried out through the campaigns in that section, great successes followed, and the country was largely benefited in the saving of time and expenditure.

"I hope Congress will reward Miss Carroll liberally for her patriotic efforts and services to the country.

"Very truly, yours,

"THOMAS A. SCOTT.

"Hon. HENRY WILSON,

"*Chairman of the Military Committee, United States Senate.*"

## PRESIDENT LINCOLN, SECRETARY STANTON, AND HON. B. F. WADE'S RECOGNITION.

The following letter was addressed your memorialist by Hon. B. F. Wade, when President of the United States Senate :

" WASHINGTON, March 1, 1869.

" MISS CARROLL : I cannot take leave of public life without expressing my deep sense of your services to the country during the whole period of our national troubles. Although a citizen of a State almost unanimously disloyal and deeply sympathizing with secession, especially the wealthy and aristocratical class of her people, to which you belonged, yet, in the midst of such surroundings, you emancipated your own slaves at a great sacrifice of personal interest, and with your powerful pen defended the cause of the Union and loyalty as ably and effectively as it has ever yet been defended.

" From my position on the Committee on the Conduct of the War I know that some of the most successful expeditions of the war were suggested by you, among which I might instance the expedition up the Tennessee River.

" The powerful support you gave Governor Hicks during the darkest hour of your State's history prompted him to take and maintain the stand he did, and thereby saved your State from secession and consequent ruin.

" All these things, as well as your unremitted labors in the cause of reconstruction, I doubt not, are well known and remembered by the members of Congress at that period.

" I also well know in what high estimation your services were held by President Lincoln ; and I cannot leave this subject without sincerely hoping that the Government may yet confer on you some token of acknowledgment for all these services and sacrifices.

" Very sincerely, your friend,

" B. F. WADE."

On the 28th of February, 1872, Judge Wade addressed the following letter :

" To the Chairman of the Military Committee of the United States Senate :

" DEAR SIR : I have been requested to make a brief statement of what I can recollect concerning the claim of Miss Carroll, now before Congress. From my position as chairman of the Committee on the Conduct of the War, it came to my knowledge that the expedition which was preparing, under the special direction of President Lincoln, to descend the Mississippi River, was abandoned, and the Tennessee expedition was adopted by the Government in pursuance of information and a plan presented to the Secretary of War, I think in the latter part of November, 1861, by Miss Carroll. A copy of this plan was put in my hands immediately after the fall of Forts Henry and Donelson. With the knowledge of its author, I interrogated witnesses before the committee to ascertain how far military men were cognizant of the fact. Subsequently, President Lincoln informed me that the merit of this plan was due to Miss Carroll ; that the transfer of the armies from Cairo and the northern part of Kentucky to the Memphis and Charleston Railroad was her conception, and was afterward carried out generally, and very much in detail, according to her suggestions. Secretary Stanton also conversed with me on the matter, and fully recognized Miss Carroll's service to the Union in the organization of this campaign. Indeed, both Mr. Lincoln and Mr. Stanton, the latter only a few weeks before his death, expressed to me their high appreciation of this service, and all the other services she was enabled to render the country by her influence and ability as a writer, and they both expressed the wish that the Government would reward her liberally for the same, in which wish I most fully concur.

" B. F. WADE."

To this unequivocal testimony of these eminent men, your memorialist only adds that her claim to having originated this movement receives strong confirmation in the fact that no military man has ever controverted it. No educated gentleman could have been ignorant of the geographical fact that the Tennessee was a navigable river, and ran from the very center of the rebellion north, through the States of Tennessee and Kentucky ; but the significance of this knowledge had not awakened the attention of any one, and my special claim to merit is that I was the first to point out to the Government how this knowledge could be made available. In preferring my claim to this, I cannot, by any possibility, detract from our brave and heroic commanders, to whom the country owes so much ; and, so far from opposing me, I believe that, as a class, they would be gratified to see me, or any one, properly rewarded, according to the part performed in this mighty drama.

The following is an extract from the report of Hon. Jacob M. Howard, in Military Committee of the Senate :

" From the high social position of Miss Carroll, and her established ability as a writer and thinker, she was prepared at the inception of the rebellion to exercise a strong influence in behalf of liberty and the Union. That it was felt and respected in Maryland during the darkest hours in that State's history, there can be no question. Her publications throughout the struggle were eloquently and ably written and widely circulated, and did much to arouse and invigorate the sentiment of loyalty in Maryland and other border States. It is

not too much to say that they were among the very ablest publications of the time, and exerted a powerful influence upon the hearts of the people."

It will be remembered that at the July session of Congress, in 1861, Mr. Breckinridge delivered in the Senate the representative speech of the South, charging that the North had waged the war, &c. To this speech your memorialist made reply, which was largely circulated under the auspices of the Government, from whom she received cordial acknowledgments.

Hon. Edward Bates, Attorney-General of the United States, on the 21st of September, 1861, alludes to it thus:

"I have this moment, 11 o'clock Saturday night, finished the reading of your most admirable reply to the speech of Mr. Breckinridge, and now, my dear lady, I have only time to thank you for taking the trouble to embody for the use of others so much sound constitutional doctrine and so many valuable historical facts in a form so compact and manageable. The President received the copy left for him and requests me to thank you cordially for your able support.

"This delay was not voluntary on my part. For some time past my time and mind have been painfully engrossed by very urgent public duties, and my best affections stirred by the present condition of Missouri, my own neglected and almost ruined State. And this is the reason why I have been so long deprived of the pleasure and instruction of perusing your excellent pamphlet.

"I remain, with great respect and regard, your friend and obedient servant,

"EDWARD BATES."

Hon. Caleb B. Smith, another member of the Cabinet, said:

"Your refutation of the sophistries of Senator Breckinridge's speech is full and conclusive. I trust this reply may have an extended circulation at the present time, as I am sure its perusal by the people will do much to aid the cause of the Constitution and the Union."

Some other publications were prepared by Miss Carroll, under the auspices of the War Department, and for these she preferred a claim of some \$5,000 to re-imburse her for the expenses incurred in the composition, publication, and distribution of the same, which was never fully paid. As evidence of this the following statement from the Assistant Secretary of War is subjoined:

"PHILADELPHIA, *January 28, 1863.*

"All my interviews with Miss Carroll were in my official capacity as Assistant Secretary of War. The pamphlets published were, to a certain extent, under a general authority then exercised by me in the discharge of public duties as Assistant Secretary of War. No price was fixed, but it was understood that the Government would treat her with sufficient liberality to compensate her for any service she might render.

"I thought them then, and still believe they were, of great value to the Government, and that she fairly earned and should be paid the amount she has charged, which I would have allowed in my official capacity, and which is certified as reasonable by many of the leading men of the country.

"THOMAS A. SCOTT."

#### EXPRESSIONS AND OPINIONS OF EMINENT STATESMEN AND JURISTS.

Some question arising as to the full amount claimed, it was proposed to submit the matter to some distinguished statesmen and jurists. The opinions of some of whom are hereto annexed. The late Hon. Edward Everett, on the 20th of September, 1862, said:

"I distinctly recollect that I thought them written with very great ability and research, and as Miss Carroll has unquestionably performed her part of the agreement with fidelity and a truly patriotic spirit, that of the Department, I have no doubt, will be fulfilled with liberality."

Hon. Jacob Collamer, late United States Senator, December 5, 1862, said:

"There can be no question of the great intellectual value of these productions, or of their eminent usefulness to the cause of the Union. Were I Secretary of War I would cheerfully pay every dollar charged."

Ex-Governor Hicks, of Maryland, then United States Senator, February 5, 1863, said:

"I know if Secretary Stanton could give his attention to your business matter it would be settled to your satisfaction, for he could not express himself stronger than he has done to me of your services to the country. And President Lincoln has talked of you to me several times in the same way, and so have many of the ablest Unionists in Congress.

"I said at the War Department to Mr. Watson that I did not pretend to be competent to judge of the money value of literary performances, but I could say that your writings had had a powerful influence in Maryland for good, and that your defense of the war and the administration of Mr. Lincoln did more of itself to elect a Union man as my successor than all the rest of the campaign documents put together.

"As you know, I am ready to serve you in any way I possibly can. Your moral and material support I shall never forget in that trying ordeal, such as no other man in this country ever went through."

Hon. Charles O'Connor, of the New York bar, on the 10th of October, 1862, said:

"Without intending to express any assent or dissent to the positions therein asserted, but merely with a view of forming a judgment in respect to their merits as argumentative compositions, I have carefully perused Miss Carroll's pamphlets. The propositions are clearly stated, the authorities relied on are judiciously selected, and the reasoning is natural, direct, and well sustained, and framed in a manner extremely well adapted to win the reader's assent, and thus to obtain the object in view. I consider the charges quite moderate."

Hon. Reverdy Johnson said:

"From the opinions of able men, in whose judgment I have all confidence, your charges are moderate."

The late Hon. Horace Binney, sr., of Philadelphia, in October, 1862, said:

"No publications evoked by the war have given me greater pleasure. They exhibit great ability and patient investigation, and the pamphlet on the War Powers of the Government has the additional merit of being in advance of any similar one, and rendered a timely and valuable service to the country."

Hon. William M. Meredith, of Pennsylvania, on the 4th of October, 1862, said:

"I had the pleasure of reading the publication on the War Powers of the Government, and it certainly exhibits very great ability and research."

Of these publications the report from the Military Committee of the Senate says:

"Some of these publications were prepared under the auspices of the War Department, and for these Miss Carroll preferred a claim to re-imburse her for the expenses incurred in their publication, *which ought to have been paid*; and as evidence of this we cite the statement from the Assistant Secretary of War.

"In view, therefore, of the highly meritorious services of Miss Carroll during the whole period of our national troubles, and especially at that *important epoch of the war* to which her memorial makes reference, and in consideration of the further fact that all the expenses incident to this service were borne by herself, the committee believe her claim to be just, and that it ought to be recognized by Congress."

Hon. Judge A. S. Diven, then a member of the Judiciary Committee of the House of Representatives, and who had introduced the pamphlet on the War Powers to the attention of Congress, on the 9th of January, 1862, said:

"I cannot withhold the satisfaction with which I have read your publications, nor forbear the expression of my admiration of your writings. There is a cogency in your powers of argument seldom met with. There is in them so much judicial learning, with so comprehensive and concise a style of communication. Go on, madam, in aiding the cause to which you are devoting your talents; your country needs the labor of all her defenders. The time will come when your labors will be appreciated."

If upon the consideration of the facts and testimony herein presented Congress shall find her claim to be just, your memorialist respectfully asks compensation commensurate with the service.

ANNA ELLA CARROLL.

JUNE, 1872.

#### MISS CARROLL'S CLAIM BEFORE CONGRESS IN CONNECTION WITH THE TENNESSEE CAMPAIGN OF 1862.

The Military Committee of the United States Senate, at the third session of the Forty-first Congress, reported (document 337,) through the late Senator Howard, that Miss Carroll "furnished the Government the information which caused the change of the military expedition which was preparing, in 1861, to descend the Mississippi from that river to the Tennessee River." And the aforesaid committee of the Forty-second Congress, second session, (document 167,) reported the evidence in support of this claim. In addition to this positive proof, we herewith submit the testimony of all the historians, and from all official documents which bears upon the military operations of that part of the civil war.

This evidence conclusively establishes—

First. That at the last of November, 1861, when Miss Carroll suggested to the administration the Tennessee plan of campaign, the Government was operating upon a different plan for the destruction of the rebellion.

Second. That the idea of transferring the Armies up the Tennessee River, so as to command the Memphis and Charleston Railroad had not occurred to any military mind.

Third. That the movement up the Tennessee, which culminated in the capture of Corinth, prevented intervention and the raising of the blockade by European powers, and was the decisive campaign of the war.

Until the report of the Military Committee of the Senate set forth the plan of the Tennessee campaign, it was not known to any historian that Miss Carroll had any agency in inaugurating that movement. In ignorance of this fact, its origin is ascribed to one individual and another, and in order, therefore, to a thorough understanding of the question, we give all that has been written on this special subject.

We introduce first Dr. Draper, as giving more minutely the strength and position of the enemy and the aspect of the war.

Draper's History of the Civil War, (vol. 1, pp. 135 to 217:)

"The question arose before the National Government how it should reduce this insurgent population—a population brave enough and numerous enough to accomplish its intention, if only rich enough; but rifles, cannon, munitions of every kind, had to be brought from abroad.

"Three millions of bales of cotton might perhaps be raised by the slave force. This would go far to supply these wants if it had unobstructed transit across the sea.

"Such considerations decided the National Government that a closure of the southern ports, or the blockade, was the correct antagonism. In the urgency of the moment, a blockade was adopted; thus the character or aspect of the war was quickly manifested.

"It must shut up hermetically an area of 733,144 square miles; it must guard by armies an interior boundary line of 7,031 miles in length, and by ships a coast line of 3,523 miles, a shore line of 25,414 miles, that is actually more than the entire circumference of the earth—24,895 miles.

"Was not this a vast siege throwing into nothingness all preceding sieges in the world's history? The issue turned on this: Had the Government sufficient physical force to maintain such a beleaguering? Could it make the Atlantic an impenetrable sea? But more, it must arrest ingress and egress along the northern front of the border States, and along the west front of the tiers of the Mississippi regions. To accomplish this, it must call into existence powerful navies and vast armies. We may then excuse the incredulity with which foreign nations regarded the attempt of the republic to carry out her intention of reducing to obedience twelve millions of people intrenched in what seemed to be impregnable works.

"But it was not merely a passive encircling of the confederacy which was needed; there must also be offensive and aggressive movements. Hence it was necessary to determine what were the proper points for the application of force, and which the correct lines for its direction.

"At this time the military topography of the country was little known, and many mistakes were made in dealing with this problem.

"The opening of the Mississippi was the political object of the West. The capture of Richmond that of the East; but in a military sense neither could in itself be decisive, and so far as they were objects of warlike operations they could both be mistakes, (p. 135.) \* \*

"During 1861 the Government had no just conception of the form the war must necessarily assume in order to obtain decisive results. Political considerations completely outweighed the military ones. This was to be expected, as the cabinet were drawn from civil life.

"They had yet to learn that a great victory won at a decisive point satisfies a thousand distant political demands; it had yet to see the Mississippi opened, not in its stream, but far in its rear."

This campaign opened the Mississippi to Memphis—cut the Southern Confederacy in two.

"At first it was supposed the opening of the Mississippi must be accomplished by operations on its waters, an opinion much strengthened by the brilliant success of Farragut in the capture of New Orleans. But that officer was destined to see the proof of the inadequacy of the method by the attack he made at Vicksburgh, when not a single gun was dismantled, and only seven killed and fifteen wounded.

"Let us look into the recesses of the Confederacy. There is a long line of railroad reaching from Memphis to Charleston on the Atlantic. It is the only complete east and west bond connecting the Confederacy through its breadth. What if this line were snapped? (p. 139, vol. II.) It could be severing the Confederacy. The Atlantic portion would be parted from the Mississippi portion. The unity of the Confederacy then hung upon a very slender thread.

"To avoid the catastrophe which must follow its rupture, the enemy has established, parallel to it and one hundred and fifty miles north of it, a military line, consisting of fortresses, armies, and an intrenched camp. That military line extends from Columbus on the Mississippi, through Forts Henry and Donelson, to Bowling Green.

"The work of an assailant is therefore manifestly to burst through the military line and break the railroad beyond.

"But, furthermore, there is a navigable river, the Tennessee, flowing perpendicularly through the first of these lines, and running parallel to the second; that is the invader's true path, (p. 140.)

"Plainly along it, and not down the impregnable fortified and impassable Mississippi, blows fatal to the Confederacy may be delivered. The Mississippi itself is not the true line of attack.

"Even if it were seized, the great railroad is not necessarily touched. Moreover, it is a military necessity that the strong fortresses on the Mississippi must be surrendered on a passage of an army in the rear. Two great events, therefore, necessarily follow the passage of an army strong enough to maintain itself along the Tennessee.

"1st. The bisection of the Confederacy; its eastern and western portions being severed.

"2d. The gratification of the popular demand that the Mississippi should be opened.

"On the other hand, the antagonists, who threw themselves from the beginning on the defensive, recognized, with equal precision, the correctness of these principles. When o-

military line was broken through, they attempted to establish a second in a parallel direction. When the Memphis and Charleston Railroad was effectually severed, they made haste to construct a parallel one by completing the more southerly line from Meridian to Selma; this was, in its turn, likewise destroyed. \* \* So far as military topography is concerned, it was plain that decisive operations must commence near the central region, with a view to the destruction of the east and west line of communication, and securing the strategic point, Chattanooga. The opening of the Mississippi followed as corollary on the successful issue.

"The great result, however, would be partitioning the Confederacy.

"With the railroad untouched, the Confederate government can rapidly mass its troops on the Atlantic or the Mississippi region, and hurl them, at pleasure, right or left on their antagonists. With the railroad broken, such a movement must be difficult, perhaps impracticable."

Ascribed to General Halleck:

"To General Halleck must be given the credit of the solution of the Mississippi problem. He showed that the correct movement was the march on the line of the Tennessee—the truth of this principle strikingly exemplified its correctness, (vol. II, p. 142.)

"The victories on that river opened the Mississippi from Cairo to Memphis, and, in the opinion of a great military authority, had Halleck's army possessed the tenacity of Sherman's in 1864, he could have completed the opening by continuing his march from Corinth to Mobile.

"Such were the views taken by the national generals, who successfully solved the problem of the military destruction of the Southern Confederacy.

"So far as military topography was concerned, it was plain that decisive operations must commence in the central region.

"One evening, late in December, 1861, Halleck, Sherman, and Cullum were conversing in the Planters' Hotel, in Saint Louis, on the proper line of invasion. They saw clearly that the Confederates meant to stand on the defensive, and Halleck asked, 'Where is their line?' Sherman said, 'Why, from Bowling Green to Columbus.' 'Well, then, where is the line of attack?' 'Naturally, the center.' 'Then let us see in what direction it should be made.'

"A map lay on the table. Halleck drew with a blue pencil a line from Bowling Green to Columbus, past Donelson and Henry, and another perpendicular to its center, which happened to coincide nearly with the Tennessee River. 'There,' said he, 'is the true line of attack.'

"This forcing of the Confederate line would bring the important States of Kentucky and Tennessee under national control. It would take in reverse the strong works on the Mississippi, which could not be reduced by mere naval attack; it would open that great river; it would permit the passage of the national Army into the recesses of the cotton States, and expose Georgia, South Carolina, North Carolina, and even Virginia to an attack on an unprotected flank.

"In determining the mode in which this movement should be carried into execution, it was evident that the essential point was the seizure of the Tennessee and Cumberland Rivers. This implied the reduction of Forts Henry and Donelson, on which the Confederates relied for the protection of those rivers.

"The Confederate line of defense had been intrusted to A. S. Johnson. He was at Bowling Green confronting Buell. The fortified post of Columbus, on which the left flank of the confederates rested, was regarded by them as the Gibraltar of America. They believed it would close the Mississippi River until their independence was acknowledged. It was in charge of Polk, and had 60,000 force holding the line. \* \* To execute the proposed operation two national armies were available. One lay at Cairo under Grant, and there was with it a naval fleet under Commodore Foote. The second was at Louisville, under the command of Buell, with 40,000 men.

"It had been intended that Grant's force should operate directly on the Mississippi River, forcing it open, and that Buell's should strike at the intrenched camp at Bowling Green. If the force there were disposed of, Nashville in its rear must necessarily be abandoned.

"In Halleck's view the operations on the Tennessee River would accomplish all these results. If the Army and the gunboats could force their way up the stream, Columbus and Bowling Green, no matter how strong, must both at once fall, and Nashville must share the same fate of iron-clad gunboats."

Whoever may take the trouble to compare the above paragraphs with the paper on the Tennessee campaign, submitted by Miss Carroll, as reported by the Senate Military Committee, cannot but perceive the marvelous identity of the two.

We remark, secondly, that the paper of Miss Carroll, pointing out the consequences which would follow the passage of an army up the Tennessee, and the rupture of the Memphis and Charleston Railroad, was in possession of the Government one month before the interview referred to. Thirdly, it does not appear from this interview that General Halleck contemplated at that time any movement upon the Tennessee River beyond the reduction of Fort Henry, and the breaking of the railroad connecting Columbus with Bowling Green—a movement alike essential to Buell's march on Bowling Green, as to any operations on the Mississippi.

Kettell, in his "History of the Civil War," demonstrates that on any other line than the Tennessee River the South was, in a military sense, the superior power.

"Until the days of the first Napoleon, tactics and strategy were ill-defined. Tactics is as old as war itself; but with numerous armies he deduced broader principles from more extended facts.

"Tactics pertains to handling an army in the field; strategy projects the campaign, and directs the movements of the army. The former fights, the latter tells when and where to fight, and under what circumstances.

"It is a singular fact that in the history of the world there have been but about fifteen battles which drew after them such consequences as decided a war.

"As regards the tactical aspects of our late war, it is known that the Union troops at the beginning of the war occupied an immense line, running from the Potomac to the Mississippi River, and another from the Atlantic to the Gulf, while the enemy held the center of the region inclosed by these lines which was the strong position, (p. 135.)

"The law of strategy, in this case, required the party occupying the circumference to close his circle and gradually contract it. But no commander or nation ever before had so vast a circle as this of ours to close. The enemy, by the same laws, was required to concentrate his force, remaining on the defensive at all points, keeping his internal communications always clear, and prepared to direct his condensed columns against the first army that should approach.

"He held what is known in military parlance as 'interior lines,' that is, a greater number of confederates could reach a given point in a given time than Federal troops, unless the latter were so overwhelmingly superior in numbers as to make resistance hopeless. This was by no means the case at this stage of the war, (p. 169.)

What the Tennessee movement accomplished:

"The battle of Fort Henry showed the value of the gunboats, and opened the navigation of the Tennessee River, as was shown by the successful voyage of three gunboats to Florence, Ala. The railroad-bridge over the Tennessee, ten miles south of Fort Henry, was also destroyed. (p. 169.)

"The success of the attack on Fort Henry was followed by the uncovering of Columbus and Bowling Green. The capture of Fort Henry, and the gathering strength of the Federal forces in Kentucky, rendered Bowling Green impracticable to be held by the confederates under Buckner, and the rebel troops were ordered to move south. On the 15th of March, Bowling Green was occupied by the Federal forces under General Mitchell. (p. 177.)

"Fort Donelson was accordingly given up to the Federal commander, and the rebel garrison, numbering nearly fourteen thousand troops, marched out as prisoners of war. This, the first important success of the Federal arms since the commencement of the war, infused universal joy into the loyal people of the North, and laid the foundation of General Grant's fame. His reply to Buckner has become historical. \* \* The blow was a most disastrous one to the enemy, not only in its material but in its moral results. Nashville was incapable of defense, and was therefore ordered to be abandoned. (pp. 214, 215.) \* \* Early in March, 1862, the Tennessee movement was projected; the advance made by General Smith went up to Savannah the 11th of March, but from strategic reasons transferred his troops to Pittsburgh Landing. Grant approved of his movements when he arrived the last of March. Buell in the meanwhile was ordered with the Army of the Ohio to co-operate with Grant. The design of the Union general was to operate from the Tennessee River as a base, and cut off the communications of the enemy in West Tennessee with the Eastern and Southern States. This being suspected by the rebels, they determined to attack the Union forces at Pittsburgh Landing before they could be re-enforced by Buell from Nashville. Johnson had concentrated at Corinth with fifty thousand troops as the strategic point of the campaign."

In Beauregard's opinion it sealed the fate of the southern confederacy.

"The confederates occupied Huntsville on an important line of the Memphis and Charleston Railroad, and among the papers captured by Mitchell at that place was the following letter from Beauregard to General Samuel Cooper, Richmond Va.:

"CORINTH, April 9, 1862.

"Can we not be re-enforced by Pemberton's army? 'If defeated here we lose the Mississippi Valley, and probably our cause,' whereas we could even afford to lose Charleston and Savannah for the purpose of defeating Buell's army, which would not only insure us the valley of the Mississippi, but our independence. \* \*

"P. G. B."

"Two expeditions were sent out from Huntsville, one east, to Stevenson, Ala., the junction of the Chattanooga with the Memphis and Charleston Railroad. \* \* The other west, to Decatur, on the left bank of the Tennessee, thirty miles west by southwest of Huntsville, on the route of the Memphis and Charleston Railroad, forty miles from Tusculum.

"On the 21st of April General Mitchell's advance, under Turchin, reached Tusculum, opposite Corinth; in the meanwhile the gunboats had gone up over the Muscle Shoals. \* \*

"Halleck arrived on the 15th of April, after the battle of Pittsburgh Landing. His operations were confined to the reduction of the enemy's position at Corinth, where the enemy fell

back from Shiloh. He had full river communications with Cairo for supplies and the wounded.

"Corinth was the junction of the Memphis, Charleston, Mobile and Ohio Railroads, which formed the means of communication between the Atlantic and Gulf seaboard.

"On the 25th of April, the Army moved to within three-quarters of a mile of the enemy's works and intrenched. It was forty-five days now since Halleck took command. \* \* \* Soon as Beauregard saw that Memphis would soon be uncovered by the Union forces on the river, he decided that Corinth as a consequence would be no longer tenable. When Halleck was ready for assault, he found Corinth evacuated and everything carried off. (p. 319.) \* \* \* After the continued excitement of ninety days that preceded the fall of Corinth and Memphis, a season of quiet succeeded, in a military sense, in the Southwest. During the active season the army of the Mississippi achieved great things, and in nothing so well served the country as in acting victor after victory at a time when delay and disaster had plunged the people into gloom. \*

"Missouri, Tennessee, and Kentucky had been restored to the Union—the national armies had pushed into the Gulf States, secured the possession of all the great rivers and routes of internal communication through the heart of the confederate territory, and the enemy's strength was so shaken as to prevent any immediate renewal of the war in that quarter."

Boynton's presentation of the subject in *History of the Navy during the Rebellion*, (vol. 1 p. 495 :)

"The United States had to provide for the recovery of the forts and harbors seized; to establish and maintain a blockade of thirty-five thousand miles; also, an interior line necessary to be guarded to prevent the egress of rebel cruisers; to provide for the supply of the Army all along its lines of communication. Besides being menaced by a foreign war, a navy for the rivers as well as the sea was needed, and such was the extent of navigation on the internal rivers of the rebellion that it required a powerful squadron to make an impression on the enemy. The north battle-line extended from the south bank of the Ohio, near its mouth, and south of that they held the rivers and country to the Gulf, by batteries and fortifications, at every strategic point. Columbus, in Kentucky; Island 10, in Tennessee; Fort Pillow, guarding Memphis; Vicksburgh, Grand Gulf, a formidable battery; Port Hudson and Baton Rouge—all these had to be approached from above, unless the forts below New Orleans could be captured. Henry guarded the Tennessee and Donelson the Cumberland, and were the only channels by which an army could be supplied, for the railway was not safe through Kentucky.

"When the rebels closed the Mississippi with their batteries they took all the boats and strengthened them, and had a considerable fleet at the start. \* \* \* The rebels proposed to seize and hold Missouri, and, as a consequence, Kansas and Nebraska, and, if possible, hold the Ohio River, and cross into the Northern States and make war to maintain their line unbroken along the Ohio and Mississippi Rivers, to keep these rivers closed and hold back the North, and, secure in their own territory, to compel the recognition of their independence."

Impossibility of producing any impression on the enemy upon any plan then known to the Government:

"The line of defense was, indeed, impregnable to any assault, at that day, our Government could make. No army of ours could be moved into Tennessee, because no line of communication with a northern base could be secure, and a defeat from the Ohio would have destroyed our Army and opened the road for invasion into Illinois, Indiana, and Ohio. It would seem that no impression could be made on the rebellion in the West until we got a foot-hold in Tennessee and Kentucky. We might have regained the whole seaboard to Florida, yet if they could hold the Mississippi and the valley up to and near the Ohio, they would be as strong as ever. \*

"France expected to extend her Mexican usurpation through Texas, and England was ready to give all assistance to any step that would weaken the North, and had the rebels been pressed back from the north Atlantic slope, they could, by still holding the Mississippi and the Southwest, including Texas and the natural fortresses of the mountains, have so connected themselves with France and Mexico as to have seriously hurt us. Then the possession of the Mississippi was absolutely necessary, and the breaking of the rebel's northern line of defense was indispensable.

"The first movement of our Government, then, was to get position within the rebel lines and turn the fortifications on the Mississippi River."

The movement up the Tennessee solved the problem, credited to Commodore Foote:

"The Tennessee and Cumberland were strongly guarded by forts, and had to be reduced by gunboats or not at all. \*

"The three strong points of defense in the northern rebel lines were Bowling Green, to prevent an advance by the railroad from Cincinnati to Chattanooga; Forts Henry and Donelson, to close the Tennessee and Cumberland against the passage of an army into Tennessee by transports; and Columbus strongly fortified to command the Mississippi.

"How to break through this line was the problem to be solved, and one for which a solution must be had before any movement could be made from the Ohio southward. No overland expedition could do this, because Kentucky was as dangerous as a rebel State in arms. The only plan that seemed possible was to attack the central stronghold, through Henry

and Donelson. If these could be gained Bowling Green and Columbus would necessarily be evacuated. This latter course was determined, and early in January, 1862, preparations were made.

"The plan embraced a united attack by land and from the river. To Commodore Foote belongs the credit of the first solution of the problem. He was the first to open the gate-way in the South by aid of the iron-clads, and when afterward Fort Donelson was captured, the north line of the rebels was broken, never to be reformed. The permanent occupation was now begun in the South, which the iron-clads of the western rivers made possible, for without them the Army could no more have succeeded than the Navy without the Army. The fall of these forts seemed to decide the rebels on that new plan of defense, one culminating point of which was Pittsburgh Landing. It was merely the removal of their main line farther south. Columbus and Bowling Green were to be evacuated and the line re-established with Island 10, Fort Pillow, and Memphis fortified on the Mississippi. A point on the Tennessee, at or near Pittsburgh, was to be fortified, and Chattanooga made a stronghold, making it a gate to close up East Tennessee, and prevent a southern march of our Army. Pittsburgh was to be made a more central position, not only to check our military, but, if possible, it was to be made a starting-point for an invasion of the States north of the Ohio. The first movement in this plan was to establish batteries there in anticipation of a concentration of troops at or near that point. This was begun about the time Donelson fell, but they were pursued and driven off, and finally concentrated their troops at Corinth, where the gunboats could not reach them."

In the view of Lossing, the diversion of the Mississippi expedition up the Tennessee River was the decisive movement of the war:

Lossing's Civil War, vol. 2.—"During the autumn of 1861 and 1862, a naval armament had been projected by Frémont for service down the Mississippi River, at Saint Louis and Cairo. They were afterward turned to use up the Tennessee and Cumberland, to assist Halleck and Grant. The combined movements of the Army and Navy against Forts Henry and Donelson were arranged by Grant, Halleck, and Foote. General Halleck gave that command to Grant. Grant and Foote, after Smith's reconnaissance up the Tennessee, united in a letter asking Halleck's permission to take Fort Henry as a base of operations several days later, setting forth its prospective benefits. (See 'Grant and his Campaigns,' by Henry Coppe, pp. 39 and 40.) The campaigns began at once, and on the 3d of February Flag-officer Foote was in sight of Fort Henry. The effect of the victories up the Tennessee was similar to the capture of Burgoyne and his army at Saratoga in 1777. Europe was at once made to doubt the success of the rebellion. In some courts it made them abandon the cause of the conspirators. The confederate commissioners abroad had hard work in belittling the event; but, taking advantage of the ignorance and general deficiency in American geography, they sought to satisfy the ruling classes that it was of no military importance whatever. This Government and people were well satisfied that a deadly blow had been dealt the rebellion. When these campaigns were fought, Kentucky and Missouri, and all the Northern and Middle Tennessee were lost to the confederates, and the more Southern States, where the people expected to have the battles for their defense fought in the border States, were at once exposed to the inroads of the national armies. The terror inspired by that campaign on the line, where a few weeks before the confederates thought themselves invincible, seemed to crumble and melt into mist. Soon after Columbus, the Gibraltar of the West, as they called it, fell, through the brilliant strategy by which the enemy's stronghold was pierced at Henry and Donaldson, compelling the evacuation of their strongholds, Bowling Green and Columbus."

*The account as given by Tenney.*—(Tenney's Naval and Military History of the Rebellion, p. 124, vol. 1.)—"At the time Buell was ordered to the command of the Department of the Ohio, the views of the Government were favorable to an expedition to the Cumberland Gap and into East Tennessee, for the purpose of seizing the Virginia and Tennessee railroads. The confederate line was now so fully developed, and had become so strong in its positions at Bowling Green and Columbus, that the propriety of an expedition, by the forces of Kentucky, into East Tennessee, became a question for military investigation.

"The original plan of the western campaign had been for a military and naval expedition to proceed from Saint Louis and Cairo down the Mississippi River. For this purpose the gunboats were originally constructed. They were found to be of sufficient light draught to navigate the Cumberland and Tennessee Rivers; and the co-operation of General Halleck was also secured. (p. 125.) Indeed, the Mississippi River expedition was diverted at the onset, and General Halleck, by order of the President, assumed the entire command. After a junction of the two armies, they were expected to control the whole country to New Orleans. The reconnaissance of Fort Henry had convinced Commander Foote, in command of the western fleet of gunboats, that it could be easily reduced by them. At an early day he applied to General Halleck for permission to attack Fort Henry. These views undoubtedly had an important influence on the plan of the western campaign. The force organized by General Halleck, with his headquarters at Saint Louis, was concentrated at that place and Cairo and Paducah, excepting the portion which was in the field in Missouri. It was somewhat less in numbers than that of the army of Buell; for explorations in Kentucky and Tennessee, it was placed under the command of General Grant.

"The military operations in Tennessee, which finally controlled the movements of the Mississippi River expedition, had paused after the capture of Nashville, but were soon renewed. The line of defense adopted by the confederate commander, after his first line was broken by the military operations upon the Tennessee, had for its base the Memphis and Charleston Railroad, the preservation of which was absolutely necessary to any pretense of resistance through Northern Mississippi, Alabama, or Georgia.

"The Union line was the Tennessee River, extending from Paducah to Eastport, in Mississippi. The gunboats Lexington and Tyler, by moving up and down the river, prevented the erection of batteries."

"It was the original plan of General Buell to advance with his army, in several columns, in North Alabama. With this view Generals Nelson, McCook, and Mitchell left Nashville the same day on different roads; but the confederates, having retired from Murfreesborough and formed along the new line they proposed to defend, rendered necessary a corresponding change in the plan of Buell. This concentration of the main body of the confederate forces, in localities within the contemplated field of operations of Grant's Army, enabled General Halleck to order Buell to turn his army toward Western Tennessee, to co-operate with Grant, and cross the river. Thus combined, they were regarded as superior to the enemy. General McClellan still continued to be General-in-Chief of all the movements of General Buell up to the occupation of Nashville, and those of Generals Halleck and Grant were made under his instructions up to the 11th of March, 1862, when the order of the President was issued relieving him 'from the command of the other military departments. (p. 128.)

"Meanwhile most active preparations had been made to assemble a large confederate force at Corinth, and to fortify that position, which is about eighteen miles south of Pittsburg Landing.

"Upon the result of that battle, President Lincoln, on the 10th of April, 1862, issued the following proclamation:

"It has pleased Almighty God to vouchsafe signal victories to the land and naval forces engaged in suppressing an internal rebellion, and, at the same time, to avert from our country the danger of foreign intervention and invasion."

*Badeau on the Tennessee campaign.*—Badeau's History of the Civil War, vol. 1.—

"In the latter part of January, 1862, Halleck, in pursuance of orders from McClellan, gave directions to Grant, and the latter at once sent McClellan and Smith to Paducah, threatening Columbus. \* \* \* These movements were made in favor of certain operations of Buell in the Department of the Cumberland. 'The object,' said Halleck, 'is to prevent re-enforcements being sent Buckner,' who was in command at or near Bowling Green. \* \* \* McClellan's and Halleck's instructions demonstrate very clearly the object of the expedition, and that it had no connection whatever with any ulterior operations.

"General Smith, on his return, reported that the capture of Fort Henry was possible—'two guns would make short work of the fort.'"

"General Grant received this report on the 22d of January, and forwarded it at once to General Halleck; the same day he obtained permission to visit Saint Louis, the headquarters of the department. He had asked leave as early as the 6th of the month, before the recent demonstration had been ordered, and again on the 20th, before Smith's report was made.

"On the 23d started for Saint Louis. The express object of this visit was to procure Halleck's permission to take Forts Henry and Donelson. When he attempted to broach the subject, Halleck silenced him so quickly and abruptly that Grant said no more on the matter, and went back to Cairo with the idea that his commander thought him guilty of proposing a great military blunder."

On the 6th of January, 1862, McClellan wrote to Buell:

"Halleck, from his own account, will not soon be in a condition to support properly a movement up the Cumberland."

And again, on the 13th of January, McClellan wrote Buell:

"Halleck is not yet in condition to afford you the support you need when you undertake the movement on Bowling Green."

It is evident from these extracts that on the 13th of January, 1862, neither McClellan nor Halleck intended, or at any rate was ready for, the movement up the Tennessee. Doubtless the propriety of the campaign was apparent to all soldiers, but nobody ever named it to Grant but C. F. Smith, in his report.

On the 22th January, 1862, Grant telegraphed to Saint Louis:

"With permission, I will take and hold Fort Henry, on the Tennessee, and establish and hold a large camp there. From Fort Henry it will be easy to operate either on the Cumberland (only twelve miles distant) or Memphis or Columbus. It will, besides, have a moral effect to advance the troops thence toward the rebel States."

Halleck to Grant, January 30, 1862:

"You will immediately prepare to send forward to Fort Henry, on the Tennessee River, all your available force. Fort Henry should be taken and held at all hazards. A telegram from Washington says Beaufort left Manassas four days ago with fifteen regiments for the line of Columbus and Bowling Green. It is, therefore, of the utmost importance that we cut that line before he arrives."

*The great strategic line—what was accomplished—General Grant's estimate.*—General Cullum, of Halleck's staff, wrote Grant on the 14th February, from Cairo, "You are on the great strategic line."

"The consequences of the capture of Donelson were hardly surpassed \* \* by the results of any operation of the war. The great rebel line being penetrated at the center, its extremities were turned, while the region beyond was uncovered. The whole of Kentucky and Tennessee at once fell into possession of the national forces.

"The Tennessee and Cumberland Rivers were opened to the national vessels for hundreds of miles. Nashville, the capital of Tennessee, and a place of immense strategic importance, fell.

"Bowling Green had become untenable as soon as Donelson was attacked, and was abandoned on the 14th, the day before the rebel works on the Cumberland were carried, while Columbus, at the other end of the line, was evacuated early in March, thus leaving the Mississippi free from the rebel flag from Saint Louis to Arkansas."

After the battle of Shiloh, Grant, through his adjutant-general, Rawlins, congratulated the Army, April 8, 1862, and said: "In importance of result, but few such have taken place in the history of the world."

Vicksburgh within reach and could then have been reduced:

"The Army that had been concentrated was still available for a campaign. Vicksburgh was within reach, and comparatively defenseless; a force might easily have been sent to its rear direct, and found no enemy of importance on the road, and the weary months spent in unsuccessful assault, and the long expenditure of time and blood, might all have been saved."

"In the latter part of October, 1862, re-enforcements having been sent him from the Northwest, Grant suggested to Halleck a movement in the interior of Mississippi, with a view to the capture of Vicksburgh."

On the 26th of October, 1862, General Grant wrote to Halleck: " \* \* 'I would be able to move down the Mississippi Central Railroad, with small re-enforcements at Memphis, and cause the evacuation of Vicksburgh.' " \* \*

"Grant said, in discussing this campaign, that had he known the possibility of subsisting an army of 30,000 men without supplies, other than those drawn from an enemy's country, he could at that time have pushed on to the rear of Vicksburgh, and probably have succeeded in capturing it."

*Coppe's statement of the subject.*—Coppe's History of the Civil War, vol. 1.—"General Frémont, November 1, 1861, directed Grant to make a demonstration along both sides of the Mississippi River. On the 5th, he was informed Polk was re-enforcing Price's army from Columbus, and Grant then determined to threaten Columbus and attack Belmont, and embarked on the 6th of November. The object of the attack then was to cut off the rebel line in Kentucky from Price's force in Missouri; and also to keep Polk from interfering with detachments Grant sent to Jeff. Thompson." (pp. 20, 31.)

"Although, in comparison with subsequent engagements, Belmont was a small affair, it has an importance peculiarly its own. It led to the victories of Forts Henry and Donelson, and the piercing of the rebel line which threw it back almost to the Gulf." (p. 31.)

"The 'district of Cairo,' to which General Grant had been assigned, began now to assume more importance. On the 10th of January he sent General McClelland with an expeditionary force of five thousand Illinois volunteers to penetrate into the interior of Kentucky, and in the neighborhood of Columbus and toward Mayfield, and Camp Beauregard. This reconnaissance into Kentucky was made by order of General Halleck, and it is believed at the request of General Buell, with a view to prevent the enemy, who had established his line from Columbus and the adjacent country, to re-enforce the garrison of Bowling Green, against which Buell was then preparing to move." (p. 36.)

"Before attempting to present the succeeding movements, based upon the information obtained from this and other reconnaissances, let us glance a moment at the rebel position.

"Columbus, twenty miles below the mouth of the Ohio, with its bluffs two hundred feet high, was strongly fortified by heavy batteries, which swept the Mississippi River above and below. The land defenses, at first weak, were daily strengthened, and the rebel press, calling it the Gibraltar of America, declared it would seal the great river until all nations acknowledged the southern confederacy. To extend their line eastward, covering Nashville in that direction, they had in the beginning of August, 1861, fortified Bowling Green, of strategic importance as being on the Louisville and Nashville Railroad.

"Important lines in the strategic problem were the Tennessee and Cumberland Rivers flowing in a northerly direction, with nearly parallel currents, through Kentucky into the Ohio. To bar the navigation of these streams against the passage of the Union troops, supplies, and gunboats, into the very vitals of the rebellion, thus cutting in two places, the rebels erected two strong works, which they boasted were sufficient for the purpose—Fort Henry, on the eastern bank of the Tennessee, and Fort Donelson, on the west of the Cumberland. Thus an apparently well-chosen line was formed, extending from the Mississippi at Belmont and Columbus, through Southern Kentucky and Northern Tennessee, to Cumberland Gap, and thence onward by East Tennessee and Southwestern Virginia to the rebel position around and about Richmond. And to strengthen this line, all the troops that could be spared from

Virginia had been sent by the confederate government west \* \* \* to break this vaunted line, to make stronghold after stronghold crumble or dissolve, and to lay down the grand equation for the solution of future problems of a higher degree—the clearing of the Mississippi and the advance upon Chattanooga.

"These were the plans of our Government; and among their intelligent, energetic agents, none were more so than General Grant." (pp. 33, 39.)

"The reconnoitering column of General Grant's army, which moved from Paducah, was of the greatest importance. General C. F. Smith struck the Tennessee River, upon his return, in accordance with Grant's order, about twenty miles below Fort Henry. He there met Commander Phelps, with a gunboat, and, after a conference with him, decided to move up on a gunboat and look at Fort Henry. \* \* \* The boat got near enough to receive the enemy's fire and get a just idea of the armament. Smith returned and reported to Grant his conviction that the fort might be taken with three or four iron-clads and a strong co-operating land force. It was about the 24th of January, 1862, that Grant reported this to Halleck. No action was taken, and, on the 28th of January, Grant and Foote asked permission of Halleck to storm Fort Henry and hold it as a strong point on which to operate in every direction. On the 29th Grant wrote urging the feasibility and importance of the movement, and on the 30th he received orders from Halleck to take and hold Fort Henry. Without for an instant proposing to say that Halleck had not blocked out these movements in his own mind, we do say that the plans of Grant, based upon the energetic action of his subordinates, and especially General C. F. Smith, were formed and suggested to Halleck in entire ignorance of the plans of Halleck; but Grant's title to the actual plan of the movement is, at least, as good as either Halleck or Buell." (p. 40.)

What Headley says:—Headley's History of the Civil War (vol. 1:.) \* \* "Foote had been engaged all winter in preparing a fleet to descend the Mississippi, and the public supposed Columbus would be the first point attacked; but in the previous autumn a different plan had been discussed at Washington, and when Buell was assigned to Kentucky he took it with him. This was to ascend the Cumberland and Tennessee Rivers that flow north to the Ohio, and thus flank Columbus and pierce the heart of Tennessee."

Wm. H. Hurlbut, on the Conduct of the War, 1864, says:

\* \* \* "As we have already seen, such was the condition of the confederate armies at the time when McClellan was maturing his plans, that the premature, hastily-prepared, and somewhat hurriedly-executed movements in the West, in February and March, 1862, made under the direct authority of President Lincoln, sufficed to make an impression upon the front of the confederate resistance in that quarter, which, could it have been accompanied by equal impact upon eastern and interior bulwarks, \* \* \* could scarcely have failed to determine the speedy issue of the war. Won as they were, these isolated, premature triumphs in the West simply aroused the confederates to a sense of their danger. The great scheme of war was broken up by these triumphs in the West."

Greeley's American Conflict, (vol. 1, p. 42:.) "The Tennessee and Cumberland were the only two rivers, save the Mississippi, navigable from the border of the free States into the slave States, and were obviously regarded on both sides (in view of the bad southern roads in winter and spring) as the natural routes of advance for our western armies, collected and drilled on and near the Ohio during the autumn of 1861 and winter following."

The New York Herald thinks the strategy of the plan sublime, and ascribed it to McClellan.

New York Herald, February 15, 1862: "Our success at Fort Henry increases in importance as the details come day by day. Not only have our troops got possession of the strongest point on the Tennessee River, but they have pushed further into the territory of the rebels, carrying victory with them and working out most satisfactorily the grand plan devised by McClellan in circumventing all the strongholds of the enemy in that direction. We hold in absolute possession a vital strategic point, which imperils the most reliable strongholds of the enemy."

New York Herald, February 19, 1862: "The campaign was organized long ago. It was devised by Generals Scott and McClellan, and carried into effect by the commander-in-chief himself. We have taken advantage of the ocean and the great inbound waters, which the rebels could not tear or destroy, and made them the base of our operations. 'The way he hurried and assisted our gallant troops in achieving our victories; the way he assisted us to surround the rebels with superior forces on every side; the way he opened to us the very heart of the South and enabled us to strike it from every point—a strategy which takes advantage of both the naval and military forces, making one assist the other, and giving each its proper place in the great plan of the war implements—is to be termed sublimity itself. It was just what was necessary; and this was as bold and as novel as it was brilliant, and McClellan is marked as a military genius of no common order."

Buell supposed to be deprived of the laurels.—"Ohio in the War." By Whitelaw Reid.

Chapter on General Buell. \* \* "On the return of the Secretary of War on the 9th of November, Buell and Halleck were assigned command. \* \* Within two weeks after, Buell formed his plans and communicated them in an elaborate letter to his general-in-chief. He would fall upon Nashville in mid-winter; he would rely upon a force from Missouri to

ascend the Cumberland under the protection of the gunboats, bearing ample supplies on transports, and meeting at Nashville.

"It was the origin of the first grand campaign of the West, that cut the rebel line and threw back their armies to Northern Mississippi.

"Of the plan thus outlined nothing can be said but praise. Its stolen laurels raised another general to the head of the Army for a time, until his proved incompetency fairly drove him out." "A prominent share in its execution started another on the career which led to the lieutenant-generalship, and to the creation for him of a grade higher than that which a grateful Congress thought sufficient reward for George Washington."

"On the 5th of December McClellan, after twice writing Halleck as to the move up the Cumberland, telegraphed Buell: 'As soon as I receive reply from General Halleck, will arrange details with you.' \* \* The last of the year, the President, already in sore distress at the inaction of our armies, and the danger of foreign intervention, telegraphed Buell to inquire whether he and Halleck were acting in concert. He said: 'I think you had better get in concert with General Halleck;' and so the correspondence was brought about:

*Buell to Halleck.*

"JANUARY 3, 1862.

"GENERAL: I received your dispatches, and \* \* proceed to the subject in compliance with your request and, I may add, that of the President. I do not underrate the difficulties in Missouri, \* \* but I think it is not extravagant to say that the great power of the rebellion in the West is arranged on a front, the flanks of which are Columbus and Bowling Green, and the center a line where the railroad between these points crosses the Tennessee and Cumberland Rivers.

"Considering the railroad facilities which enable the enemy to concentrate in a few hours on any single point of this front, you will at once see the importance of a combined attack on its center and flanks, or at least demonstrations which may be converted into real attacks, and fully occupy the enemy on the whole front. \* \* It will be of the first importance to break the railroad communications, and that should be done, if possible, by columns moving rapidly to the bridges over the Cumberland and Tennessee Rivers.

"The former, probably, would not be reached at first, being some eighteen miles above Fort Henry, the first I know on the Tennessee.

"If the expedition should not be strong enough to do the work alone, they should establish themselves firmly at the nearest point possible, and remain, at least, until they ascertained that re-enforcements from my columns or from some other source would not reach them.

"By uniting, they could establish themselves firmly under the protection of the gunboats. \* \*

"I say this much, rather to lay the subject before you than to propose any definite plan for your side. What is done should be done speedily—within a few days.

"D. C. BUELL,

*"Brigadier-General Commanding.*

"One or two conclusions that have an important effect upon existing military reputations may be deduced from these letters. It is, that Buell suggested the campaign which led to the fall of Henry and Donelson, and the evacuation of Bowling Green, Nashville, and Columbus."

It appears from the above that General Buell's objective point was East Tennessee via Nashville, Chattanooga, &c., in pursuance of the general plan of General McClellan.

*Here is McClellan's plan.*—(McClellan's report of the first period of the war, from Ex. Doc., vol. 7, 1863-'64, 1st September, 38th Congress.) \* \* "Without entering into detail, I would advise a strong movement be made on the Mississippi River, and the rebels driven out of Missouri. \* \*

"I would advise a movement through Kentucky into Eastern Tennessee, for the purpose of assisting Union men there, and severing the railroad leading to Memphis. The possession of these roads \* \* in connection with the movement on the Mississippi would go far toward evacuating Virginia by the rebels. I presume the force required for the movement down the Mississippi will be determined by the commander and the President. \* \* The proposed movement down the Mississippi will produce important results in this connection. That advance and the progress of the main army at the East will materially assist each other, by diminishing the resistance endured by each. The tendency of the Mississippi movement upon all questions connected with cotton, is too well understood by the President and Cabinet to need any illustration by me. \* \* I propose with the force I have to drive the enemy out of Virginia, and occupy Richmond, Charleston, Savannah, Montgomery, Pensacola, Mobile, and New Orleans, and to move into the heart of the enemy's country, and crush the rebellion in its very heart." \* \*

*McClellan to Buell.*

"NOVEMBER 7, 1861.

"Your operations in Kentucky will be confined to that portion east of the Cumberland. I regard the importance of the country under you as second only to mine. \* \* It seems proper that you should remain on the defensive on the line from Louisville to Nashville, while you throw the mass of your forces by rapid marches, by Cumberland Gap, on Knoxville, in order to occupy the railroad at that point. \* \* At the same time you cut off communication between Virginia and the Mississippi River."

*McClellan to Buell.*

"NOVEMBER 12, 1861.

"I wish to call your attention to the main point to occupy East Tennessee soon as it can be done. \* \* I hope you will, without delay, organize a column, for that purpose."

*General McClellan to the Secretary of War.*

"FEBRUARY 3, 1862.

"My wish was to gain possession of East Tennessee as a preliminary movement, then to follow up by an attack on Nashville and Richmond, as nearly as possible, at the same time."

*McClellan's letter to General Butler.*

"FEBRUARY 23, 1862.

"The object of your expedition is \* \* the capture of New Orleans. \* \* then endeavor to open your communications with the northern column by the Mississippi, bearing in mind the importance of occupying Jackson, Miss., as you may safely do after or before you effect the junction."

General McClellan, before the Committee on the Conduct of the War, 28th of February, 1862, testified:

"On the 1st of November, 1861, I was appointed commander-in-chief. \* \* I at once turned my attention to the movement of the troops in the West in connection with the proposed movement of the Army of the Potomac. \* \* I then thought we could assume the offensive without difficulty, before December. Sent Halleck to command in Missouri and Buell in Kentucky. The general idea was thus to gain complete possession of Missouri, and then \* \* to move a column on Knoxville and Chattanooga, in order to gain possession of the Memphis and Charleston Railroad. \* \* Buell reported \* \* that an immense amount of preparation had yet to be made. \* \* I did my best, \* \* urging upon General Buell the necessity for a prompt movement on Knoxville, always regarding that of greater importance than the possession of Nashville. \* \* From the beginning, I looked upon it as essential that we should gain possession of the Memphis and Charleston Railroad, in order to cut the communication between the valley of the Mississippi and the Atlantic slope, before making a direct movement on Richmond."

McClellan to Halleck, January 3, 1862, wrote:

"It is the greatest importance that the rebel troops in Western Kentucky be prevented from moving to the support of the force in front of Buell. \* \* To do this an expedition should be sent up the Cumberland River (to act with Buell) of sufficient strength to defeat any force that may be brought against it. \* \* At the same time such a demonstration should be made on Columbus as will prevent the removal of troops from that place, and if sufficient number be withdrawn, the place should be taken. It may be well to make a *feint* on the Tennessee River. As our success depends in a great measure on our preventing re-enforcements from joining Buckner and Johnson, not a moment should be lost in preparing the expedition."

It is obvious from these extracts that the value of the Tennessee River as a line for military operations had not occurred to the mind of General McClellan. The movement on that stream in his plan looked no further than the control of the railroad connecting Bowling Green with Columbus.

*Claimed for General Frémont*, (Abbot's History of the Civil War, vol. 1, chap. 10.)—"On the 8th of September, 1861, Frémont sent a private note to President Lincoln, communicating his plan for the commencement of the Mississippi campaign. He had already taken possession of Fort Holt, and Paducah, Ky., by which movement he was enabled to command the Tennessee River, which was successfully accomplished at a much later period by his successor. He proposed also to occupy Smithland and the mouth of the Cumberland River, and Hopkinsville, a town connected by railroad with Henderson on the Ohio River, and twenty or twenty-five miles northeast of Fort Donelson, at the same time sending Gen-

eral Nelson, with a force of five thousand men, to occupy Bowling Green, in Southern Kentucky, and General Grant to occupy New Madrid and the western shore of the Mississippi River, opposite Cairo. He then proposed a combined attack on Columbus and Hickman, and an advance from Bowling Green and Hopkinsville on Nashville, with which point they are connected by railroad. These suggestions proved to be sagacious; were not, however, adopted.

"The rebels were permitted to occupy Bowling Green, fortify the Tennessee and Cumberland Rivers, and take possession of New Madrid. Months afterward General Frémont's plan was followed to the letter.

[In note.] "It is known that General Frémont, on the 8th of September, sent to Washington the entire plan of that now famous campaign, by the Army and the gunboats, by the way of the Mississippi, Tennessee, and Cumberland, and White Rivers, which his ultimate successor, Halleck, adopted, and which Halleck's subordinates carried out in detail. (Van Buren Denslow, p. 294.) By taking possession of well-selected spots in Kentucky he effectually guarded the southern border of Illinois from threatened attack. He formed an ingenious plan for piercing the center of the Southern Confederacy by means of the Tennessee and Cumberland Rivers, (p. 294.) Every plan which he formed has since been successfully carried out. The military campaign which he planned, and as he planned it, has been successfully executed by his successor. The gunboats which were built under his direction, if not indeed planned by his inventive genius, have given us most glorious victories, (p. 456.) Much has been said of the origin of the proposition to take possession of the Cumberland and Tennessee Rivers. There can be no question that General Frémont urged it upon the Department at Washington at a time when those rivers could have been navigated without sacrifice of life. \* \* Commodore Foote, soon as he reached the West, saw, with the quick eye of military genius, that which Frémont had not failed to see." (G. W. Grimes's speech in the United States Senate, March 15, 1862.)

*General Frémont's plan as given by himself.* (General Frémont's testimony before the Committee on the Conduct of the War, January 17, 1862.)—"When in July last I was assigned to the command of the Western Department, it comprehended Illinois, all the States and Territories west of the Missouri to the Rocky Mountains, including New Mexico. The general discussions at Washington resulted in the understanding that the great object in view was the descent of the Mississippi, and for its accomplishment I was to raise and organize an army; and when I was ready to descend the Mississippi I was to let the President know. My command was then to be extended over Kentucky and down the left bank of the Mississippi. For military reasons it was judged inexpedient to do so in the beginning. This leading object of the campaign being settled, the details of its accomplishment were left to my own judgment. I ask the committee to bear in mind that the plan for the defense of the State and my operations generally were all conducted in reference to the descent of the Mississippi, to which all preparations tended. As late as from the 6th to the 10th of September the condition of North Missouri required a vigorous effort to suppress rebellion in that quarter. At the end of October, 1861, when I had succeeded in organizing and equipping an army, and was ready to handle it in the field, we were everywhere, throughout the whole extent of our lines, successful against the enemy. The State was really reclaimed, and in condition to leave the army free for the especial object of descending the Mississippi. It was mainly composed of western men, whose interest and patriotism were involved in the opening of the Mississippi, for the preparations of which they had contributed every possible effort, and we had every reason to believe that the campaign would open with a signal victory, in the defeat or dispersion of the rebel army, with a move on Memphis as the immediate result."

*Frémont to U. S. Grant.*

"CAIRO, September 22, 1861.

"Direct Captain Foote to use gunboats to drive rebels out of Owensborough, and to protect the Ohio River."

*President Lincoln, on September 22, to Frémont.*

"Governor Morton telegraphs as follows: Colonel Lane just arrived by special train: represents Owensborough, 40 miles above Evansville, in possession of the secessionists. Green River is navigable. Owensborough must be seized. We want a gunboat sent up from Paducah for that purpose, if, in your discretion, you think it right. Perhaps you had better order those in the possession of the Ohio River to guard it vigilantly at all points."

*Frémont to President Lincoln, September 25, 1861.*

"I have re-enforced yesterday Paducah with two regiments, and will continue to strengthen the position with men and artillery. As soon as General Smith, who commands there, is sufficiently re-enforced to enable him to spread his forces, he will have to take and hold Mayfield

and Lovelaceville to be in the rear and flank of Columbus, and to occupy Smithland, controlling the mouths of both the Tennessee and the Cumberland Rivers. At the same time Colonel Rousseau should bring his force, increased, if possible, by two Ohio regiments, in boats to Henderson, and, taking the Henderson and Nashville Railroad, occupy Hopkinsville, while General Nelson should go with a force of 5,000 by railroad to Louisville, and from thence to Bowling Green. Meanwhile Grant would take possession of the entire Cairo and Fulton Railroad, Piketon, New Madrid, and the shore of the Mississippi opposite Hickman and Columbus.

"The foregoing disposition having been effected, a combined attack will be made upon Columbus, and, if successful, then upon Hickman, while Rousseau and Nelson will move in concert by railroad to Nashville, Tenn., occupying the State capital, and, with an adequate force, New Providence. The conclusion of this movement would be a combined advance toward Memphis, on the Mississippi, as well as the Memphis and Ohio Railroad, and I trust the result would be a glorious one to the country."

*Lincoln to General Hunter, on taking command of the Western Department.*

"Halt your main army and divide it into two corps, one occupying Sedalia, the other Rolla; then recruit the condition of both corps. Of course both railroads must be kept open, keeping only so much force as is necessary for this. I feel sure any attempt to reach Memphis by this long and circuitous route will end in the loss of the whole force engaged in it."

*From the "Story of the Guard," (p. 45.)*

"CAMP ASBOTH, MO., October 11, 1861.

"I have placed Captain Foote in charge of all the gunboats belonging to the flotilla. My plan is New Orleans *straight*—Foote to join on the river *below*. I think it can be done gloriously, especially if secret can be kept. It would precipitate the war forward, and end it soon victoriously.

"J. C. FRÉMONT."

What President Lincoln expected of General Halleck and General Buell when he sent them to their respective departments.

*World's special, November 15.*—"Mr. Lincoln is specially interested in that central region, and avows his intention to divide the rebels of Arkansas, Texas, and Louisiana by a broad, loyal, and occupied strip of country from Virginia and the Eastern States before New Year's, forcing the march of Buell with one hundred thousand strong, aided by the gunboats at Saint Louis."

The part taken by the Navy in this grand campaign, as reported by Secretary Welles:

*Annual Report of Secretary of Navy, December 1, 1862.*—"It having been ascertained in the latter part of the winter that the stage of water in the Tennessee and Cumberland Rivers was favorable for active operations, Flag-Officer Foote, as soon as four iron-clads were ready, urged prompt action, and proposed to General Grant, commanding at Cairo, a joint attack on Fort Henry. That officer, though preferring a movement on the Cumberland, and an attack on Donelson, yielded to the proposition of the naval commander on procuring the assent of Halleck.

"After a closely-contested action of an hour and a quarter, the flag of the Union waved over the fort, and when Grant arrived an hour after, the fort and its effects were turned over to him and the forces under his command. The joint attack was to have been made by land and water on the enemy's works, but was frustrated by the bad condition of the roads, which delayed the Army and deprived it from participating in the glory of the capture of the fort. Foote proceeded from Fort Henry to the Cumberland River to attack Fort Donelson, and on the 14th of February engaged that fort. After a severe fight of an hour and a half, was seriously wounded as he was enfilading the fort, the fire of the enemy slackened, two of the gunboats were disabled, and the others retired for the night. The next morning the rebels surrendered the fort. He then proceeded up the Cumberland to Clarksville, and on the 19th of February seized it and the three forts which defended that city and river. From here he pressed on Grant, with 4,000 troops, an immediate pursuit, while the rebels were fleeing to Nashville. Orders were received, however, from the General-in-chief, prohibiting the gunboats from going up higher than Clarksville, in consequence of which Foote returned to Cairo, and only two gunboats were with the Army when Nashville surrendered on the 27th of February. On the 4th of March Columbus was found to be evacuated.

"[Keeping in view the purpose of opening the navigation of the Mississippi, Foote left Cairo on the 14th of March, and, joined by Colonel Buford with 1,500 troops at Columbus, moved down and took possession of Hickman. The next day he proceeded to Island 10, and, after a siege of twenty-three days, that fort surrendered on the 7th of April.

"It would thus appear that in the capture of Fort Henry and Island No. 10, not a gun was fired by the Army, except by Colonel Buford. In pursuance of the first great duty enjoined upon him, that of opening the Mississippi to navigation, Foote proceeded to Fort Pillow, and was next day joined by General Pope's army. The two commanders had first arranged for a combined attack on the fortifications, when Pope's army was summoned by Halleck to reinforce him at Corinth. On the 9th day of May Foote was relieved, and Captain Davis took command of the flotilla. On the 5th of June Fort Pillow was reduced, and on the 7th the fleet anchored a mile and a half above Memphis. The rebel fleet encountered an engagement, which resulted in its destruction. At the close of this engagement Flag-Officer Davis demanded the surrender of Memphis, which was complied with, and Colonel Fitch, from Fort Pillow, took military possession.

"On the 29th of June, Davis left Memphis to join Farragut at Vicksburgh. There not being a sufficient military force to co-operate in the reduction of Vicksburgh, the scheme was for the time abandoned."

The correspondence referred to in the Secretary's report :

*Welles to Farragut, January 20, 1862.*

"Farragut is ordered to reduce the defenses which guard the approaches to New Orleans, and take that city, and if the expedition has not yet descended the Mississippi from Cairo, then to take advantage of the panic to push a strong force up the river, and to take all the defenses in the rear."

On the 29th of April, 1862, Farragut announced to the Secretary of the Navy that the flag floated over the Forts Jackson and Saint Philip, and the city of New Orleans.

On the 18th of May, 1862, S. Phillips Lee, under command of Farragut and Butler, demanded the surrender of Vicksburgh.

On the 28th of June, 1862, Farragut, above Vicksburgh, writes Welles :

"I passed up the river this morning to no purpose. I am satisfied it is not possible to take Vicksburgh without an army of 12,000 or 15,000 men."

On the 6th of July, Farragut to Welles says :

"I have to inform you we are still off Vicksburgh. I received yesterday a telegram from General Halleck, by which it appears he will not be able to co-operate with us for some time."

"Flag-Officer Davis had a letter from General Grant at the same time, stating, it was said, Richmond had fallen. If this should be true, no doubt V—— must soon fall, but must be by troops in the rear."

*Commodore Foote to Secretary Welles.*

*"CAIRO, January 12, 1862.*

"I am getting the boats in the middle of the river, and putting their ordnance and equipments on board. It will take at least a thousand men for the gunboats. They will have all on board in readiness by the 20th instant, but with not one-third of their crews."

*Foote to Welles.*

*"PADUCAH, February 3, 1862.*

"I left Cairo yesterday with the gunboats. To-day I propose ascending the Tennessee River with the four new armored boats, and the three old gunboats, under convoy of General Grant, for the purpose of attacking conjointly and occupying Fort Henry and the railroad-bridge connecting Bowling Green and Columbus."

On the 2d of February, 1862, Commander Foote orders Phelps, as soon as the fort falls, proceed up the river where the railroad-bridge crosses, and destroy so much of the track as will entirely prevent its use by the enemy, and then go up the river as far as the water will admit.

*Foote to Welles.*

*"CAIRO, February 11, 1862.*

"I leave to-night for Cumberland. I go reluctantly, as we are short of men. I do hope six hundred will be sent immediately. I shall do all in my power to render the gunboats effectual in the fight, although they are not properly manned. But I must go, as General Halleck wishes it.

"Our boats, if crippled, would fall a prey to the enemy by being swept by the current to him."

(See Miss Carroll's plan.)

*Foote to Welles.*

"OFF ISLAND 10, March 19, 1862.

"We must proceed slowly and cautiously, which alone can prove effective, especially bearing in mind the rapid current and certainty of falling into the hands of the enemy, as we might do, in these slow boats, if we run as close to the batteries as we might do."

*-Foote to Welles.*

"OFF ISLAND 10, March 20, 1862.

"Were we to attempt to attack these heavy batteries with the gunboats, or attempt to run the blockade and fail, the rivers above us, the Mississippi, Cumberland, and Ohio, would be greatly exposed, not only frustrating the object of the expedition, but exposing our towns and cities bordering on these rivers, especially should Pope be called away from New Madrid. Under these circumstances our boats, being so illy fitted for fighting down the river, I am induced to act with great caution. We still want two tow-boats for these in greater force, as we have a strong current, requiring the greatest vigilance to prevent them and the gunboats from being carried down the stream from want of steam-power in the latter."

*Colonel Scott taking part in the campaign.*

"CAIRO, March 6, 1862.

"A telegram from General Grant, commanding at Fort Henry, stating that the rebels are fortifying Savannah on the Tennessee, and calling for an additional gunboat, has been communicated to General Halleck. I shall probably send an additional one, making three boats on that river. Assistant Secretary of War is in my office, and is informed of the state of things, and we shall be able to meet the demands, I trust, by having a sufficient force to prevent any fortifications being erected on the Tennessee River as far up as the stage of water will permit the gunboats."

*General Pope to Foote.*

"NEW MADRID, April 5, 1862.

"I requested Colonel Scott, Assistant Secretary of War, to write you yesterday in relation to sending another one of the gunboats."

*Foote to Secretary Welles.*

"FORT PILLOW, April 5, 1862.

"General Pope, with Assistant Secretary of War Scott, came on board at 3 p. m., when it was arranged that the mortar-boats should be placed in the morning on the Arkansas shore."

*Tribune's special, February 5.*

"OFF FORT HENRY.

"Thomas A. Scott, Assistant Secretary of War, is expected here to-morrow. All indicates decisive and rapid blows are at hand. New life inspires the Army where inaction had so long gone on, and with ordinary prudence we shall now carry our flag in a bloody track to the Gulf."

THE MISSISSIPPI NOT THE TRUE LINE OF INVASION.

*General Halleck to Commodore Foote.*

"SAINT LOUIS, March 21, 1862.

"I have just received your report, without date, of operations against the enemy's batteries in the vicinity of Island 10. While I am certain that you have done everything that could be done successfully to reduce those works, I am very glad you have not unnecessarily exposed your gunboats; if they had been disabled it would have been a serious loss to us in the future operations of this campaign, whereas the reduction of these batteries this week or next is a matter of very little importance indeed. I think it will turn out in the end better for us that they are not reduced until we can fully cut off the retreat of the troops. Everything is now progressing well on the Tennessee River toward opening your way down the Mississippi. The reduction of these works is only a question of time, and we are in no hurry on that point. Nothing is lost by a little delay there. I am directing all my attention to another object; when that is accomplished the enemy must *cracuate or surrender.*"

*Commodore Foote to General Pope, off Island 10, April 6, 1862:* " \* \* "By your own admission, it will be easy for the new rebel steamers on their way up the river to pass your batteries in the night, and, if they meet our squadron, reduced by loss so as to be unable to cope with them, they can continue up the Mississippi or Ohio to Saint Louis or Cincinnati."

*Sherman and his Campaigns, by Bowen and Irwin, Vol. I:* "To Grant was assigned the chief direction of the movement. Suddenly the gloom of the dark winter \* \* \* was broken by a victory—Fort Henry was taken by Grant on the 6th of February, 1862, and on the 16th of the same month Fort Donelson surrendered to that same officer. \* \* \* The enemy's forces had concentrated at Corinth, and were there awaiting the development of our plans. "General Halleck decided to advance up the Tennessee, as far as possible by water, then to debark on the west bank and attack the enemy at Corinth, and compel him to give battle either at Corinth or on the banks of the Mississippi.

"In the latter part of October, 1862, General Grant summoned General Sherman to meet him at Columbus, Ky., to arrange the plan of the coming campaign." \* \* \* "General Grant directed General Sherman to proceed, with the right wing of the Thirtieth Army Corps, to the mouth of the Yazoo, and there disembark and attempt the capture of Vicksburg from the north side, while he himself should move on Jackson against the enemy from the rear, and, uniting the two columns from the rear, proceed to invest the place."

"The movement was delayed, and thus it was that the expedition under General Sherman failed." "On the 19th of January, 1863, Sherman proceeded to Young's Point, opposite Vicksburg, and reported to Grant."

"From the moment of taking personal command at Miliken's Bend, General Grant became convinced that Vicksburg could only be taken from the south."

*Military History of Grant, by Badeau, (vol. 1, p. 160):* "Grant's problem now was to obtain a footing on the high lands of the eastern bank as a base from which to operate against the city and its communications. A direct attack had already been tried and failed by Sherman at the only point where a landing was possible. \* \* \* Still, Grant wrote on the 4th of April, 'My expectation is for some of the naval fleet to run the batteries of Vicksburg while the army moves through by bayous and wagon-roads to New Carthage, thence across the river to Jackson, Mississippi.'

"When the idea became known to those in his intimacy, to his staff and corps commanders, it seemed to them full of danger. Even after the orders for the movement were issued, Sherman rode up to Grant's headquarters, and proposed to him his. He asserted emphatically that the only way to take Vicksburg was from the north, selecting some high ground on the Mississippi for a base. Grant replied, that such a plan would require him to go back to Memphis. 'Exactly so,' said Sherman, 'that is what I mean.' Grant was determined to take no step backward, and so declared."

*Danger of foreign intervention.—Ketell's History of the Civil War, vol. 1:* "On the 31st of October, 1861, France, Great Britain, and Spain entered into a convention for intervention in the affairs of Mexico, and to claim redress of wrongs.

"The 4th article provided that a copy be laid before the Government of the United States, and it asked to accede.

"The result of the national diplomacy thus far was that foreign nations, while expressing hopes for a restoration of the Union, had, 1st, acknowledged belligerent rights of the South."

"2d. Had refused to accede to the proposition of the United States to consider the privateers of the South as pirates.

"3d. Had intimated that the recognition of the South as a nation was only a question of time, and of proof of a certain degree of consistency on the part of the southern government.

"4th. They projected against Mexico a coalition, which many years before had failed through respect for the government of the United States.

"These facts became apparent and fixed toward the close of September, 1861, when negotiations in relation to them were superseded.

"It was then that Mr. Seward, on the 14th of October, 1861, issued a circular to the governors of the loyal States, stating that disloyal citizens were doing their best to involve the country in a foreign war, and appealing to them to take every precaution to guard against it.

"This was followed by an earnest and threatening correspondence with foreign governments.

"On the 6th of November, 1861, Mason and Slidell were taken from the Trent by the San Jacinto. The effect of which was to create intense excitement in England and throughout Europe, and preparations by the British government for war, on a large scale, were at once undertaken, and a demand for the release made on our Government by the British minister, Lord Lyons."

*London Times, September 27, 1861.*

"Whatever may be the assertions of the northerners, they must look upon the permanent separation of the Southern States and the formation of a second republic as at least highly probable; and in the action of England and France toward Mexico, Mr. Lincoln, per-

haps, only sees an intervention in the affairs of a country which is soon to be divided from his own by the territory of a rival." "It is said the three European powers have taken advantage of the dissensions of the American Union to carry out plans upon a violation of the Monroe doctrine."

*London Shipping Gazette, February 1, 1862.*

"A semi-official note is sent by Napoleon to the British government respecting the blockade, to the effect that the Emperor cannot longer allow French commerce to be injured."

*Diplomatic Correspondence.—Clay to Seward, January 24, 1862.*

"Prince Gortchakoff expresses his fears, should any reverse happen to us, that England would at once make common cause with the South, acknowledge her independence, and finally break down the power of the republic. I must confess I very much fear England's influence. My first impression is not weakened, but rather strengthened. Nothing but great and decisive success will save us from foreign war.

"I would prepare for war with England as an essential means to prevent the independence of the South before the first of April."

*Seward to Dayton, January 27, 1862.*

"You see our Army and our fleet are at Cairo. You see another army and another fleet are behind Columbus, which alone is relied upon to close the Mississippi against us on the north; though you may not see it, another army and another fleet are actually on their way to New Orleans."

*Dayton to Seward, January 27, 1862.*

"It is not to be denied that things here recently have had an unfavorable look for our interests. The effect of the blockade, the destruction of Charleston Harbor, the hopelessness of our cause, all taken for granted, and all impressed upon the public mind here by the English press, have had a damaging influence. \* \* It is not to be doubted that the government has had under consideration the question of the blockade and of recognition. \* \* If you shall succeed in taking possession and holding the principal seaports, \* \* or even New Orleans and one other of these ports, I should consider the danger of recognition or a violation of the blockade passed for the present. But if weeks shall pass away and spring open, and nothing yet have been done, the impression I fear will become fixed in the European mind that our efforts to suppress the rebellion are hopeless."

*Adams to Seward, February 13, 1862.*

"With a fair share of positive success in the field within the present and next month, will leave us free from the danger of any intervention from this country, at least for some months to come. \* \* You will perceive the importance of keeping in view the possibility of accidental or otherwise supplying a pretext for a decision adverse to the interests of the United States. There are persons here anxious to make a point on the foreign policy at a moment when the popular feeling will have become particularly disturbed on the cotton supply and loss of our commerce.

"In this sense Mr. Cobden has strangely represented the difficulty of long preserving the blockade. I think I see a good deal of timidity in approaching the American question that may involve the necessity of upholding even in appearance the cause of a foreign country against the obvious and pressing necessities of this.

"The conclusion of the Trent affair has left us utterly unable to make any further concessions that are not clearly and universally admitted to be just."

What Mr. Lincoln said of the fall of Fort Henry:

*[New York Evening Post, February 9, 1862.]*

"The President stated yesterday that the recent victory of Fort Henry was of the utmost importance, and was intended to be followed up immediately with a blow on the railway connection fifteen miles from the captured fort. He further stated that hot work was expected in that region at once. He was distinctly asked if the Government had any advice from England and France which threatened interference with our war. He replied there was no special danger then, though it was evident that the interference party was growing

stronger both in England and France, but the victories the Government expected to win over the rebels in the West in the next two months would put to flight all thoughts of meddling in our affairs. The fact was distinctly stated that the Government meant to press onward at once upon the enemy."

The victories won in the West in these two months did prevent the recognition of southern independence.

*Seward to Dayton, March 6, 1862.*

"It is now apparent that we are at the beginning of the end of the attempted revolution. Cities, districts, and States are coming back under Federal authority."

*Adams to Seward, March 13, 1862.*

"You can scarcely fail to observe the animus that pervades the greater number of members of Parliament in the late discussion in both houses toward the United States.

"It consists not so much of partiality for one side over the other as of disinclination to both, and desire that their political power should be diminished by permanent separation. The successes of the campaign have done much for us, (the Tennessee.) I trust they will continue; but they must not depend merely on good fortune. The stake is too great to be risked on the passions or ignorance of inexperienced men at home. We are anxiously awaiting the news by every steamer, but not for the same reasons as before—the pressure for interference here has disappeared. It will arise again only in the case of some very decided reverses."

*Dayton to Seward, March 25, 1862.*

"The Emperor said that he must frankly say that when the insurrection broke out and this concession of belligerent rights were made he did not suppose that the North would succeed. That it was the general belief of the statesmen of Europe that the two sections would never come together again.

*Dayton to Seward, March 31, 1862.*

"I again called the Emperor's attention to the propriety of his government retracing its steps in regard to its concession to the insurrectionists of belligerent rights, referring him to the consideration in regard thereto, contained in your former dispatches. He said \* \* it would scarcely be worthy of a great power, now that the South was beaten, to withdraw a concession made to them in their day of strength."

*President Lincoln's proclamation, April 10, 1862.*

"It has pleased God to vouchsafe signal victories to the land and naval forces engaged in suppressing an internal rebellion and at the same time to avert from our country the danger of foreign intervention and invasion."

*Seward to Dayton, May 7, 1862.*

"The proclamation of commerce which is made may be regarded by the maritime powers as announcement that the Republic has passed the danger of disunion."

The southern view, (Pollard's History of the Rebellion, vol. 1, p. 199:)

"It was never contemplated to abandon Corinth, the strategic point of the campaign.

"It [the campaign] annihilated us in Louisiana, separated us from Texas and Arkansas, causing the loss of our supplies in the cattle and grain of that country; gave to the Federals the Mississippi River, with all its rivers of navigation as a base, and finally led by plain and inevitable conclusions to a virtual abandonment of the great and fruitful valley of the Mississippi."

"The close of this campaign found the confederacy with scarcely more than three entire States—Texas, Alabama, and Georgia. He had broken us down in Tennessee, and held several important positions on the Upper Mississippi, and by the fall of New Orleans had secured the great depot of the trade of the most central valley of the continent, and obtained control of an extent of territory, assisted by the gunboats, greater than the entire country before lost; gave to the West the outlet to the ocean."

"The success of the Federals in the winter and spring of 1862 was not without effect in England and France, and the nations in that part of the world saw a sadder picture of the southern confederacy."

"Since the commencement of the war, the South had entertained prospects of foreign intervention and the raising of the blockade. It had been supposed that the interest of Europe in the staples of cotton and tobacco would effect a raising of the blockade, at least, before spring. The statistics of the subject was thought to be conclusive."

"France derived an annual revenue of \$38,000,000 from a monopoly in the tobacco-trade, and Great Britain and her people a revenue of \$350,000,000 from cotton; five millions of people in England were more or less interested in cotton."

"The dispatches of our ministers at the courts of England and France declared that the prospect of recognition was and had been given with warm and sanguine assurances." "Mr. Slidell wrote that if no disaster occurred, recognition would not long be delayed. He added: 'In that event, within a month.'" "Mr. Mason also wrote that 'the recognition of the confederacy was on the eve of completion.'"

#### *Deductions.*

1st. The idea that the advance of an army up the Tennessee River into the States of Mississippi and Alabama strong enough to control the Memphis and Charleston Railroad would cause the evacuation of all the formidable fortifications on the Mississippi River, free Western Tennessee and Kentucky from the enemy, divide the rebel power by severing the Mississippi Valley from the Atlantic States, and be in a position to co-operate with the Gulf fleet, had no part in the plan of any of our generals and was at the time Miss Carroll submitted her plan to the Department unknown to the Government.

2d. The realization of these effects by the Tennessee campaign prevented the recognition of southern independence and the raising of the blockade by England and France.

#### *The Tennessee campaign first suggested by Miss Carroll.*

The fact that Miss Carroll submitted the plan for this campaign and that its general ideas were adopted by the Government is established by the testimony embodied in the report of the Military Committee of the Senate, which being exhausted and not conveniently accessible to members of Congress for whom it is intended, is herewith reproduced, together with some additional evidence on this and other services, which, to avoid confusion, will be found in brackets.

#### *Report.*

Mr. Wilson, on behalf of the Committee on Military Affairs, laid before the Senate the memorial of Anna Ella Carroll, of Maryland, setting forth certain valuable military information given to the Government by her during the war, and asking compensation therefor, which was ordered to be printed, together with a bill rewarding her for military and literary services. Twice read in United States Senate. Amount left \$——, to be filled by this body.

[Senate Misc. Doc. No. 167, 42d Congress, 2d session.]

*Memorial of Anna Ella Carroll, asking compensation for services rendered the United States in the war of the rebellion, June 8, 1872.—Referred to the Committee on Military Affairs, and ordered to be printed.*

*To the honorable the Senate and House of Representatives of the United States in Congress assembled :*

It is a fact well remembered that in the autumn of 1861 very great solicitude was felt, both by the Government and the people, in regard to the expedition to open the Mississippi River. It is also remembered that that expedition was changed and diverted up the Tennessee River. On whose motion or suggestion that change was brought about is less generally known.

Your memorialist, Anna Ella Carroll, claims to have furnished this information and plan. From her memorial to your honorable bodies on the 28th of March, 1870, she begs leave to make the following extracts :

"Your memorialist being convinced at the inception of the rebellion that it would demand for its overthrow the united exertions of all patriots, of every capacity, hesitated not to devote all her energies wholly to the cause of the Union; and to this end, wrote and published, at her own expense, continuously, for the dissemination of information, and, as opportunity offered, communicated throughout the struggle important facts and suggestions to those who were officially charged with the maintenance of the Government.

"It may be remembered that for some months after the battle of Bull Run the Administration were not satisfied that the best plan for the suppression of the rebellion had been advised. In the hope of being useful in this exigency, your memorialist made a tour to the West in the autumn of 1861, and after careful observation, became thoroughly satisfied that the expedition then in course of preparation to descend the Mississippi could not suc-

ceed, and from information elicited from steamboat-pilots and other practical men who were familiar with the topography of that country, she was convinced that the Tennessee River was the only way to penetrate the vitals of the rebellion with our then available forces ; and for the purpose of inducing our Government to adopt the Tennessee River instead of the Mississippi, she prepared and placed in the hands of Thomas A. Scott, Assistant Secretary of War, on the 30th November, 1861, the paper, a copy of which is hereto annexed. That distinguished official expressed himself highly gratified, and said he had no doubt but she was right ; and after the success of the expedition he informed her that she had saved the country incalculable millions, and was unquestionably entitled to the thanks of Congress.

"[On the fall of Fort Henry your memorialist exhibited to Assistant Secretary of War Tucker a copy of her plan for the Tennessee campaign, when he stated that he had been made acquainted with the fact by Colonel Scott before he left for the West.]"

On the 5th of January, 1862, she addressed the War Department a second letter, urging an immediate advance up the Tennessee River. [On the 26th of March, 1862, she wrote pointing out the advantages of an immediate seizure of the Memphis and Charleston Railroad.] On the 14th of May, 1862, she sent a letter to Secretary Stanton advising the occupation of Vicksburgh. Again, in October, 1862, she addressed the Secretary of War, showing that Vicksburgh could not be reduced by the river expedition. This memorial being referred to the Committee on Military Affairs in the Senate, they reported unanimously, in January, 1871, in favor of her claim, which was made through the late Senator Howard, but Congress adjourned before the bill was reached.

Since that time new testimony has been secured and new evidence developed, making more manifest the magnitude of the service, and strengthening her confidence, as she again appeals to Congress for its adequate recognition. She is permitted to furnish facts and testimony from men of the highest position, of unquestioned integrity, and enjoying the amplest means of information.

The first is Hon. L. D. Evans, present chief-justice of the supreme court of Texas, who, in the autumn of 1861, was intrusted by our Government with a confidential mission to the Mexican border on the Lower Rio Grande, and as the success of his mission depended on the movement of the Army in the Southwest, it became his business to obtain accurate information from the headquarters of the Army, and with this view remained in Saint Louis until some time in November. Judge Evans was cognizant of the time and manner in which your memorialist conceived and perfected the plan submitted to the Department, which he fully and faithfully describes.

The next, Hon. Thomas A. Scott, Assistant Secretary of War, testifies, from his personal knowledge, that not only was the information and plan that changed the expedition which was to descend the Mississippi, and transfer the armies from Cairo up the Tennessee River, to the Memphis and Charleston Railroad, furnished by your memorialist, and adopted by the Government, but that he, himself, was sent to the armies of the West for the express purpose of contributing his services in aid of its execution ; and that, in the campaigns which followed, the plan of your memorialist was substantially carried out.

Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, and afterward President of the Senate, who had necessarily abundant opportunities of becoming acquainted with the facts in the case, and whose unquestioned reputation for probity leaves no doubt concerning any statement he may make, not only recognizes and indorses the claim of your petitioner, but confirms the fact that President Lincoln and Secretary Stanton did also.

The first paper addressed the War Department for a campaign on the Tennessee River, and thence south, was placed in the hands of Hon. Thomas A. Scott, Assistant Secretary of War, the 30th of November, 1861, and is as follows :

"The civil and military authorities seem to be laboring under a great mistake in regard to the true key of the war in the Southwest. It is not the Mississippi but the Tennessee River. All the military preparations made in the West indicate that the Mississippi River is the point to which the authorities are directing their attention. On that river many battles must be fought and heavy risks incurred before any impression can be made on the enemy, all of which could be avoided by using the Tennessee River. This river is navigable for middle-class boats to the foot of the Muscle Shoals in Alabama, and is open to navigation all the year, while the distance is but two hundred and fifty miles by the river from Paducah, on the Ohio. The Tennessee offers many advantages over the Mississippi. We should avoid the almost impregnable batteries of the enemy, which cannot be taken without great danger and great risk of life to our forces, from the fact that our boats, if crippled, would fall a prey to the enemy by being swept by the current to him, and away from the relief of our friends. But even should we succeed, still we will only have begun the war, for we shall then fight for the country from whence the enemy derives his supplies.

"Now, an advance up the Tennessee River would avoid this danger ; for, if our boats were crippled, they would drop back with the current and escape capture.

"But a still greater advantage would be its tendency to cut the enemy's lines in two, by reaching the Memphis and Charleston Railroad, threatening Memphis, which lies one hundred miles due west, and no defensible point between ; also Nashville, only ninety

miles northeast, and Florence and Tuscumbia, in North Alabama, forty miles east. A movement in this direction would do more to relieve our friends in Kentucky and inspire the loyal hearts in East Tennessee than the possession of the whole of the Mississippi River. If well executed, it would cause the evacuation of these formidable fortifications upon which the rebels ground their hopes for success; and, in the event of our fleet attacking Mobile, the presence of our troops in the northern part of Alabama would be material aid to the fleet.

"Again, the aid our forces would receive from the loyal men in Tennessee would enable them soon to crush the last traitor in that region, and the separation of the two extremes would do more than one hundred battles for the Union cause.

"The Tennessee River is crossed by the Memphis and Louisville Railroad and the Memphis and Nashville Railroad. At Hamburg the river makes the big bend on the east, touching the northeast corner of Mississippi, entering the northwest corner of Alabama, forming an arc to the south, entering the State of Tennessee at the northeast corner of Alabama, and if it does not touch the northwest corner of Georgia, comes very near it. It is but eight miles from Hamburg to the Memphis and Charleston Railroad, which goes through Tuscumbia, only two miles from the river, which it crosses at Decatur, thirty miles above, intersecting with the Nashville and Chattanooga road at Stevenson. The Tennessee River has never less than three feet to Hamburg on the 'shoalest' bar, and, during the fall, winter, and spring months, there is always water for the largest boats that are used on the Mississippi River. It follows, from the above facts, that in making the Mississippi the key to the war in the West, or rather in overlooking the Tennessee River, the subject is not understood by the superiors in command."

The second paper, urging an immediate advance up the Tennessee, bears date on the 5th of January, 1862, of which the following is an extract:

"Having given you my views of the Tennessee River on my return from the West, showing that this river is the true strategical key to overcome the rebels in the Southwest, I beg again to recur to the importance of its adoption. This river is never impeded by ice in the coldest winter, as the Mississippi and Cumberland sometimes are. I ascertained, when in Saint Louis, that the gunboats then fitting out could not retreat against the current of the western rivers, and so stated to you; besides, their principal guns are placed forward, and will not be very efficient against an enemy below them. The fighting would have to be done by their stern guns, only two, or if they anchored by the stern, they would lose the advantage of motion, which would prevent the enemy from getting their range. Our gunboats, at anchor, would be a target which the enemy will not be slow to improve and benefit thereby.

"The Tennessee River, beginning at Paducah, fifty miles above Cairo, after leaving the Ohio, runs across south-southeast, rather than through Kentucky and Tennessee, until it reaches the Mississippi line, directly west of Florence and Tuscumbia, which lie fifty miles east, and Memphis, one hundred and twenty-five miles west, with the Charleston and Memphis Railroad eight miles from the river. There is no difficulty in reaching this point any time of the year, and the water is known to be deeper than on the Ohio.

"If you will look on the map of the Western States you will see in what a position Buckner would be placed by a strong advance up the Tennessee River. He would be obliged to back out of Kentucky, or if he did not our forces could take Nashville in his rear, and compel him to lay down his arms."

[The third is an extract from the letter to the War Department on the 26th of March, 1862, on the reduction of Island 10, and pointing out the advantages of the immediate seizure of the Memphis and Charleston Railroad:

"The failure to take Island 10, which thus far occasions much disappointment to the country, excites no surprise in me. When I looked at the gunboats at Saint Louis and was informed as to their power, and considered that the current of the Mississippi at full tide runs at the rate of five miles per hour, which is very near the speed of our gunboats, I could not resist the conclusion that they were not well fitted to the taking of batteries on the Mississippi River if assisted by gunboats perhaps equal to our own. Hence it was that I wrote Colonel Scott from there that the Tennessee River was our strategic point, and the successes at Forts Henry and Donelson established the justice of these observations. Had our victorious Army, after the fall of Fort Henry, immediately pushed up the Tennessee River, and taken a position on the Memphis and Charleston Railroad, between Corinth, Mississippi, and Decatur, Alabama, which might easily have been done at that time with a small force, every rebel soldier in Western Kentucky and Tennessee would have fled from every position to the south of that railroad. And had Buell pursued the enemy in his retreat from Nashville without delay into a commanding position in North Alabama on the railroad between Chattanooga and Decatur, the rebel government at Richmond would have necessarily been obliged to retreat to the cotton States. I am fully satisfied that the true policy of Gen. H. is to strengthen Grant's column by such a force as will enable him at once to seize the Memphis and Charleston Railroad, as it is the readiest means of reducing Island 10, and all the strongholds of the enemy to Memphis."]

The next is an extract from the letter to the Secretary of War on the 15th of May, 1862, advising the occupation of Vicksburg:

"It will be the obvious policy of the rebels in the event of Beauregard's defeat,

to send a large column into Texas for the purpose of holding that country for subsistence, where beef and wheat abound. This can be defeated by strongly occupying Vicksburgh, and plying a gunboat, to be placed at the mouth of the Red and Arkansas Rivers.

"Whether the impending battle in North Mississippi should occur at Corinth or within the area of a hundred miles, a large part of the enemy's forces will retreat by the Yazoo River and by the railroad to Vicksburgh, on the Mississippi, and will take the railroad through Louisiana into Texas." \* \* \* She also handed Mr. Watson a letter on Monday, giving information that the canoes, skiffs, and other transports had been sent up the Yazoo from Memphis and Vicksburgh for the purpose, undoubtedly, of securing the rebels' retreat from our pursuing Army.

In October, 1862, she wrote the following letter to the Secretary of War, through the hands of Hon. John Tucker, Assistant Secretary, on the reduction of Vicksburgh:

"As I understand an expedition is about to go down the river for the purpose of reducing Vicksburgh, I have prepared the inclosed map in order to demonstrate more closely the obstacles to be encountered in the contemplated assault. In the first place, it is impossible to take Vicksburgh in front without too great a loss of life and material, for the reason that the river is only about half a mile wide, and our forces would be in point-blank range of their guns—not only from their water-batteries which line the shore, but from the batteries which crown the hills, while the enemy would be protected by the elevation from the range of our fire. By examining the map I inclose, you will at once perceive why a place of so little apparent strength has been enabled to resist the combined fleets of the Upper and Lower Mississippi. The most economical plan for the reduction of Vicksburgh now, is to push a column from Memphis to Corinth down the Mississippi Central Railroad to Jackson, the capital of the State of Mississippi. The occupation of Jackson and the command of the railroad to New Orleans would compel the immediate evacuation of Vicksburgh as well as the retreat of the entire rebel army east of that line; and by another movement of our Army from Jackson, Mississippi, or from Corinth to Meridian, in the State of Mississippi, on the Ohio and Mobile Railroad, especially if aided by a movement of our gunboats on Mobile, the confederate forces, with all the disloyal men and their slaves, would be compelled to fly east of the Tombigbee.

"Mobile being then in our possession, with 100,000 men at Meridian, would redeem the entire country from Memphis to the Tombigbee River. Of course I would have the gunboats, with a small force at Vicksburgh, as auxiliary to this movement. With regard to the canal, Vicksburgh can be rendered useless to the confederate army upon the very first rise of the river; but I do not advise this, because Vicksburgh belongs to the United States, and we desire to hold and fortify it, for the Mississippi River at Vicksburgh and the Vicksburgh-Jackson Railroad will become necessary as a base of our future operations. Vicksburgh might have been reduced eight months ago, as I then advised after the fall of Fort Henry, and with much more ease than it can be done to-day."

*The conception and presentation of the plan.*—Having placed before you the several communications made to the Government in behalf of the Tennessee campaign, your memorialist respectfully and earnestly calls your attention to the following evidence above referred to. The first is the statement of Judge Evans, present chief-justice of the supreme court of Texas:

"WASHINGTON, April 27, 1872.

"SIR: Having been requested to state my knowledge of the Tennessee plan of campaign, I respectfully submit that Miss Carroll was the first to conceive and suggest to the Government the practicability and importance of moving the armies from Cairo up to the Tennessee River into Northern Mississippi or Alabama, on the Memphis and Charleston Railroad.

"It may be remembered that the rebel power very early in the contest developed a strength and proportion which the country was not prepared to expect. This fact, together with our failure to achieve any early military success, was having a most depressing effect upon the spirit of the country, while the danger of foreign intervention was becoming more and more imminent. Indeed, our Government was warned that without some decided military advantage before spring, England and France would acknowledge the independence of the South, and raise the blockade for a supply of cotton. If, then, we would preserve the Union, we must in a very short period gain a strategic position south that would satisfy the country and convince European powers of the ability of the Government to suppress the rebellion.

"To find this decisive point, and the direction in which a blow could be delivered that would insure this result, became, in the autumn of 1861, a matter of the most serious military consideration. It was in this exigency that Miss Carroll visited the West in quest of information in aid of the Union, as she stated to me, and as I fully believe.

"From early in October to about the 20th of November, 1861, she was at the Everett House, in Saint Louis. I was also in that city, particularly interested in the success of our arms, and conversed almost every day with her upon the military and political situation in that quarter, and especially in reference to the difficulties to be overcome by the expedition preparing to open the Mississippi. I am therefore able from personal knowledge to state the origin of the plan of the Tennessee campaign from its inception to its final draught

and presentation to the War Department. The conception which is embodied in this plan occurred to the mind of Miss Carroll about the middle of November, 1861, in conversation with Mr. Charles M. Scott, a pilot on one of the transports connected with the expedition to descend the Mississippi River. She learned some important facts from his wife, whom she met in the hotel, concerning the naval preparations for the expedition, and requested to see her husband, that she might be informed as to the special knowledge and opinions of practical steamboatmen, and on his arrival in Saint Louis, after the battle of Belmont, she sent for him.

"When he stated to her that it was his opinion, and that of the pilots generally who were familiar with the western waters, that the naval expedition could not open the Mississippi; that the gunboats were not fitted to fight down that river, and that it was practicable for them to go up the Tennessee, the thought occurred to her that the Government should direct the Mississippi expedition up the Tennessee River to some point in Northern Mississippi or Alabama, so as to command the Memphis and Charleston Railroad. In a very earnest and animated manner she communicated this thought to me. Being a native of that section, and intimately acquainted with its geography, and particularly with the Tennessee River, I was at once impressed with the tremendous value of her suggestions. She immediately introduced Captain Scott to me with a request that I would interrogate him on all his special facts. He stated the number and strength of the fortifications on the Mississippi, and the impossibility of the gunboats to reduce them, the width and depth of the Tennessee River, and the practicability of ascending with the gunboats to the foot of the Muscle Shoals, but did not think they could pass above.

"With the view of ascertaining the practicability of a naval expedition to reach Mobile and ascend the Alabama and Tombigbee Rivers, I questioned him as to the depth of these waters also. We were so impressed with the fullness and accuracy of his information, that Miss Carroll asked him to write it down for her, to do which he declined, as he said, for want of education, but finally consented. The same day she wrote from Saint Louis to Attorney-General Bates, and to Hon. Thomas A. Scott, Assistant Secretary of War, suggesting the change of the expedition from the Mississippi to the Tennessee River, and on her arrival in Washington, the latter part of November, she prepared the plan of campaign appended to her memorial, and submitted it to me for my opinion, and, without signature, placed the same in the hands of Thomas A. Scott to be used by the Government without her name being known in its connection.

"She communicated with the pilot, Captain Scott, at Cairo, what she had done, and the probabilities that her suggestions would be adopted by the Government, and requested him to send her from time to time all the information he could gather. He complied with her request, and gave her further important information, from which she prepared a second paper on the Tennessee campaign of January 5, 1862, an imperfect copy of which appears in Mr. Howard's report. I say imperfect, because I have a very distinct recollection of aiding her in the preparation of that paper, tracing with her, upon a map of the United States which hung in her parlor, the Memphis and Charleston Railroad, and its connections southward, the course of the Tennessee, the Alabama, and Tombigbee Rivers, and the position of Mobile Bay; and when Henry fell she wrote the Department showing the feasibility of going either to Mobile or Vicksburgh. She has no copy of this letter, but there is an allusion to it in her letter in the autumn of 1862, on the reduction of Vicksburgh. She has, however, a copy of the letter addressed the Secretary of War, on the 14th of February, 1862, in anticipation of overwhelming the enemy at Corinth, advising the occupation of Vicksburgh.

"Again, in the autumn of 1862, learning that an expedition was preparing to attack Vicksburgh from the river, she addressed the Secretary of War showing the impracticability of taking Vicksburgh from the river, and stated that the true line of attack was down the Mississippi Central Railroad to Jackson.

"*No previous conception of the plan.*—In conclusion, I will state that having critically examined all the plans of our generals, and everything official which has been published by the War Department bearing on this point, and every history that has been written upon the war, it is evident that up to the time Miss Carroll submitted her plan to the Government, it had not occurred to any military mind that the true line of invasion was not down the Mississippi River, nor yet up the Cumberland to Nashville and thence overland, but that it was the Tennessee River, and on that line alone, that the Mississippi could be opened and the power of the rebellion destroyed.

"It had not been perceived that moving a force up the Tennessee River into Northern Mississippi or Alabama strong enough to maintain itself, and command the Memphis and Charleston Railroad, would render all the fortifications from Bowling Green to Columbus, and Columbus to Memphis valueless to the enemy, and cause their evacuation, and bring the whole Mississippi Valley under the control of the national arms.

"Respectfully submitted.

"L. D. EVANS.

"Hon. HENRY WILSON,

"Chairman of the Military Committee of the United States Senate."

*Its adoption and execution by the Government.*—In proof that the Mississippi expedition was changed and the Tennessee River campaign was inaugurated in pursuance of the sug-

gestions and plan of your memorialist, she offers the following testimony from Hon. Thomas A. Scott, then Assistant Secretary of War :

Hon. Thomas A. Scott, in a letter to Hon. J. M. Howard, United States Senate, 15th June, 1870, says :

"I learn from Miss Carroll that she has a claim before Congress for services rendered in the year 1861, in aid of the Government. I believe the Government ought now to reward her liberally for the efforts she made in its behalf. I hope you will be able to pass some measure that will give Miss Carroll what she is most certainly entitled to."

On the 24th of June, 1870, he addressed Senator Howard as follows :

"Hon. JACOB M. HOWARD,

"United States Senate :

"On or about the 30th of November, 1861, Miss Carroll, as stated in her memorial, called on me as Assistant Secretary of War, and suggested the propriety of abandoning the expedition which was then preparing to descend the Mississippi River, and to adopt instead the Tennessee River, and handed to me the plan of campaign, as appended to her memorial, which plan I submitted to the Secretary of War, and its general ideas were adopted. On my return from the Southwest, in 1862, I informed Miss Carroll, as she states in her memorial, that through the adoption of this plan the country had been saved millions, and that it entitled her to the kind consideration of Congress.

"THOS. A. SCOTT."

Again, on the 1st of May, 1872, Colonel Scott addressed the following to the honorable chairman of the Military Committee of the United States Senate :

"PHILADELPHIA, May 1, 1872.

"MY DEAR SIR : I take pleasure in stating that the plan presented by Miss Carroll in November, 1861, for a campaign upon the Tennessee River and thence South, was submitted to the Secretary of War and President. And, after Secretary Stanton's appointment, I was directed to go to the western armies and arrange to increase their effective force as rapidly as possible. A part of the duty assigned me was the organization and consolidation into regiments of all the troops then being recruited in Ohio, Indiana, Illinois, and Michigan for the purpose of carrying through this campaign then inaugurated.

"This work was vigorously prosecuted by the Army, and, as the valuable suggestions of Miss Carroll, made to the Department some months before, were substantially carried out through the campaigns in that section, great successes followed and the country was largely benefited in the saving of time and expenditure.

"I hope Congress will reward Miss Carroll liberally for her patriotic efforts and services.

"Very truly, yours,

"THOMAS A. SCOTT.

"Hon. HENRY WILSON,

"Chairman of the Military Committee, United States Senate."

*President Lincoln, Secretary Stanton, and B. F. Wade's recognition.*

The following letter was addressed your memorialist by Hon. B. F. Wade, when president of the United States Senate :

"WASHINGTON, March 1, 1869.

"MISS CARROLL : I cannot take leave of my public life without expressing my deep sense of your services to the country during the whole period of our national troubles. Although a citizen of a State almost unanimously disloyal and deeply sympathizing with secession, especially the wealthy and aristocratical class of her people, to which you belonged, yet, in the midst of such surroundings, you emancipated your own slaves at a great sacrifice of personal interest, and with your powerful pen defended the cause of the Union and loyalty as ably and effectively as it has ever yet been defended.

"From my position on the Committee on the Conduct of the War I know that some of the most successful expeditions of the war were suggested by you, among which I might instance the expedition up the Tennessee River.

"The powerful support you gave Governor Hicks, during the darkest hour of your State's history, prompted him to take and maintain the stand he did, and thereby saved your State from secession and consequent ruin.

"All these things, as well as your unremitting labors in the cause of reconstruction, I doubt not, are well known and remembered by the members of Congress at that period.

"I also well know in what high estimation your services were held by President Lincoln ; and I cannot leave this subject without sincerely hoping that the Government may yet confer on you some token of acknowledgment for all these services and sacrifices.

"Very sincerely, your friend,

"B. F. WADE."

On the 28th of February, 1872, Judge Wade addressed the following letter—

"To the Chairman of the Military Committee of the United States Senate :

"DEAR SIR : I have been requested to make a brief statement of what I can recollect concerning the claim of Miss Carroll, now before Congress. From my position as chairman of the Committee on the Conduct of the War, it came to my knowledge that the expedition which was preparing, under the special direction of President Lincoln, to descend the Mississippi River, was abandoned, and the Tennessee expedition was adopted by the Government in pursuance of information and a plan presented to the Secretary of War, I think in the latter part of November, 1861, by Miss Carroll. A copy of this plan was put in my hands immediately after the fall of Forts Henry and Donelson. With the knowledge of its author, I interrogated witnesses before the committee to ascertain how far military men were cognizant of the fact. Subsequently, President Lincoln informed me that the merit of this plan was due to Miss Carroll ; that the transfer of the armies from Cairo and the northern part of Kentucky to the Memphis and Charleston Railroad was her conception and was afterward carried out generally, and very much in detail, according to her suggestions. Secretary Stanton also conversed with me on the matter, and fully recognized Miss Carroll's service to the Union in the organization of this campaign. Indeed, both Mr. Lincoln and Mr. Stanton, the latter only a few weeks before his death, expressed to me their high appreciation of this service, and all the other services she was enabled to render the country by her influence and ability as a writer, and they both expressed the wish that the Government would reward her liberally for the same, in which wish I most fully concur. .

"B. F. WADE."

To this unequivocal testimony of these eminent men, your memorialist only adds that he claim to having originated this movement receives strong confirmation in the fact that no military man has ever controverted it. No educated gentleman could have been ignorant of the geographical fact that the Tennessee was a navigable river, and ran from the very center of the rebellion north, through the States of Tennessee and Kentucky, but the significance of this knowledge had not awakened the attention of any one, and my special claim to merit is that I was the first to point out to the Government how this knowledge could be made available. In preferring my claim to this, I cannot, by any possibility, detract from our brave and heroic commanders, to whom the country owes so much ; and, so far from opposing me, I believe that, as a class, they would be gratified to see me or any one properly rewarded, according to the part performed in this mighty drama.

[Early in March, 1865, I received through the mail a letter from Fort Delaware, of which the following is a copy :

"FORT DELAWARE, March 1, 1865.

"MISS CARROLL, Baltimore, Md. :

"MADAME : It is rumored in the Southern army that you furnished the plan or information that caused the United States Government to abandon the expedition designed to descend the Mississippi River, and transferred the armies up the Tennessee River in 1862. We wish to know if this is true. If it is, you are the veriest of traitors to your section, and we warn you that you stand upon a volcano.

"CONFEDERATES."

As this letter evidenced great bitterness of feeling on the part of the rebel soldiery toward me personally on account of this service, upon the advice of the Hon. Thomas Corwin and other friends, I submitted it to Secretary Stanton, who deemed it of sufficient importance to request that the original be left with him, with a view to some investigation.]

The following is an extract from the report of Hon. Jacob M. Howard, Military Committee of the Senate :

"From the high social position of Miss Carroll, and her established ability as a writer and thinker, she was prepared at the inception of the rebellion to exercise a strong influence in behalf of liberty and the Union. That it was felt and respected in Maryland during the darkest hours in that State's history, there can be no question. Her publications throughout the struggle were eloquently and ably written and widely circulated, and did much to arouse and invigorate the sentiment of loyalty in Maryland and other border States. It is not too much to say that they were among the very ablest publications of the time, and exerted a powerful influence upon the hearts of the people."

It will be remembered that at the July session of Congress, in 1861, Mr. Breckinridge delivered in the Senate the representative speech of the South, charging that the North had waged the war, &c. To this speech your memorialist made reply, which was largely circulated under the auspices of the Government, from whom she received cordial acknowledgments.

Hon. Edward Bates, Attorney-General of the United States, on the 21st of September, 1861, alludes to it thus :

"I have this moment, 11 o'clock Saturday night, finished the reading of your most admirable reply to the speech of Mr. Breckinridge. This delay was not voluntary on my part. For some time past my time and mind have been painfully engrossed by very urgent public duties, and my best affections stirred by the present condition of Missouri, my own neglected and almost ruined State; and this is the reason why I have been so long deprived of the pleasure and instruction of perusing your excellent pamphlet. And now, my dear lady, I have only time to thank you for taking the trouble to embody for the use of others so much sound constitutional doctrine and so many valuable historical facts, in a form so compact and manageable. The President received the copy left for him and requests me to thank you cordially for your able support.

"I remain, with great respect, your friend and obedient servant,

"EDWARD BATES."

Hon. Caleb B. Smith, another member of the Cabinet, said:

"Your refutation of the sophistries of Senator Breckinridge's speech is full and conclusive. I trust this reply may have an extended circulation at the present time, as I am sure its perusal by the people will do much to aid the cause of the Constitution and the Union."

"[GLOBE OFFICE, August 8, 1861.

"DEAR MADAM: Allow me to thank you for the privilege of reading your admirable review of Mr. Breckinridge's speech. I have enjoyed it greatly. Especially have I been struck with its very ingenious and just exposition of the constitutional law, bearing on the President, assailed by Mr. B., and with the very apt citation of Mr. Jefferson's opinion as to the propriety and necessity of disregarding mere legal punctilio, when the source of all is in danger of destruction. The gradual development of the plot in the South to overthrow the Union is also exceedingly well depicted, and with remarkable clearness. If spoken in the Senate, your article would have been regarded by the country as a complete and masterly refutation of Mr. B.'s heresies. Though the peculiar position of the *Globe* might preclude the publication of the review, I am glad that it has not been denied to the editor of the *Globe* to enjoy what the *Globe* itself has not been privileged to contain.

"I remain, with great respect, your obedient servant,

"SAM'L T. WILLIAMS."]

Some other publications were prepared by Miss Carroll, under the auspices of the War Department, and for these she preferred a claim to re-imburse her for the expenses incurred in the composition, publication, and distribution of the same, which was never fully paid. [As evidence of this the following statement from the Assistant Secretary of War is subjoined:

"PHILADELPHIA, January 16 1863.

"Hon. JOHN TUCKER,

"Assistant Secretary of War:

"I believe Miss Carroll has fairly earned and ought to be paid the amount of her bill, (\$6,750,) and if you will pay her I will certify to such form as you may think necessary as a voucher.

"THOMAS A. SCOTT."]

"PHILADELPHIA, January 28, 1863.

"All my interviews with Miss Carroll were in my official capacity as Assistant Secretary of War. The pamphlets published were, to a certain extent, under a general authority then exercised by me in the discharge of public duties as Assistant Secretary of War. No price was fixed, but it was understood that the Government would treat her with sufficient liberality to compensate her for any service she might render.

"I thought them then and still believe they were, of great value to the Government, and that she fairly earned and should be paid the amount she has charged, which I would have allowed in my official capacity, and which is certified as reasonable by many of the leading men of the country.

"THOMAS A. SCOTT."

#### EXPRESSIONS AND OPINIONS OF EMINENT STATESMEN AND JURISTS.

Some questions arising as to the full amount claimed, it was proposed to submit the matter to some distinguished statesmen and jurists, the opinions of some of whom are hereto annexed. The late Hon. Edward Everett, on the 20th of September, 1862, said:

"I distinctly recollect that I thought them written with very great ability and research, and as Miss Carroll has unquestionably performed her part of the agreement with fidelity and a truly patriotic spirit, that of the Department, I have no doubt, will be fulfilled with liberality."

Hon. Jacob Collamer, late United States Senator, December 5, 1862, said :

"There can be no question of the great intellectual value of these productions, or of their eminent usefulness to the cause of the Union. Were I Secretary of War, I would cheerfully pay every dollar charged."

From Hon. Robert J. Walker :

"WASHINGTON, May 22, 1862.

"MY DEAR MISS CARROLL: I most cheerfully indorse the paper respecting your publications under the authority of the War Department. Mr. Richard S. Coxe, I can say, is one of the very ablest lawyers in this District or in the country. In his opinion of your writings I entirely concur, as with the other eminent men who have expressed one I regret I am without the influence to serve you at the War Department, but Mr. Lincoln, with whom I have conversed, has, I know, the highest appreciation of your services in this connection. Judge Collamer, whom I regard as among the first of living statesmen and patriots, is enthusiastic in praise of your publications; and, indeed, I have heard but one opinion expressed by all the able men who have referred to them.

"Sincerely, yours,

"R. J. WALKER."

"P. S.—I expect shortly to control a monthly, where your contributions will ever find a welcome place, especially in connection with the war."

Ex-Governor Hicks, of Maryland, then United States Senator, February 5, 1863, said :

"I know if Secretary Stanton could give his attention to your business matter it would be settled to your satisfaction; for he could not express himself stronger than he has done to me of your services to the country. And President Lincoln has talked of you to me several times in the same way, and so have many of the ablest Unionists in Congress.

"I said at the War Department to Mr. Watson that I did not pretend to be competent to judge of the money value of literary performances, but I could say that your writings had had a powerful influence in Maryland for good, and that your defense of the war and the administration of Mr. Lincoln did more of itself to elect a Union man as my successor than all the rest of the campaign documents put together.

"As you know, I am ready to serve you in any way I possibly can. Your moral and material support I shall never forget, in that trying ordeal, such as no other man in this country ever went through."

Hon. Charles O'Connor, of the New York bar, on the 10th of October, 1862, said :

"Without intending to express any assent or dissent to the positions therein asserted, but merely with a view of forming a judgment in respect to their merits as argumentative compositions, I have carefully perused Miss Carroll's pamphlets. The propositions are clearly stated, the authorities relied on are judiciously selected, and the reasoning is natural, direct, and well sustained, and framed in a manner extremely well adapted to win the reader's assent, and thus to obtain the object in view. I consider the charges quite moderate."

Hon. Reverdy Johnson said :

"From the opinions of able men, in whose judgment I have all confidence, your charges are moderate."

The Hon. Horace Binney, sr., of Philadelphia, in October, 1862, said :

"No publications evoked by the war have given me greater pleasure. They exhibit great ability and patient investigation, and the pamphlet on the War Powers of the Government has the additional merit of being in advance of any similar one, and rendered a timely and valuable service to the country."

Hon. William M. Meredith, of Pennsylvania, on the 4th of October, 1862, said :

"I had the pleasure of reading the publication on the War Powers of the Government, and it certainly exhibits very great ability and research."

Of these publications, the report from the Military Committee of the Senate says :

"Some of these publications were prepared under the auspices of the War Department, and for these Miss Carroll preferred a claim to re-imburse her for the expenses incurred in their publication, which ought to have been paid; and as evidence of this we cite the statement from the Assistant Secretary of War :

"In view, therefore, of the highly meritorious services of Miss Carroll during the whole period of our national troubles, and especially at that important epoch of the war to which her memorial makes reference, and in consideration of the further fact that all the expense incident to this service was borne by herself, the committee believe her claim to be just, and that it ought to be recognized by Congress."

Hon. Judge A. S. Diven, then a member of the Judiciary Committee of the House of Representatives, and who had introduced the pamphlet on the War Powers to the attention of Congress, on the 9th of January, 1863, said :

"I cannot withhold the satisfaction with which I have read your publications, nor forbear the expression of my admiration of your writings. There is a cogency in your powers of

argument seldom met with. There is in them so much judicial learning, with so comprehensive and concise a style of communication. Go on, madam, in aiding the cause to which you are devoting your talents; your country needs the labor of all her defenders. The time will come when your labors will be appreciated."

If, upon the consideration of the facts and testimony herein presented, Congress shall find her claim to be just, your memorialist respectfully asks compensation commensurate with the service.

ANNA ELLA CARROLL.

JUNE, 1872.

*Conclusion.*—When the army secured a position in Northern Mississippi in command of the Memphis and Charleston Railroad, with the Tennessee River as a line of communication with the North, that no rebel power could destroy or interrupt, it for the first time became apparent to the North and to the South, and to Europe as well, that the rebellion was under the control of the national arms. Then arose the inquiry: On whose suggestion this movement, so fruitful in great results, had been undertaken? Which movement becoming recognized as the *decisive campaign of the war*, histories were written ascribing this honor to one and another of the leading generals of the war; with what success these pages disclose.

That to Miss Carroll belongs the credit of having suggested this campaign, and that the Government acted on her suggestions, is as clearly established as it is possible for human evidence to establish any fact. It is also established that Miss Carroll's writings, produced under an agreement with the War Department, were of great value to the cause of the Union, for which the Government is still her debtor.

She now simply asks of the Government remuneration somewhat in proportion to the magnitude of these services.

A. E. C.

WASHINGTON, D. C., January 15, 1873.

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[S. 433. Forty-second Congress, second session.]

In the Senate of the United States, January 8, 1872.

Mr. WILSON asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice, referred to the Committee on Military Affairs, and ordered to be printed.

A BILL for the relief of Miss Anna Ella Carroll.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of \_\_\_\_\_ dollars be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full satisfaction of the claim of Miss Anna Ella Carroll for services in furnishing valuable information to the War Department during the late rebellion, and for preparing certain useful publications during the same period, upon an understanding with the War Department.

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### MISS CARROLL'S CLAIM BEFORE CONGRESS, ASKING COMPENSATION FOR MILITARY AND OTHER SERVICES IN CONNECTION WITH THE CIVIL WAR.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorialist, Anna Ella Carroll, respectfully represents that, as stated in her memorial heretofore submitted to Congress, she rendered important and valuable military services in the civil war, and especially that she devised the Tennessee campaign of 1862.

At the time she suggested this change of campaign, the military topography of the revolted States was very imperfectly understood, and it was therefore not surprising that the military operations for the suppression of the rebellion had not met the expectations of the country. The tide of battle thus far had been steadily against the Union. The enemy was arrayed in strong force on the Potomac, and on a line extending from thence westward through Bowling Green to Columbus, on the Mississippi. To him time was power, and every day's delay a continuous victory, while it increased the difficulties which were gathering and closing around the national cause.

More than seven months had been consumed since the war commenced, and it had already aggregated a debt of some \$500,000,000. An army numbering between seven and eight hundred thousand men had taken the field and \$2,000,000 scarcely sufficed for its daily expenditure, besides every day was a sacrifice of hundreds of lives.

The North had become restive, and the credit of the Government was virtually exhausted. At the same time England and France were preparing and anxious to terminate the conflict by intervening, and making good the independence of the South.

Unless, then, unquestioned military advantage could be gained in the next few months, that would satisfy the country and convince Europe of the ability of the Government to conquer the rebellion, all hope of restoring the Union was gone. How could this military advantage over the rebellion be gained in time, was then the momentous question which pressed upon every loyal heart connected with the Government.

The Army of the Potomac, on which the country had relied for success, could not, in the opinion of its commander, safely advance until the Army of the West had engaged the enemy in that quarter, and the Secretary of War, with the Adjutant-General, after a tour of inspection in October, 1861, reported that, in the judgment of the commanders, the forces in Kentucky and Missouri were not strong enough to make an advance. The President was painfully apprehensive that this decisive advantage could not be gained in time.

In this crisis your memorialist perceived and pointed out to the Government how this success *could* be obtained in time.

Being convinced, after careful inquiry, that the Mississippi expedition, howsoever strong, could not open that river upon its waters, except at a cost, perhaps, of years, and a corresponding sacrifice of life and treasure, she turned her attention to other lines of invasion, and found the Tennessee River afforded sufficient depth of water for the gunboats to the Muscle Shoals in Alabama, but a few miles from the Memphis and Charleston Railroad—the enemy's only complete interior line of communication. Your memorialist comprehended that the movement of a strong force up that river to a position in command of *that* railroad, would effectually cut the confederacy in two by severing the Atlantic from the Mississippi portion, turn Columbus and all the fortifications on the Mississippi to Memphis, free all Western Kentucky and Tennessee from the enemy, and bring the whole of that country southward to Mobile under the control of the national arms. And she indicated, as the position, Hamburg, on the west bank of the Tennessee River, which, it will be observed, is but two or three miles from Pittsburgh Landing. These suggestions she embodied in the following paper, and submitted it to the Government the 30th of November, 1861:

"The civil and military authorities seem to be laboring under a great mistake in regard to the true key of the war in the Southwest. *It is not the Mississippi but the Tennessee River.* All the military preparations made in the West indicate that the Mississippi River is the point to which the authorities are directing their attention. On that river many battles must be fought and heavy risks incurred before any impression can be made on the enemy, all of which could be avoided by using the Tennessee River. This river is navigable for middle-class boats to the foot of the Muscle Shoals in Alabama, and is open to navigation all the year, while the distance is but two hundred and fifty miles by the river from Paducah, on the Ohio. The Tennessee offers many advantages over the Mississippi. We should avoid the almost impregnable batteries of the enemy, which cannot be taken without great danger and great risk of life to our forces, from the fact that our boats, if crippled, would fall a prey to the enemy by being swept by the current to him, and away from the relief of our friends. But even should we succeed, still we will only have begun the war, for we shall then have to fight the country from whence the enemy derives his supplies.

"Now, an advance up the Tennessee River would avoid this danger; for, *if our boats were crippled, they would drop back with the current and escape capture.*

"But a still greater advantage would be its tendency to cut the enemy's lines in two, by reaching the Memphis and Charleston Railroad, threatening Memphis, which lies one hundred miles due west, and no defensible point between; also Nashville, only ninety miles northeast, and Florence and Tusculumbia, in Northern Alabama, forty miles east. A movement in this direction would do more to relieve our friends in Kentucky, and inspire the loyal hearts in East Tennessee than the possession of the whole of the Mississippi River. If well executed, it would cause the evacuation of all the formidable fortifications upon which the rebels ground their hopes for success; and, in the event of our fleet attacking Mobile, the presence of our troops in the northern part of Alabama would be material aid to the fleet.

"Again, the aid our forces would receive from the loyal men in Tennessee would enable them soon to crush out the last traitor in that region, and the separation of the two extremes would do more than one hundred battles for the Union cause.

"The Tennessee River is crossed by the Memphis and Louisville Railroad and the Memphis and Nashville Railroad. At Hamburg the river makes the big bend on the east, touching the northeast corner of Mississippi, entering the northwest corner of Alabama, forming an arc to the south, entering the State of Tennessee at the northeast corner of Alabama, and if it does not touch the northwest corner of Georgia, comes very near it. It is but eight miles from Hamburg to Memphis and Charleston Railroad, which goes through Tusculumbia, only two miles from the river, which it crosses at Decatur, thirty miles above, intersecting with the Nashville and Chattanooga road at Stevenson. The Tennessee River has never less than

three feet to Hamburgh on the "shoalest" bar, and, during the fall, winter, and spring months, there is always water for the largest boats that are used on the Mississippi River. It follows from the above facts that in making the Mississippi the key to the war in the West, or rather in overlooking the Tennessee River, the subject is not understood by the superiors in command."

On the 5th of January, 1862, she communicated some additional facts, of which the following is an extract:

"Having given you my views of the Tennessee River on my return from the West, showing that this river is the true strategical key to overcome the rebels in the Southwest, I beg again to recur to the importance of its adoption. This river is never impeded by ice in the coldest winter, as the Mississippi and Cumberland sometimes are. I ascertained, when in Saint Louis, that the gunboats then fitting out could not retreat against the current of the western rivers, and so stated to you; besides, their principal guns are placed forward, and will not be very efficient against an enemy below them. The fighting would have to be done by their stern guns, only two, or if they anchored by the stern, they would lose the advantage of motion, which would prevent the enemy from getting their range. Our gunboats, at anchor, would be a target which the enemy will not be slow to improve and benefit thereby.

"The Tennessee River, beginning at Paducah, fifty miles above Cairo, after leaving the Ohio, runs across south-southeast, rather than through Kentucky and Tennessee, until it reaches the Mississippi line, directly west of Florence and Tusculum, which lie fifty miles east, and Memphis, one hundred and twenty-five miles west, with the Memphis and Charleston Railroad eight miles from the river. There is no difficulty in reaching this point any time of the year, and the water is known to be deeper than on the Ohio.

"If you will look on the map of the Western States you will see in what a position Buckner would be placed by a strong advance up the Tennessee River. He would be obliged to back out of Kentucky, or if he did not our forces could take Nashville in his rear, and compel him to lay down his arms."

The Government comprehended the transcendent importance of her suggestions, accepted them, inaugurated the campaign upon them, and the decisive blow was struck which cut the confederate power in two, coerced the evacuation of all the formidable fortifications on the Mississippi from Columbus to Memphis, averted European intervention and consequent war with the United States, removed the visible and growing discontent in the great Northwest, revived the national credit, and hurled the enemy back to the Vicksburgh and Meridian Railroad, and brought the national forces in contact with the slave population of the cotton States, which turned four millions of people, until then a source of his strength, against him, and to the support of the Union.

That the danger from financial bankruptcy and European intervention and invasion may be more fully apprehended, which in those supreme moments made the very existence of the Government a question of doubt, and to show more clearly that the victories in the West were not achieved a day too soon to prevent defeat and the loss of the Union, your memorialist asks your attention to the extracts from the speeches of many distinguished statesmen of that period in both houses of Congress, many of whom were occupying positions on the most important committees connected with the prosecution of the war, and necessarily possessed of the most accurate information. (See Appendix I.)

So soon as the victories revealed that the Government was in very fact advancing the Army on a definite plan to the destruction of the rebellion, the enthusiasm of the people and of Congress was thoroughly aroused, and not knowing who had projected the campaign in the exultation of the hour, they ascribed the honor to one and another as their partiality or favoritism inclined. In this connection your memorialist respectfully invites your attention to the discussion upon the resolution of Mr. Roscoe Conkling in the House of Representatives, on the 24th of February, 1862, the object of which was to ascertain "whether these victories were organized or directed at a distance from the fields where they were won, and if so, by whom organized, or whether they were the conceptions of those who executed them."

She also invites your attention to the subsequent remarks of Mr. Washburn, in the House, and Mr. Grimes, chairman of the Naval Committee in the Senate. (See Appendix 2.)

With the knowledge that the Government was acting upon the information communicated by her, your memorialist contributed other suggestions as the campaign progressed.

Immediately after the fall of Fort Henry she suggested to the Secretary of War the practicability of advancing the army onward to Mobile or Vicksburgh. Her duplicate of this letter she has not as yet been able to find, but it may be observed there is an allusion to it in her letter of October, 1862, on the reduction of Vicksburgh.

In view of the disappointment manifested at the check which the naval flotilla received at Island 10, and with perfect confidence that the campaign would accomplish every result, as promised by the suggestions in November, your memorialist addressed the Secretary of War the 26th of March, 1862, of which the following is an extract:

"The failure to take Island 10, which thus far occasions much disappointment to the country, excites no surprise to me. When I looked at the gunboats at Saint Louis, and was informed as to their power, and considered that the current of the Mississippi at

full tide runs at the rate of five miles per hour, which is very near the speed of our gunboats, I could not resist the conclusion that they were not well fitted to the taking of batteries on the Mississippi River if assisted by gunboats perhaps equal to our own. Hence it was that I wrote Colonel Scott from there that the Tennessee River was our strategic point, and the successes at Forts Henry and Donelson established the justice of these observations. Had our victorious army, after the fall of Fort Henry, immediately pushed up the Tennessee River and taken position on the Memphis and Charleston Railroad, between Corinth, Miss., and Decatur, Ala., which might easily have been done at that time with a small force, every rebel soldier in Western Kentucky and Tennessee would have fled from every position to the south of that railroad. And had Buell pursued the enemy in his retreat from Nashville without delay into a commanding position in North Alabama on the railroad between Chattanooga and Decatur, the rebel government at Richmond would have necessarily been obliged to retreat to the cotton States. I am fully satisfied that the true policy of Gen. H. is to strengthen Grant's column by such a force as will enable him at once to seize the Memphis and Charleston Railroad, as it is the readiest means of reducing Island 10, and all the strongholds of the enemy to Memphis."

And again observing in October, 1862, preparations for a naval attack on Vicksburgh, she wrote as follows :

"As I understand an expedition is about to go down the river for the purpose of reducing Vicksburgh, I have prepared the inclosed map in order to demonstrate more clearly the obstacles to be encountered in the contemplated assault. In the first place it is impossible to take Vicksburgh in front without too great a loss of life and material, for the reason that the river is only about half a mile wide, and our forces would be in point-blank range of their guns—not only from their water-batteries which line the shore, but from the batteries that crown the hills, while the enemy would be protected by the elevation from the range of our fire. By examining the map I inclose, you will at once perceive why a place of so little apparent strength has been enabled to resist the combined fleets of the Upper and Lower Mississippi. The most economical plan for the reduction of Vicksburgh now is to push a column from Memphis or Corinth down the Mississippi Central Railroad to Jackson, the capital of the State of Mississippi. The occupation of Jackson and the command of the railroad to New Orleans would compel the immediate evacuation of Vicksburgh as well as the retreat of the entire rebel army east of that line; and by another movement of our army from Jackson, Miss., or from Corinth to Meridian, in the State of Mississippi, on the Ohio and Mobile Railroad, especially if aided by a movement of our gunboats on Mobile, the confederate forces, with all the disloyal men and their slaves, would be compelled to fly east of the Tombigbee.

"Mobile being then in our possession, with 100,000 men at Meridian, would redeem the entire country from Memphis to the Tombigbee River. Of course, I would have the gunboats with a small force at Vicksburgh, as auxiliary to this movement. With regard to the canal, Vicksburgh can be rendered useless to the confederate army upon the very first rise of the river, but I do not advise this, because Vicksburgh belongs to the United States, and we desire to hold and fortify it, for the Mississippi River at Vicksburgh and the Vicksburgh and Jackson Railroad will become necessary as a base of our future operations. Vicksburgh might have been reduced eight months ago, as I then advised after the fall of Fort Henry, and with much more ease than it can be done to-day."

Other papers upon military operations were contributed by your memorialist during the progress of the war, but those only are given which relate to the Tennessee campaign.

Your memorialist now respectfully submits that a comparison of these papers with the official history of the military operations in that quarter will show that the plan of these campaigns is distinctly and clearly set forth in her paper of November 30, 1861, and the subsequent letters in relation thereto. The correctness of this plan was proven not alone by the successes which awaited upon its execution, but likewise by the failures to open the Mississippi or win any decided success on the plan first devised by the Government.

That the advantages gained by the campaign were not pressed to the final conquest of the rebellion in 1862-'63 does not in the least impair the value of the plan, since the merit is in the conception rather than its execution. For when the Government was shown the decisive position in the geographical center of the rebel power, with a navigable river for a line of communication with the North, which the enemy could neither break nor destroy, the mastery of the rebellion by the National arms was ever more assured, even though the powers of all Europe should be arrayed upon its side. This campaign having, therefore, decided the issues of our great war, must ever rank with those very few strategic movements in the world's history which have settled the fate of empires and nations. Hence a more extended account of its origin and development might seem to be demanded than that which has heretofore been presented.

Your memorialist, under an agreement with the War Department to write in aid of the Union, and with the hope of rendering greater efficiency, visited the West in the autumn of 1861, for the purpose of studying the condition of affairs in that military department. Soon after she arrived her attention was arrested by the confidence with which the best-informed Southern sympathizers in that section expressed the opinion that the Government could not suppress the rebellion; that the Army of the Potomac, no matter how strong it might be

made, could not reach Richmond before summer, and that Columbus would effectually bar any advance down the Mississippi; that before spring, Price would redeem the whole of Missouri and Buckner the whole of Kentucky, and the confederate flag would be planted on the northern border of the slave States, when it would become the material interest of the Northwest to stop the war and compel the Government to come to terms with the South. These declarations were having a most depressing effect upon the loyal sentiment in that section. Your memorialist, realizing the imminency of the danger that environed the Union, directed her inquiries as to the best means of escape. Her anxiety in regard to the success of the Mississippi expedition was increased by the opinion expressed by Judge Evans, of Texas, who, from personal observation, was accurately acquainted with the topography of the Mississippi Valley, whose attention had been called to this plan of campaign by Secretary Chase, when in Washington some time before, who wished his opinion upon the proposed movement, and, in view of the difficulties, Mr. Chase expressed his own doubts, and his preference for an overland expedition through Cumberland Gap, Chattanooga, Atlanta, and thence to the sea.

Your memorialist then resolved to seek the information of practical steamboatmen as to their views of the Mississippi expedition. She met in the hotel at Saint Louis Mrs. Scott, whose husband, Captain C. M. Scott, a pilot, was connected with the expedition, and requested to see him, and on his return to Saint Louis after the battle of Belmont she sent for him. Her energies were quickened at this time by the sight of the battle-torn regiment, the Seventh Iowa, as it filed into Benton Barracks. She learned from Captain Scott, who was a very intelligent and experienced pilot on the Mississippi, that it would be impossible to reduce Columbus with the gunboats without a very large co-operating land force, and after a very long siege; that the gunboats were not suited to fight down the Mississippi, on account of its strong current; that there were a great many positions on the Mississippi that the enemy could make as strong as Columbus; that they would be fortified as our fleet descended, so that innumerable battles must be fought, and it would take years to open that river; and this, he said, was the belief of every pilot connected with the expedition. He said the Cumberland, at favorable stages of water, was navigable for the gunboats to Nashville; and the Tennessee, at all stages, to the Muscle Shoals, in Alabama. Upon the mention of the navigability of the Tennessee River for gunboats to the Muscle Shoals, in Alabama, the thought flashed upon the mind of your memorialist that all the fortifications on the Mississippi might be turned by advancing the army up the Tennessee River to a position in North Mississippi or Alabama. She immediately communicated this thought to Judge Evans, and asked him if it could not be done; he concurred that it could, and after reflecting a moment, said, "That's the move." Your memorialist said, "I will have it done." She invited him to join in the interview. In answer to our inquiries, Captain Scott stated the draught and speed of the gunboats, and number of guns; the width and depth of the channel of the Mississippi; the number of bluffs upon the river, and the wide extent of the swamp or overflowed lands; also the width and depth of the channel of the Cumberland and Tennessee Rivers. He did not think the gunboats could pass over the Muscle Shoals, in Alabama. We inquired as to the practicability of the naval expedition reaching Mobile, and as to the navigability of the Alabama and Tombigbee Rivers. He thought the fleet could not pass the bar, some seven miles below that city; said the Tombigbee afforded good steamboat navigation to Demopolis, which is one hundred and fifty miles from the Muscle Shoals, on the Tennessee River.

Your memorialist requested this gentleman to give her a memorandum of the facts elicited, and informed him that it was her purpose to induce the Government, if possible, to change the plan upon which they were operating, and divert the expedition up the Tennessee River, and, in the event of the change, requested him to furnish her with all the facts he could obtain during his continuance with the expedition.

She hastened to Washington, and prepared her paper upon the data she collected, and laid it before the Government the 30th of November, 1861, as hereinbefore stated.

Colonel Scott, to whom she read it in the War Department, had then control of the railroads used by the Government, and was accurately informed upon the railroad system of the South and its value in war. He saw at once that the seizure of the Memphis and Charleston Railroad at *that point* would not only open the Mississippi, but would open the way for McClellan's march on Richmond. He expressed great gratification, and said it was the first solution of the difficulty, and he had no doubt but your memorialist was *right*. He asked her for the paper; she told him it was for the use of the Government she had prepared it, and said to him, repeating the language, "If it is upon the expedition to descend the Mississippi that you rely to save the Union, then there is an end of it: but if you will have that expedition diverted up the Tennessee River, you will not only save the Union, but cover yourself with glory."

As these suggestions did not come from any one connected with the military or naval service, it was deemed prudent that the Government should appropriate them without any reference to their source.

She left the paper without signature, caring absolutely nothing in those supreme moments, if it but saved the country, whether it should be denied or forgotten that she was its author.

Convinced of the importance of her suggestions, Colonel Scott requested your memorialist to continue her labors, and contribute all she deemed important during the war. He submitted the paper to the Secretary of War and President Lincoln. The President, who had from the beginning reserved special direction of the Mississippi expedition, now decided the Tennessee River as the line of invasion. And when Secretary Stanton came into the Department, the middle of January, 1862, the campaign was inaugurated, and Colonel Scott, under the instructions of the Government, went forward to arrange to increase the effective force of the Western armies as rapidly as possible for the purpose of carrying it through.

In proof that your memorialist submitted the plan of campaign as set forth in her memorial, and that the Government profited thereby, she offers the following from Hon. Thomas A. Scott, Assistant Secretary of War :

" PHILADELPHIA, June 15, 1870.

" I learn from Miss Carroll that she has a claim before Congress for services rendered in the year 1861, in aid of the Government. I believe the Government ought now to reward her liberally for the efforts she made in its behalf. I hope you will be able to pass some measure that will give Miss Carroll what she is most certainly entitled to.

" THOMAS A. SCOTT.

" Hon. JACOB M. HOWARD,  
" *United States Senate.* "

" PHILADELPHIA, June 24, 1870.

" On or about the 30th of November, 1861, Miss Carroll, as stated in her memorial, called on me, as Assistant Secretary of War, and suggested the propriety of abandoning the expedition which was then preparing to descend the Mississippi River, and to adopt instead the Tennessee River, and handed to me the plan of campaign, as appended to her memorial, which plan I submitted to the Secretary of War, and its general ideas were adopted. On my return from the Southwest, in 1862, I informed Miss Carroll, as she states in her memorial, that through the adoption of this plan the country had been saved millions, and that it entitled her to the kind consideration of Congress.

" THOMAS A. SCOTT.

" Hon. JACOB M. HOWARD,  
" *Of the Military Committee of the United States Senate.* "

Again :

" PHILADELPHIA, May 1, 1872.

" MY DEAR SIR : I take pleasure in stating that the plan presented by Miss Carroll, in November, 1861, for a campaign upon the Tennessee River, and thence south, was submitted to the Secretary of War and President Lincoln. And, after Secretary Stanton's appointment, I was directed to go to the Western armies and arrange to increase their effective force as rapidly as possible. A part of the duty assigned me was the organization and consolidation into regiments of all the troops then being recruited in Ohio, Indiana, Illinois, and Michigan, for the purpose of carrying through this campaign, then inaugurated.

" This work was vigorously prosecuted by the Army, and, as the valuable suggestions of Miss Carroll, made to the Department some months before, were substantially carried out through the campaigns in that section, great successes followed, and the country was largely benefited in the saving of time and expenditure.

" I hope Congress will reward Miss Carroll liberally for her patriotic efforts and services.

" Very truly, yours,

" THOMAS A. SCOTT.

" Hon. HENRY WILSON,  
" *Chairman Military Committee, United States Senate.* "

That President Lincoln and Secretary Stanton fully recognized the service of your memorialist will appear from the following letter of the Hon. B. F. Wade, chairman of the Committee on the Conduct of the War :

" WASHINGTON, February 28, 1872.

" DEAR SIR : I have been requested to make a brief statement of what I can recollect concerning the claim of Miss Carroll, now before Congress. From my position as chairman of the Committee on the Conduct of the War, it came to my knowledge that the expedition which was preparing, under the special direction of President Lincoln, to descend the Mississippi River, was abandoned, and the Tennessee expedition was adopted by the Government in pursuance of information and a plan presented to the Secretary of War, I think, in the latter part of November, 1861, by Miss Carroll. A copy of this plan was put in my hands immediately after the fall of Forts Henry and Donelson. With the knowledge of its author, I interrogated witnesses before the committee to ascertain how far military men were

cognizant of the fact. Subsequently President Lincoln informed me that the merit of this plan was due to Miss Carroll; that the transfer of the armies from Cairo and the northern part of Kentucky to the Memphis and Charleston Railroad was her conception, and was afterward carried out generally, and very much in detail, according to her suggestions. Secretary Stanton also conversed with me on the matter, and fully recognized Miss Carroll's service to the Union in the organization of this campaign. Indeed, both Mr. Lincoln and Mr. Stanton, the latter only a few weeks before his death, expressed to me their high appreciation of this service, and all the other services she was enabled to render the country by her influence and ability as a writer, and they both expressed the wish that the Government would reward her liberally for the same; in which I most fully concur.

"B. F. WADE.

"The CHAIRMAN OF THE MILITARY COMMITTEE OF THE UNITED STATES SENATE."

As more conclusively showing the appreciation in which Secretary Stanton held the services of your memorialist, she submits the following correspondence with Judge Wade:

"MARCH 28, 1873.

"MY DEAR JUDGE WADE: I took a memorandum at the time of some remarks of yours to me in a conversation we had in January, 1870. Alluding to the recent death of Secretary Stanton, you said I 'had lost a strong friend in him,' and repeated several remarks he made to you respecting myself in connection with the services I had rendered the country in the civil war. I inquired how long since this was said. You replied, 'Why, the very last time I ever saw him, only a few weeks before he died.' I was with him on that occasion four hours. He voluntarily spoke of you and said there was one person who had done more to save this country than all the rest of the border State people together, and who, to that time, had had no proper recognition or reward for it.' I asked him who he meant. He said, 'Why, Miss Carroll.' I told him I had always known that. He said, 'it his life was spared, he intended you should be properly recognized and rewarded for originating the Tennessee campaign, that the merit belonged to you, and he would see you through Congress if he lived.' Your remarks, coming so recently from Mr. Stanton, impressed me very much, especially as they accorded so fully with what he said himself to me some two years before. I would be pleased if you can recall what I have stated.

"With great esteem,

"A. E. CARROLL."

"WASHINGTON, March 31, 1873.

"MISS CARROLL: I have received your note, in which you desire me to state the language in which Mr. Stanton expressed himself in reference to your services during and after the war, the substance of which you already have. I remember that he stated those sentiments with great earnestness, but after such a length of time I cannot undertake to state the exact language that he used, but when I related to you what he said, so soon after the event, I doubt not that I used or rather repeated very nearly the language he used in expressing himself to me, and there is nothing in your relation of what I told you that conflicts with my recollection of his language to me.

"Yours, truly,

"B. F. WADE."

Hon. O. H. Browning, of Illinois, Senator during the war, and in confidential relations with President Lincoln and Secretary Stanton, refers in the following letter to the estimation in which they held military services of your memorialist:

"QUINCY, ILL., September 17, 1873.

"MISS A. E. CARROLL: During the progress of the war of the rebellion, from 1861 to 1865, I had frequent conversations with President Lincoln and Secretary Stanton in regard to the active and efficient part you had taken in behalf of the country, in all of which they expressed their admiration of, and gratitude for, the patriotic and valuable services you had rendered the cause of the Union, and the hope that you would be adequately compensated by Congress. At this late day I cannot recall the details of those conversations, but I am sure that the salutary influence of your publications upon public opinion and your suggestions in connection with the important military movements were among the meritorious services which they recognized as entitled to remuneration.

"In addition to the large debt of gratitude which the country owes you, I am sure you are entitled to generous pecuniary compensation, which I trust will not be withheld.

"With sentiments of high regard, I am your obedient servant,

"O. H. BROWNING."

In confirmation of her own statement as to the conception and development of the plan of the Tennessee campaign, your memorialist submits the statement made by Chief-Justice Evans, of the supreme court of Texas, to the chairman of the Senate Military Committee of the Forty-second Congress:

"WASHINGTON, April 27, 1872.

"SIR: Having been requested to state my knowledge of the Tennessee plan of campaign, I respectfully submit that Miss Carroll was the first to suggest to the Government the practicability and importance of moving the armies from Cairo up the Tennessee River into Northern Mississippi or Alabama. on the Memphis and Charleston Railroad.

"It may be remembered that the rebel power very early in the contest developed a strength and proportion which the country was not prepared to expect. This fact, together with our failure to achieve any early military success, was having a most depressing effect upon the spirit of the country, while the danger of foreign intervention was becoming more and more imminent. Indeed, our Government was warned that without some decided military advantage before spring England and France would acknowledge the independence of the South and raise the blockade for a supply of cotton. If, then, we would preserve the Union we must in a very short period gain a strategic position South that would satisfy the country and convince European powers of the ability of the Government to suppress the rebellion.

"To find this decisive point, and the direction in which a blow could be delivered that would insure this result, became in the autumn of 1861 a matter of the most serious military consideration. It was in this exigency that Miss Carroll visited the West in quest of information in aid of the Union, as she stated to me, and as I fully believe.

"From early in October to about the 20th of November, 1861, she was at the Everett House, in Saint Louis. I was also in that city, and conversed almost every day with her upon the military and political situation in that quarter, and especially in reference to the difficulties to be overcome by the expedition preparing to open the Mississippi. I am therefore able from personal knowledge to state the origin of the plan of the Tennessee campaign from its inception to its final draught and presentation to the War Department. The conception which is embodied in this plan occurred to the mind of Miss Carroll about the middle of November, 1861, in conversation with Mr. Charles M. Scott, a pilot on one of the transports connected with the expedition to descend the Mississippi River. She learned some important facts from his wife, whom she met in the hotel, concerning the naval preparations for the expedition, and requested to see her husband, that she might be informed as to the special knowledge and opinions of practical steamboatmen, and on his arrival in Saint Louis, after the battle of Belmont, she sent for him.

"When he stated to her that it was his opinion, and that of the pilots generally who were familiar with the western waters, that the naval expedition could not open the Mississippi, that the gunboats were not fitted to fight down that river, and that it was practicable for them to go up the Tennessee, the thought occurred to her that the Government should direct the Mississippi expedition up the Tennessee River to some point in Northern Mississippi or Alabama, so as to command the Memphis and Charleston Railroad. In a very earnest and animated manner she communicated this thought to me. Being a native of that section, and intimately acquainted with its geography, and particularly with the Tennessee River, I was at once impressed with the tremendous value of her suggestions. She immediately introduced Captain Scott to me, with a request that I would interrogate him on all his special facts. He stated the number and strength of the fortifications on the Mississippi and the impossibility of the gunboats to reduce them, the width and depth of the Tennessee River, and the practicability of ascending with the gunboats to the foot of the Muscle Shoals, but did not think they could pass above.

"With the view of ascertaining the practicability of a naval expedition to reach Mobile and ascend the Alabama and Tombigbee Rivers, I questioned him as to the depth of these waters also. We were so impressed with the fullness and accuracy of his information, that Miss Carroll asked him to write it down for her, to do which he declined, as he said, from want of education, but finally consented. The same day she wrote from Saint Louis to Attorney-General Bates and Hon. Thomas A. Scott, Assistant Secretary of War, suggesting the change of the expedition from the Mississippi to the Tennessee River, and on her arrival in Washington, the latter part of November, she prepared the plan of campaign appended to her memorial, and submitted it to me for my opinion, and, without signature, placed the same in the hands of Thomas A. Scott to be used by the Government without her name being known in its connection.

"She communicated with the pilot, Captain Scott, at Cairo, what she had done, and the probabilities that her suggestions would be adopted by the Government, and requested him to send her from time to time all the information he could gather. He complied with her request, and gave her further important information, from which she prepared a second paper on the Tennessee campaign of January 5, 1862, an imperfect copy of which appears in Mr. Howard's report. I say imperfect, because I have a very distinct recollection of aiding her in the preparation of that paper, tracing with her, upon a map of the United States which hung in her parlor, the Memphis and Charleston Railroad and its connections southward, the course of the Tennessee, the Alabama, and Tombigbee Rivers, and the position of Mobile Bay; and when Henry fell, she wrote the Department showing the feasibility of going either to Mobile or Vicksburgh.

"In conclusion, I will state that having critically examined all the plans of our generals and everything official which has been published by the War Department bearing on this point, and every history that has been written upon the war, it is evident that, up to the

time Miss Carroll submitted her plan to the Government, it had not occurred to any military mind that the true line of invasion was not down the Mississippi River, nor yet up the Cumberland to Nashville, and thence overland, but that it was the Tennessee River, and on that line alone, that the Mississippi could be opened and the power of the rebellion destroyed.

"It had not been perceived that moving a force up the Tennessee River into Northern Mississippi or Alabama strong enough to maintain itself and command the Memphis and Charleston Railroad would render all the fortifications from Bowling Green to Columbus and from Columbus to Memphis *valueless* to the enemy, and cause their evacuation, and bring the whole Mississippi Valley under the control of the national arms.

' Respectfully submitted.

" L. D. EVANS.

" Hon. HENRY WILSON,

" *Chairman of the Military Committee of the United States Senate.*"

Your memorialist's connection with this campaign was, for military reasons, known only to a few friends outside of the War Department, to whom she confidentially exhibited her paper at the time; among these was Judge Whittlesey, of Ohio, who, after the fall of Henry and Donelson, asked for a copy of her plan for the purpose of indorsing his appreciation of the service and bequeathing it as a legacy to his children. She was permitted by his son in Mansfield, Ohio, to see this paper for the first time in December last, of which the following is a copy:

" TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,

" *February 20, 1862.*

"This will accompany copies of two letters written by Miss Anna Ella Carroll to the War Department. Having informed me of the contents of the letters, I requested her to permit me to copy her duplicates. When she brought them to me she enjoined prudence in their use. They are very extraordinary papers, as verified by the result. So far as I know or believe, our unparalleled victories on the Tennessee and Cumberland Rivers may be traced to her sagacious observations and intelligence. Her views were as broad and sagacious as the field to be occupied. In selecting the Tennessee and Cumberland Rivers instead of the Mississippi, she set at naught the opinions of civilians, of military and naval men. Justice should be done her patriotic discernment. She labors for her country and for her whole country.

" ELISHA WHITTLESEY."

Your memorialist invites your attention to the following letters received from distinguished men who have examined her claim:

" BALTIMORE, *October 12, 1872.*

"MY DEAR MISS CARROLL: I have examined as far as I have been able, because of pressing engagements, the papers you placed in my hands relating to your claim for services rendered the Government during the civil war. That very valuable services were rendered, and that they contributed very materially to the success of the Union arms in the West, is very satisfactorily established. Among other proofs, the letters of Messrs. Wade and Scott are conclusive. Each had the best means of knowing what your services were and how valuable they proved in their result. Every fair-minded man, with this evidence before him, will, I am sure, concur in the opinion that you should be liberally compensated by the Government. And hoping this may be so, I remain, with regard, your friend and obedient servant,

" REVERDY JOHNSON."

Hon. George Vickers, United States Senator, writes:

" CHESTERTOWN, MD., *July 19, 1872.*

" \* \* \* "I have read a printed copy of your memorial and exhibits with a great deal of pleasure, and concluded your case was a much stronger one than I had been apprised of. The letters of Judge Evans, Mr. Wade, and Mr. Scott are explicit, pointed, and strong. There can be no doubt that you originated the plan of the Tennessee campaign, and of its subsequent adoption by the Administration.

" Very sincerely, yours,

" GEORGE VICKERS."

Hon. Truman Smith, of Connecticut, 20th of January, 1873, says:

" \* \* \* "May the inappreciable service you rendered your country in the hour of peril be recognized by your countrymen, and to a just extent rewarded.

" Most faithfully and truly, your friend,

" TRUMAN SMITH."

Hon. B. F. Wade, President of the Senate, addressed your memorialist the following letter :

"WASHINGTON, March 1, 1869.

"MISS CARROLL: I cannot take leave of my public life without expressing my deep sense of your services to the country during the whole period of our national troubles. Although a citizen of a State almost unanimously disloyal and deeply sympathizing with secession, especially the wealthy and aristocratical class of her people, to which you belong, yet, in the midst of such surroundings, you emancipated your own slaves at a great sacrifice of personal interest, and with your powerful pen defended the cause of the Union and loyalty as ably and effectively as it has ever yet been defended.

"From my position on the Committee on the Conduct of the War, I know that some of the most successful expeditions of the war were suggested by you, among which I might instance the expedition up the Tennessee River.

"The powerful support you gave Governor Hicks, during the darkest hour of your State's history, prompted him to take and maintain the stand he did, and thereby saved your State from secession and consequent ruin.

"All these things, as well as your unremitted labors in the cause of reconstruction, I doubt not, are well known and remembered by the members of Congress at that period.

"I also well know in what high estimation your services were held by President Lincoln; and I cannot leave this subject without sincerely hoping that the Government may yet confer on you some token of acknowledgment for all these services and sacrifices.

"Very sincerely, your friend,

"B. F. WADE."

Your memorialist invites your attention to the following letters from the Hon. Cassius M. Clay, who was minister at St. Petersburg in this crisis of our civil war :

"WHITE HALL, MADISON COUNTY, KY.,

"January 24, 1873.

"MY DEAR MISS CARROLL: Your letter of the 18th instant, with the accompanying brochures setting forth your claim to being the originator of the Tennessee River campaign, and showing its vast influence in crushing the rebellion and preventing foreign intervention, were duly received. I read them all with great interest, all the more because I had strongly urged upon General Scott, early in 1861, the absolute necessity of entering the vast territory of the rebel States by the sea, and bays, and rivers as the only practicable means of supplying with food and the material of war, such immense armies as would be necessary to success. I suggested two grand armies, one on the sea-coast, and one on the Mississippi and its adjuncts. But it was reserved to you to study and point out the great and successful strategic line of the Tennessee River. And I think you do not overrate the importance of the consequent success of our arms or the crushing of the rebellion, and in withholding the purpose of France, England, and other powers of armed intervention.

"The aristocratic sympathies of Russia would have been naturally with the South and for the destruction of the Republic, but the Emperor Alexander, following the policy of his dynasty, had already entered upon the scheme for the liberation of the serfs, which was effected in 1862, and this naturally brought him in sympathy with the Union party; and then Russia, as the rival of England in Europe and Asia, lost her dread of republicanism—distant from her shores by two oceans—in her desire to maintain America as a great naval power to check the ambition and prowess of Great Britain.

"The emperor was therefore thoroughly on our side, not that he liked the South less, but that he loved the Union more. Gortchacow, while anxious to do everything possible for us, (for the southern emissaries never ventured to visit St. Petersburg,) partook of the general impression of Europe, that the Republic was in eminent danger, and was always anxious that the North and South should compromise so as to maintain a common nationality. The successes, then, of the Tennessee campaign \* \* \* made intervention thenceforth impossible. \* \* \* To return to your claim for compensation from Congress, for your personal services in this great event, I most ardently wish that your efforts may be successful. For my part, I see no reason why officers and soldiers who fought in the field should be more entitled to honor and emolument than the many eminent women who showed equal patriotism and rendered essential aid to the common cause.

"I trust that while land, and rank, and pensions are allowed Union men, that the Union women who risked life and health, as well in the sanitary and in other departments, should share those similar rewards.

"Be that as it may, your case stands out unique; for you towered above all our generals in military genius, and it would be a shame upon our country if you were not honored with the gratitude of all, and solid pecuniary reward.

"C. M. CLAY."

Again Mr. Clay refers to the claim of your memorialist :

"WHITE HALL, MADISON COUNTY, KY.,

"April 23, 1873.

"MY DEAR MISS CARROLL : Your favor inclosing your letter to Dr. Draper is received. After the exhaustive proof of your being the projector of the Tennessee line of attack upon the confederacy, it seems a waste of time to consider General Halleck's claim. \* \* \* Upon Were he proven capable of such a conception as Dr. Draper awards him, your presentation of the case is conclusive against its actuality.

"I cannot believe that Congress will hesitate to admit your claim with all honor and substantial pecuniary reward—compensation such as all governments bestow upon those who assist in saving their nation.

"Perhaps I am all the more interested in your case because of your historic name, and because it seems to me that those of the South who stood by the Union of these States gave higher proof of disinterested patriotism than any other citizen of the Republic.

"C. M. CLAY."

The following is from Hon. J. T. Headley, the distinguished historian of the civil war :

"NEWBURGH, N. Y., February 6, 1873.

"MY DEAR MADAM : I am much obliged for the pamphlet you sent me. \* \* \* I never knew before with whom the plan of the campaign up the Tennessee River originated. There seemed to be a mystery attached to it that I could not solve. \* \* \* Though General Buell sent me an immense amount of documents relating to this campaign, I could find no reference to the origin of the change of plan. Afterward I saw it attributed to Halleck, which I knew to be false, and I noticed he never corroborated it. It is strange that, after all my research, it has rested with you to enlighten me. Money cannot pay for the plan of that campaign. I doubt not Congress \* \* \* will show, not liberality, but some justice in the matter.

"Yours, very sincerely,

"J. T. HEADLEY."

The Military Committee of the United States Senate, at the third session of the Forty-first Congress, reported (No. 339) that your memorialist did furnish the plan of the Tennessee campaign, and that it was adopted by the Government ; and they further reported that, in view of her highly meritorious services throughout the whole period of our national troubles, and especially at that epoch of the war to which her memorial makes reference, and in consideration of the further fact that all the expenses incident to these services were borne by herself, the committee believe her claim to be just, and that it ought to be recognized by Congress.

In preferring her claim for originating the Tennessee campaign, your memorialist detracts not from the fame of any one, for, so far as she is aware, no one has ever laid claim to it ; and she has carefully examined every official order, letter, and telegram hitherto published in connection with this campaign. And she now submits, had these papers your memorialist laid before the Government—suggesting the Tennessee campaign in advance of all others—been the work of one in the military or naval service, would he not have been heralded as the foremost strategist of the war ? Would he not have been commissioned to the highest grade of the service and insured corresponding pay for life ? In the name of all that is just and equal, can you withhold a similar recognition from one on whom, in the hour of the nation's desperate emergency, the Government relied, because not trained under the rules and axioms of war ?

Other services were rendered by your memorialist. She wrote and published in aid of the Union from the inception of the rebellion to its close. In the summer of 1861 she published a reply to the speech of Senator Breckinridge, delivered in the July session of Congress. Colonel Scott, Assistant Secretary of War, to whom she was referred by the Secretary, decided to circulate a large edition as a war measure. At the same time she had an agreement to write other pamphlets in aid of the Union, and particularly upon the power of the Government in the conduct of the civil war, to be submitted to the Department for approval, and, if approved, to be paid their value. Under this agreement the second, entitled the "War Powers of the Government," was submitted to the Department in December, 1861, examined, approved, and its publication ordered ; but she was requested to wait for settlement until another appropriation.

The third, entitled "The Relations of the Revolted Citizens to the National Government," was written to meet the express views of President Lincoln, to whom it was directly submitted, and by him approved in advance of publication. At his request she prepared several papers on the colonization of the freedmen, a measure in which at the time he evinced great interest ; and she wrote and published subsequently, on various subjects, as they were evoked by the war, and throughout the struggle, without any reference to pecuniary compensation.

For the writing, publishing, and circulation of these, prepared under the auspices of Government, your memorialist presented an account of \$6,750.

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Hon. Thomas A. Scott, with whom the agreement was had, having left the Department before her account was presented, wrote as follows to Hon. John Tucker, then Assistant Secretary of War:

"PHILADELPHIA, January 16, 1863.

"Hon. JOHN TUCKER, *Assistant Secretary of War* :

"I believe Miss Carroll has fairly earned and ought to be paid the amount of her bill, (\$3,750;) and if you will pay her I will certify to such form as you may think necessary as a voucher.

"THOMAS A. SCOTT."

To Assistant Secretary Watson, who had the settlement of the claim, he wrote the following :

"PHILADELPHIA, January 28, 1863.

"All my interviews with Miss Carroll were in my official capacity as Assistant Secretary of War. The pamphlets published were, to a certain extent, under a general authority then exercised by me in the discharge of public duties as Assistant Secretary of War. No price was fixed, but it was understood that the Government would treat her with sufficient liberality to compensate her for any services she might render.

"I thought them then, and still believe they were, of great value to the Government, and that she fairly earned and should be paid the amount she has charged, which I would have allowed in my official capacity, and which is certified as reasonable by many of the leading men of the country.

"THOMAS A. SCOTT."

Assistant Secretary of War Watson subsequently paid \$750 of this claim. This amount scarcely sufficed to defray the actual cost of the publications. She received nothing for the time and labor in their preparation, yet they were prepared with the understanding she would be compensated somewhat in proportion to their value to the Government.

The creation of an intelligent and healthful public opinion at that time was as essential to the preservation of the Union as the creation and maintenance of armies in the field. As to the influence exerted upon public sentiment by these publications, your memorialist submits the following from the report of the Senate Military Committee in the Forty-first Congress, made through Senator Jacob M. Howard :

"From the high social position of Miss Carroll, and her established ability as a writer and thinker, she was prepared at the inception of the rebellion to exercise a strong influence in behalf of liberty and the Union. That it was felt and respected in Maryland during the darkest hours in that State's history there can be no question. Her publications throughout the struggle were eloquently and ably written and widely circulated, and did much to arouse and invigorate the sentiment of loyalty in Maryland and other Border States. It is not too much to say that they were among the very ablest publications of the time, and exerted a powerful influence upon the hearts of the people. Some of these publications were prepared under the auspices of the War Department, and for these Miss Carroll preferred a claim to re-imburse her for the expenses incurred in their publication, which ought to have been paid."

She also submits the opinions of some of the eminent men at that period.

Hon. Edward Bates, Attorney-General, on the 21st of September, 1861 :

"I have this moment, 11 o'clock Saturday night, finished reading your most admirable reply to the speech of Mr. Breckinridge. And now, my dear lady, I have only time to thank you for taking the trouble to embody for the use of others so much sound constitutional doctrine and so many valuable historical facts in a form so compact and manageable. The President received a copy left for him and requested me to thank you cordially for your able support.

"This delay was not voluntary on my part. For some time past my time and mind have been painfully engrossed by very urgent public duties, and my best affections stirred by the present condition of Missouri, my own neglected and almost ruined State. And this is the reason why I have been so long deprived of the pleasure and instruction of perusing your excellent pamphlet.

"I remain, with great respect and regard, your friend and obedient servant,

"EDWARD BATES."

Hon. Caleb B. Smith, Secretary of Interior :

"Your refutation of the sophistries of Senator Breckinridge's speech is full and conclusive. I trust this reply may have an extended circulation at the present time, as I am sure its perusal by the people will do much to aid the cause of the Constitution and the Union."

"GLOBE OFFICE, August 8, 1861.

"Allow me to thank you for the privilege of reading your admirable review of Mr. Breckinridge's speech. I have enjoyed it greatly. Especially have I been struck with its very ingenious and just exposition of the constitutional law bearing on the President, assailed by Mr. B., and with the very apt citation of Mr. Jefferson's opinion as to the propriety and necessity of disregarding mere legal punctilio, when the source of all is in danger of destruction. The gradual development of the plot in the South to overthrow the Union is also exceedingly well depicted and with remarkable clearness. If spoken in the Senate your article would have been regarded by the country as a complete and masterly refutation of Mr. B.'s heresies. Though the peculiar position of the *Globe* might preclude the publication of the review, I am glad that it has not been denied to the editor of the *Globe* to enjoy what the *Globe* itself has not been privileged to contain.

"I remain, with great respect, your obedient servant,"

"SAML. T. WILLIAMS."

In the House of Representatives, on the 22d of January, 1862, Hon. A. S. Diven, of New York, said:

"A specious argument in favor of what may be done under the war power by way of confiscation has been made. \* \* \* Any one who desires to see it answered will find that a clever woman has done it completely. \* \* \* The same one, in her cleverness, has answered my friend from Ohio, [Mr. Bingham.]

"A MEMBER. What is her name?"

"Mr. DIVEN. She signs herself in her pamphlet Anna Ella Carroll. I commend her answer on the doctrine of the war power to those who have been following that phantom and misleading the people; and I commend it to another individual, a friend of mine, who gave a most learned disquisition on the writ of *habeas corpus* and against the power of the President to imprison men. He will find that answered. I am not surprised at this. The French revolution discovered great political minds in some of the French women, and I am happy to see a like development in our women."

Judge Diven subsequently addressed the following letter to your memorialist:

"WASHINGTON, February 9, 1862.

"I thank you for the note of the 6th. Your pamphlet I have read with satisfaction, as I had your former publication. I have no desire to appear complimentary, but cannot forbear the expression of my admiration of your writings. There is a cogency in your argument that I have seldom met with. Such maturity of judicial learning, with so comprehensive and concise a style of communication, surprises me. Ladies have certainly seldom evinced ability as jurists—it may be because the profession was not their sphere—but you have satisfied me that at least one might have been a distinguished lawyer. Go on, madam, in aiding the cause to which you have devoted your talent; your country needs the labor of all her defenders. If the time will ever come when men will break away from passion and return to reason, your labors must be appreciated. Unless that time soon arrives, alas for this republic! I have almost despaired of the wisdom of men. God's ways are mysterious, and my trust in Him is left me as a ground of hope. I have the honor to be, madam,

"Your obedient servant,

"A. S. DIVEN."

Hon. Richard S. Coxe, on the 15th of May, 1862, said:

"I have never read an abler or more conclusive paper than your 'War-Power' document in all my reading. Your charges are very reasonable."

"WASHINGTON, May 22, 1862.

"I most cheerfully indorse the papers respecting your publications under the authority of the War Department. Mr. Richard S. Coxe, I can say, is one of the ablest lawyers in the District or in the country. In his opinion of your writings I entirely concur, as with other men who have expressed one. I regret I am without the influence to serve you at the War Department, but Mr. Lincoln, with whom I have conversed, has, I know, the highest appreciation of your services in this connection. Judge Collamer, whom I regard as among the first of living statesmen and patriots, is enthusiastic in praise of your publications, and indeed I have heard but one opinion expressed by all the able men who have referred to them.

"Sincerely, yours,

"R. J. WALKER."

"P. S.—I expect shortly to control a monthly, where your contributions will ever find a welcome place, especially in connection with the war."

Hon. Edgar Cowan, United States Senator, from Greensburgh, Pa., 11th September, 1862, wrote:

"I am ignorant of the value in money of the articles in question. I believe they were eminently useful and ought to be paid for fully."

Hon. Reverdy Johnson said :

"From the opinions of able men, in whose judgment I have all confidence, your charges are moderate."

Hon. Charles O'Connor, of the New York bar, on the 10th of October, 1862, said :

"Without intending to express any assent or dissent to the positions therein asserted, but merely with a view of forming a judgment in respect to their merits as argumentative compositions, I have carefully perused Miss Carroll's pamphlets. The propositions are clearly stated, the authorities relied on are judiciously selected, and the reasoning is natural, direct, and well sustained, and framed in a manner extremely well adapted to win the reader's assent, and thus to obtain the object in view. I consider the charges quite moderate."

Hon. Edward Everett, on the 20th of September, 1862, said :

"I distinctly recollect that I thought them written with very great ability and research, and as Miss Carroll has unquestionably performed her part of the agreement with fidelity and a truly patriotic spirit, that of the Department, I have no doubt, will be fulfilled with liberality."

Hon. William M. Meredith, on the 4th of October, 1862, said :

"I had the pleasure of reading the publication on the war-powers of the Government, and it certainly exhibits very great ability and research."

Hon. Horace Binney, sr., of Philadelphia, in October, 1862, said :

"No publications evoked by the war have given me greater pleasure. They exhibit great ability and patient investigation, and the pamphlet on the war-powers of the Government has the additional merit of being in advance of any similar one, and rendered a timely and valuable service to the country."

Hon. Jacob Collamer, late United States Senator, December, 5, 1862, said :

"There can be no question of the great intellectual value of these productions, or of their eminent usefulness to the cause of the Union. Were I Secretary of War, I would cheerfully pay every dollar charged."

Ex-Governor Hicks, of Maryland, then United States Senator, February 5, 1863, said :

"I know if Secretary Stanton could give his attention to your business matter it would be settled to your satisfaction; for he could not express himself stronger than he has done to me of your services to the country. And President Lincoln has talked of you to me several times in the same way, and so have many of the ablest Unionists in Congress."

"I said at the War Department to Mr. Watson that I did not pretend to be competent to judge of the money-value of literary performances, but I could say that your writings had had a powerful influence in Maryland for good, and that your defense of the war and the administration of Mr. Lincoln did more of itself to elect a Union man as my successor than all the rest of the campaign documents put together."

"As you know, I am ready to serve you in any way I possibly can. Your moral and material support I shall never forget, in that trying ordeal, such as no other man in this country ever went through."

"GREENSBURGH, PA., May 3, 1873.

"Miss CARROLL: \* \* \* I do remember well that Mr. Lincoln expressed himself in wonder and admiration at your papers upon the proper course to be pursued in legislating for the crisis. \* \* \* In this connection I know that he considered your opinions sound, and, coming from a lady, most remarkable for their knowledge of international and constitutional law."

"EDGAR COWAN."

Rev. Dr. Breckenridge on the 6th of December, 1864, in referring to the part performed in the civil war by himself and your memorialist, writes :

\* \* \* "Is it not a purer, perhaps a higher ambition, to prove that in the most frightful times and through long years a single citizen had it in his power, by his example, his voice, and his pen—by courage, by disinterestedness, by toil—to become a real power in the state of himself, which no power beside could wholly disregard. And have not you, delicately nurtured woman as you are, also cherished a similar ambition and done a similar work, even from a more difficult position? \* \* \* It gives me great pleasure to learn that you propose to publish annals of this revolution, and I trust you will be spared to execute that purpose."

"Your friend and servant,

"R. J. BRECKENRIDGE.

"DANVILLE, KY."

Your memorialist will now state that it is conclusively shown in the foregoing pages that the plan for opening the Mississippi and destroying the rebel power in the Southwest was submitted to the Government in November, 1861, as set forth in her memorial.

2. That the armies advanced along the line of the Tennessee River to the decisive position on the Memphis and Charleston Railroad, as pointed out in the plan, and by consequence the Mississippi was opened and the power of the rebellion effectually broken.

3. That Assistant Secretary of War Thomas A. Scott, through whom the plan was submitted, and President Lincoln and Secretary Stanton, by whom the campaign was inaugurated, recognized your memorialist as its author, and awarded to her its merit.

4. That the pamphlets published under the auspices of the War Department were of great value to the Government, and her charges were moderate, and should have been fully paid.

5. That your memorialist gave her time and energies exclusively to the cause of the Union throughout the struggle, and it was understood by the Assistant Secretary of War, Colonel Scott, as well as by your memorialist, that the Government should treat her with sufficient liberality to compensate her for any service she might render.

Your memorialist respectfully asks you to make the service she rendered the people and Government of the United States the basis of your action, and reward her somewhat in proportion to the benefits received.

ANNA ELLA CARROLL

MARCH 28, 1874.

## APPENDIX 1.

EXTRACTS FROM THE DEBATES IN CONGRESS IN 1861-'62 ON THE MILITARY SITUATION—THE TENNESSEE CAMPAIGN—PREVENTING FINANCIAL BANKRUPTCY, AND FOREIGN INTERVENTION.

IN THE HOUSE OF REPRESENTATIVES,

December 16, 1861.

Mr. WICKLIFFE. One thing I do know, that whenever your Army moves to take possession of Columbus, a position seized and fortified since the adjournment of the last Congress, you will require every soldier that can be brought to bear to take that place and make an advance down the Mississippi River. When the Army moves with the view of carrying out the plan of campaign, I do not want that we shall have to leave one-tenth of its force behind to protect the base of its operations in this campaign. And the first decisive battle that is to be fought in this campaign against the rebel army will be fought on Kentucky soil.

Mr. MORRILL. If the people are willing to furnish 20,000 more men to put down this rebellion, I say let us bid them God-speed in the work. We know there is necessity for a very large force in that State. There is a large confederate army at Columbus, and another at Bowling Green. We know that under Zollicoffer, Kentucky is invaded through Cumberland Gap, and Humphrey Marshall is in another direction.

Mr. MAYNARD. Kentucky occupies a peculiar situation in connection with our public affairs. \* \* \* She is not only invaded by armies in large force and great strength, but she has the elements of disorder within her own borders. She is surrounded by hostile forces on three sides who wish to make her Union and loyal citizens feel the full force of their wrath. \* \* \* Hence she is subject to invasion from these quarters. \* \* \* You want men familiar with the country, who have that sort of local knowledge to enable them to meet this invading insurrectionary force.

Mr. BLAIR. We see the fact plainly as the administration can see it, that our armies are not advancing, and that we have never met the enemy except when the enemy was in overwhelming superior numbers.

Mr. RICHARDSON. The misfortune that has attended us heretofore has been that we have not been familiar with the country where we have to fight. \* \* \* Our base of operations has got to be Louisville.

Mr. DIVEN. This rebellion must be put down speedily or it will wear out the resources of the country. \* \* \* Let it be made apparent that by an additional force in Kentucky this rebellion can be put down one month sooner. No better economy can be employed than by the expenditure of this money in Kentucky. Suppose it will be \$10,000,000 or \$20,000,000, and that it will end the rebellion one month sooner; why, we will then save \$30,000,000, for, I believe, the current expenses of the Government are \$30,000,000 per month. The question with me is, whether granting this increase of appropriation will hasten one hour the crushing of the rebellion.

Mr. WRIGHT. If the great battle which is to determine the question whether the Government is to exist or not, is to be fought in Kentucky or in the vicinity of Kentucky, I think the time may come when we shall be very glad to avail ourselves of this force raised by Kentucky. \* \* \* The rebellion has now assumed such formidable proportions, we must call it war—that is its proper and legitimate name, \* \* \* and in its issue is involved the cause of freedom and the power of man for self-government.

Mr. CONWAY. The report of the Secretary of the Treasury tells a fearful tale. Nearly two millions a day will hardly suffice to cover our existing expenditures. Eight hundred thousand strong men in the prime of life are abstracted from the laboring population to con-

sume and be a tax on those who remain to work. \* \* \* Up to this time we have not encountered the enemy in a single engagement of importance in which we have had an unquestioned victory.

Mr. THADDEUS STEVENS. I confess I do not see how, unless the expenses are greatly curtailed, this Government can possibly go on over six months. If we go on as we are doing \* \* \* the finances, not only of the Government, but of the whole country, must give way, and the people will be involved in one general bankruptcy and ruin.

Mr. CRITTENDEN. We are engaged now in the greatest war the world ever saw. \* \* \* The fall of the Roman Empire was nothing to the civilization of the world in comparison with the preservation of this great Union. \* \* \* Men were never intrusted with such an issue as we are. \* \* \* All other policies are insignificant in comparison with the rescue of our country from the perils which surround it on every side. \* \* \* Make sure you give us and our posterity a homestead, before you talk about the smaller policies. \* \* \* Your homestead is in question to-day—mine, the national existence.

IN THE SENATE, *December 17, 1861.*

Mr. LANE, of Kansas. I do not wish to risk a battle with inferior numbers, but a battle with equal or superior numbers—a well-contested, bloody battle—we must fight. This war cannot draw its slow length along until spring. There must be a decisive stroke within the next few weeks. Gain a victory before England send her armies and navies upon us, and England will not send that navy nor these armies. It is a victory we want, and a victory we must have.

Mr. GRIMES. This war is exceedingly oppressive upon that section of the country in which I have the honor to reside. We are the only people of the loyal States that feel this war oppressively. The result is there is no money in the Northwest.

Mr. BROWNING. We are probably on the very verge of a rupture with one of the most powerful nations of the earth, whose power is to be united with the rebels in their fierce struggle against us.

IN THE HOUSE, *December 30, 1861.*

Mr. THADDEUS STEVENS. We see why certain leading journals in England sympathize with the South and suggest means to evade the blockade and kindly advise us to settle peaceably with the rebels. \* \* \* I doubt not she will use every means in her power to open the southern ports. The most surprising thing is the impertinent interference of France.

JANUARY 7, 1862.

Mr. DIVEN. The enemies of this Government began long since to prepare the way for their success. \* \* \* They labored to create prejudices against us in Europe. They had their emissaries in every capital of Europe to instill into the minds of the merchants and manufacturers and traders there the necessity, in case of a separation, of their siding with the South, and to show them the great advantage of opening the southern ports to free trade with them; and thus the commercial and trading mind of Europe was prepared, and its sympathies were years ago enlisted on the side of the South in this struggle that they have been secretly bringing upon the country. The seed thus sown had grown, and the commercial mind of England had a strong attachment to the South and strong expectations from the South. That state of feeling existing, every circumstance that was calculated to provoke them against the North would be seized upon, and the most would be made of it.

Mr. KELLEY. I think our whole course of action, or rather inaction, invites them to declare war. \* \* \* I think the condition of this capital to-day invites war. It is environed within a narrow circle, of two hundred thousand men in arms. And yet, sir, that short river which leads to the capital of a great and proud country, thus defended and encircled by patriot troops, is so thoroughly blockaded by rebels, that the Government, though its Army has not an adequate supply of forage, cannot bring upon it a peck of oats to feed a hungry horse. \* \* \* Call it what you may, it is a sight at which men may well wonder.

We have six hundred thousand men in the field.

We have spent I know not how many millions of dollars, and what have we done? What one evidence of determined war or military skill have we exhibited to foreign nations or to our own people? \* \* \* We have been engaged in war for seven months. \* \* \* England does respect power. \* \* \* Let her hear the shouts of a victorious army, \* \* \* and England and the powers of the continent will pause with bated breath.

Sir, it was said yesterday the last day had come. \* \* \* My heart has felt the last day of our dear country was rapidly approaching. Before we have achieved a victory, we have reached bankruptcy. We are to-day flooding the country with an irredeemable currency. In ninety days, with the patriotism of the people paralyzed by the inaction of our great Army, \* \* \* the funded debt of the country will depreciate with a rapidity that

will startle us. In ninety days more, \* \* \* the nations of the world will, I fear, be justified in saying to us: "You have no more right to shut up the cotton-fields of the world by a vain and fruitless endeavor to reconquer the territory now in rebellion than China or Japan has to wall themselves in." And in the eyes of international law, in the eyes of the world, and, I fear, in the eyes of impartial history, they will be justified in breaking our blockade and giving to the rebels means and munitions of war. \* \* \* But, sir, in less than ninety days, to come back to the point of time, we shall be advancing in the month of April, when northern men will begin to feel the effects of heat in the neighborhood of Ship Island and the mouth of the Mississippi. Looking at the period of ninety days, I say it is not a double but a triple edged sword approaching, perhaps, the single thread of destiny upon which the welfare of our country hangs. Bankruptcy and miasmatic pestilence are sure to come within the lapse of that period, and foreign war may add its horrors to theirs.

Mr. WRIGHT. We are gasping for life. This great Government is upon the brink of a volcano which is heaving to and fro, and we are not certain whether we exist or not.

Mr. F. A. CONKLING. In this crisis of our history, when the very existence of the republic is threatened, when in all human probability the next thirty days will decide forever whether the Union is to maintain its place among the powers of the earth, or whether it is to go down and constitutional liberty is to perish, \* \* \* at this time it does appear to me that every effort should be made to economize the energies of the Treasury.

#### IN THE SENATE.

Mr. WILSON, of Massachusetts. Why, sir, you can be borne all over this country upon a wave of popular murmur against the Government at this time, and I must say, too, in regard to the men controlling the civil and military affairs of the country. \* \* \* It springs from that deep disappointment of the people of the country, who have poured out five hundred thousand men, and hundreds of millions of dollars, and who see no results. They see no policy in the administration of the country, they see no plans, they read of no victories

#### IN THE HOUSE, January 13, 1862.

Mr. DAWES. Mr. Speaker, it takes \$2,000,000 every day to support the Army in the field. One hundred millions have thus been expended, since we met here in December, upon an army in repose. What they will be when that great day shall arrive when our eyes may be gladdened with the sight of the Army in action I do not know. \* \* \* What it may cost to put down this rebellion I care very little, provided it may be put down. \* \* \* When the history of these times shall have been written, it will be doubtful on whom the guilt will rest most heavily, upon him who conspired to destroy, or upon him who has proved incompetent to preserve the institutions bequeathed to us by our fathers. \* \* \* Amid all these things, is it strange the public Treasury trembles and staggers like a strong man with a great burden upon him?

Sir, that man beneath an exhausted receiver, gasping for breath, is not more helpless today than the Treasury of this Government. \* \* \* Without income from your custom-houses, from your land-sales, from any source whatever, to sustain the Treasury notes you are now issuing, they are already beginning to fall in the market. Already they are sold at 5 per cent. discount at the tables of the money-changers—6 per cent. my friend near me says. \* \* \* Sixty days of the present state of things will bring about a consummation. It is impossible for the Treasury of the United States to meet this state of things sixty days longer, and an ignominious peace is upon this country and at our very doors.

#### JANUARY 14, 1862.

Mr. JULIAN. In the opinion of many the great model republic of the world is in the throes of death. This is one of the grand judgment days of history. \* \* \* Mr. Seward in his letter to Mr. Clay, of May 6th, admits that "the object of this rebellion is to create a nation built upon the principle that African slavery is a blessing, to be extended over this continent at whatever sacrifice." \* \* \* We are still in imminent peril of foreign war. \* \* \* What is it that has called into deadly conflict from the walks of peace more than a million of men, brethren and kindred, and the joint-heirs of a common heritage of liberty? \* \* \* The solemn issue of life and death must be disposed of upon its merits. \* \* \* In the beginning neither the administration nor the people foresaw the magnitude of this struggle.

#### JANUARY 15, 1862.

Mr. MORRILL. Unless we propose to ignominiously back down from the vigorous prosecution of the war, every man, I suppose, in this House will vote in favor of the resolution. This resolution is to assure the country, which has an impatience that is becoming chronic, that whatever the Army may be doing, the Committee of Ways and Means have not huddled nor gone into winter-quarters.

Mr. WADSWORTH. There are two dangers which threaten the Union. One is a foreign war, the other dissensions among its friends. \* \* \* Foreign war would possibly secure the present position of the rebellious States. \* \* \* Its worst effect would be to fix their boundaries where they now stand.

Mr. CAMPBELL. How long will it be, in the judgment of this House, before a hostile foe will strike at the commerce of this country on the high seas? \* \* \* How long will it be before she attempts to drive our commerce from the ocean?

Mr. CRITTENDEN. We are guarding against a foreign war by these appropriations. \* \* \* We have a more formidable and more important war. \* \* \* It is waged in the heart of the country, and the life of the country depends upon it. \* \* \* We have not money enough to carry on the war \* \* \* which demands of us the defense of our country and our whole Government.

Mr. LOVEJOY. Nothing in the future, if we can prophesy that which will come to pass and from indications of the present, than that we shall need protection against foreign powers.

JANUARY 20, 1862.

Mr. WRIGHT. There is one great abiding and powerful issue to-day, and that is the issue whether the country and the Constitution shall be saved, or whether it shall be utterly and entirely annihilated. With Pennsylvania it is a question of national existence, of life or death. \* \* \* The great heart of Pennsylvania is beating to-day for the cause of the Union; \* \* \* it is to decide the great question, whether the liberty which has been handed down to us by our fathers shall be permitted to remain in the land, or whether chaos or desolation shall blot out the country and Government forever.

IN THE SENATE, January 22, 1862.

Mr. WADE. But, sir, though the war lies dormant, still there is war, and that is not intended that it shall remain in this quiescent state much longer. The committee to which I have the honor to belong are determined \* \* \* that it shall move and move with energy. If Congress will not give us or give themselves power to act with efficiency in war, we must confide everything to the Executive Government, and let them usurp everything; if you would not fix your machinery so that you might advise with me and act with me, \* \* \* I would act independent of you, and you might call it what you please.

This is for the suppression of the rebellion, and the measures that we are to sit in secrecy upon look to that end and none other. No measure rises in importance above that connected with the suppression of this rebellion. \* \* \* We stand here for the people, and we act for them. \* \* \* There is no danger to be apprehended from any secrecy which, in the consideration of war measures, we may deem it proper to adopt. It is as proper for us as it is for the general in the field, as it is for your cabinet ministers to discuss matters in secret when they pertain to war.

Mr. GARRETT DAVIS. Secession now has reduced your republic, its power, its character, and its moral influence to contempt all over the world. This Government is struggling for its existence—it is a life and death struggle, whether its laws be executed or not. The people will give their blood and their lives to carry on this war, longer than they will give their money, but will eventually become tired of both contributions. \* \* \* No man has been able to say whether to-morrow's sun would shine upon the re-establishment or the dissolution of the Union, and whether the Government would ever rally the energy, and power, and means, and men enough to reconstruct it.

IN THE HOUSE,  
January 22, 1862.

Mr. THADDEUS STEVENS. The enemies of free Government predicted with the utmost confidence the overthrow of this Union by internal dissensions. \* \* \* Eighty years of unexampled prosperity seemed to belie their predictions. We were establishing on a firm basis the great truths proclaimed by our fathers. \* \* \* If we meet and conquer in this dreadful issue, it will produce benefits which will compensate for all its costs. It will give to this nation centuries of peace, and constitutional freedom. \* \* \* They have a vast country to overrun. \* \* \* Every means in the power of nature must be exhausted before our sacred duty is abandoned. \* \* \* If the Government submits it \* \* \* loses its character and ceases to be a power among the nations of the earth. \* \* \* If no other means were left to save the republic, I believe we have the power \* \* \* to declare a dictator without confining our choice to any officer of the Government. Rather than the nation should perish, I would do it. Rather than see the Union dissolved—nay, rather than see one star stricken from its banner—I would do it now. \* \* \* Remember that every day's delay costs the nation \$1,500,000 and hundreds of lives. \* \* \* What an awful responsibility rests upon those in authority. Their mistakes may bring mourning upon the land and sorrow to many a fireside. \* \* \* "If we cannot save our honor, save at least the lives and treasure of the nation."

IN THE SENATE,  
January 23, 1862.

Mr. WILSON, of Mass. We have assembled large armies. It is expected that these armies are to move. The public voice demands action. They have to move over large

spaces of country; railways must be a great means of transportation for them. \* \* The object is to concentrate our forces \* \* without the knowledge or consent of anybody, or letting these troops know where they are to go, or how many are to go. \* \* The purpose of the Government in wishing to have power over the railways of the country is, to be enabled to move the armies of the United States during the next few months; \* \* to move them by the will of the Government, in such numbers as it pleases and where it pleases.

Mr. WADE. The Secretary of War does not want to take possession of these railroads permanently, but for certain expeditions, to give energy to the Department, to give efficiency to the cause. \* \* One of our undoubted powers is to seize all the railroads in this nation if the Government wants them for transportation of troops and munitions of war. \* \* All I want is to regulate by law that power the Executive already has. \* \* Look at the complaints against the President because he has undertaken to suspend the *habeas corpus*. \* \* I justify the President in all he has done, because he acted from an overruling necessity.

Mr. GARRETT DAVIS. I have in my imagination fancied this Union subsisting for a thousand years, extending through the centuries that numbered the history of Carthage, of Rome, and of the modern kingdoms of France and England. It was to me the most grievous disappointment \* \* that this Union in the first century after the foundation of the Government should be broken up. \* \* I still cherish the hope that we shall bring back this Union, and place it upon the firm foundation it occupied before these Southern discontents rocked it to its basis.

IN THE HOUSE,  
January 28, 1862.

Mr. SPALDING. We were never in greater peril than this moment. \* \* But, sir, I will not, I dare not, I hope none of us will shrink from the responsibility of performing every duty devolved on us in this great crisis of our national affairs. The bill before us is a war measure—a measure of necessity and not of choice \* \* to meet the most pressing demands upon the Treasury to sustain the Army and Navy until they can make a vigorous advance \* \* and crush the rebellion. \* \* Extraordinary means must be resorted to, in order to save our Government and preserve our nationality. \* \* This bill is a Government measure. \* \* By the time the Secretary of the Treasury can get these notes engraved, printed, and signed ready for use, all other means at his command and in the Treasury will be exhausted. This measure, then, is presented under the highest prerogative of the Government. The Army and Navy now in the service must be paid. They must be supplied with food, clothing, arms, ammunition, and all other material of war to render them effective. \* \* Having exhausted other means of sustaining the Government, this measure is brought as the best that can be devised in the present exigency to relieve the necessities of the Treasury. \* \* With the enormous expenditures of the Government to pay the extraordinary expenses of the war, \* \* the Treasury must be supplied from some source or the Government must stop payment in a very few days. \* \* A loan put upon the market in the present depressed state of the United States stocks, to be followed by other large loans, is not regarded as a favorable mode of maintaining the Government at the present time. \* \* The situation of the country is now different from what it was two months ago. The circumstances have changed, and the Secretary and Congress will find it necessary to conform their action to what can be done and not what they would like to do were it otherwise practicable. \* \* With a Navy and Army of six hundred thousand men in the field, requiring, with the other expenses of the Government, an average daily expenditure of more than \$1,600,000, this new system of banking will not afford the relief in time to enable the Secretary to meet the pressing demands made upon him. \* \* The tables from the Census Bureau shows that the true value of the property, real and personal, within the United States, is \$16,000,000,000. \* \* This is the capital on which your treasury-notes and bonds rest. \* \* Congress is clothed with this mighty power to sustain the nation at this time. \* \* The exercise of the power is an imperative necessity in order to sustain the credit of the nation at this time. \* \* The life of the nation is in peril, and all that we have and all that we hope for must be devoted to maintain its existence. \* \* An early and successful advance of our armies is of the utmost importance. We need such an advance to sustain the financial credit of the Government; we need it to prevent foreign intervention; we need it to rouse the flagging energies of the people, and, above all, we need it to vindicate the courage and invincibility of our brave soldiers.

Mr. SHEPHERD. It requires our coolest, ripest judgment to consider the means to put down this rebellion. \* \* Popular government is now on trial, and in its success is involved the maintenance of the Union. It would be better, far better that every loyal man at the North should be slain than that this rebellion should not be suppressed. The generations of future centuries will look back to this period of our history and calculate the effect of our conduct upon human civilization. \* \* It is a matter of consequence to the civilized world, not only to the men of this generation but to the men of all future times, that this Government should not be overthrown. Our people desire it to be put down. They would sooner have all their property consumed and every man slain on the battle-field \* \* than submit to this lawless power of rebel hosts.

JANUARY 29, 1862.

Mr. GURLEY. When a few more months have gone by it would be no strange thing if the southern confederacy should be acknowledged by foreign powers; and when that takes place, if ever, our Government will stand before the civilized world not only humiliated but utterly disgraced. \* \* If we would have the moral support of this world we must strike boldly for victory. \* \* Remember this contest must close, either in the ruin of a Republic that has filled the eyes of the best men of the world with admiration, and possibly the destruction of civil and religious liberty in America, \* \* or in the renewed stability of our cherished institutions. \* \* Our Army has been five months getting ready for its realization. \* \* The people everywhere are imploring for and demanding active movements against the rebels in the South. \* \* Sir, it is a serious question with many honest minds, whether this Congress and Government, and this great nation, are not to-day sleeping upon a volcano. Murmurs deep and strong are everywhere coming up from the people against the inaction of our Army.

\* \* Meanwhile the public Treasury is being drained for their support; the fleets of three powerful nations are nearing our shores, and if our military do not rouse themselves to speedy action \* \* these fleets may make a visit to our Southern coasts \* \* and announce to us that cotton is an absolute necessity in Europe, and the blockade must continue no longer.

\* \* All this is not only possible, but, in the contingency of continued inactivity, \* \* highly probable. But \* \* the new Secretary of War, a man who, if report speaks truly, is like brave Ben. Wade, of Ohio, a good combination of Old Hickory and Zack Taylor, \* \* will push on the war with all the vigor that characterized the people in raising so vast, so mighty an army.

JANUARY 30, 1862.

Mr. S. S. COX. General McClellan intended first to have General Buell get the Tennessee Railroad; that for this end he has given all his energies to aid him. \* \* When General Buell took command he found his troops straggling and scattered. He had to gather them and concentrate and form them into regiments. \* \* I speak knowingly when I declare to this Congress and the people that no delay of General Buell's movements are attributable to any orders from General McClellan—on the contrary, he has ordered him \* \* not to lose a day or an hour in the accomplishment of the design to seize the Tennessee Railroad, to the end that not only shall Eastern Tennessee be opened to the Army and Union, \* \* but to the grand aim to cut off this rebel Army of the Potomac, not alone from the line of their supplies, but from the line of their retreat. \* \* In fear for the fate of Memphis, General Beauregard is hurried out to Columbus, Ky., to avert the northern avalanche which impends there, while Buell is drawing with consummate skill his fatal line around the confederates, as the lines have been drawn in Virginia. \* \* Thousands of our people now regard with dampened spirit and sad silence the condition of our country, and they are almost dismayed by our terrible present and still more unpropitious future. But what, \* \* if the masses of the Union are to be quenched? We shall lose our place among the nations, our relative importance on the globe, our physical independence, our weight in the equilibrium of powers, our frontiers, alliances, and geography. \* \* These make up the immortality of a nation. \* \* He who remains silent when such interests are at stake is treacherous to his land and to his God.

JANUARY 31, 1862.

Mr. SARGENT. Had not the Trent embroglio admitted of a peaceful solution, \* \* this day, as we sit here, the first blow would have been struck, (by Great Britain,) and the harbor of San Francisco sealed. \* \* To-day we are trying to provide means to pay, or secure to be paid, a debt of \$1,000,000,000 on account of this war, of which we have but just commenced the first campaign. \* \* The hostile feeling toward this country which seized upon the late trivial affair still exists, and I say here that there is danger of a war until \* \* England is incapable of giving or we of receiving an insult.

FEBRUARY 3, 1862.

Mr. WICKLIFFE. Look, sir, at the condition of Kentucky at the beginning of this session. \* \* Do we know how soon General Thomas will make an assault upon Bowling Green? He will be obliged to leave a part of his army at every gap upon his line to prevent his rear being annoyed or cut off from communications. We want men from our own State. They know the fastnesses of the mountains. They know all the country, and will be better guards there than any others. \* \* We have information that General Beauregard and fifteen thousand of his trained bands have gone to Kentucky to unite with the forces now there, against us.

FEBRUARY 4, 1862.

Mr. BINGHAM. Unless the people can and will stand by the national credit and sustain it by such overwhelming majorities as to silence opposition, then the experiment of free repre-

sentative Government must melt in the thin air. \* \* The nation's credit cannot be maintained by force unless the majority of the people with whom are the issues of the nation's life voluntarily acquiesce in any and all needful legislation.

Mr. ROSCOE CONKLING. I was saying what the people must know about the use of their money. \* \* They simply want to know that the people's servants are using the people's money and the nation's Army to hurl swift destruction upon the nation's foes. \* \* Unless we appeal to the moneyed interest of the country with an adequate policy we can get no money, we ought not get it, we shall not deserve it.

Debts funded or liquidated up to January, 1862.....	\$306,000,000
The floating debt.....	200,000,000
The required ordinary and extraordinary, to July 1.....	300,000,000
	<hr/> 806,000,000

This last item is at the rate of \$2,000,000 per day for one hundred and fifty days. If \$45,000,000 a month is taken as an estimate, it will be \$225,000,000. \* \* The Secretary of War says that 718,512 men have taken the field. \* \* Every one of this multitude of soldiers is entitled to at least thirteen dollars besides subsistence and bounties. \* \* There has been no such occasion presented, no such demand made upon a nation during the lifetime of the human race. The history of free government, the history of America, the history of constitutional liberty, begins or ends now. \* \* Our destiny is, without an ally in the world, with the nations banded against us, to hold fast a continent in the midst of the greatest, guiltiest revolution the world has ever seen.

Mr. PIKE. Who knows what course this business shall take in the next ninety days? With us here, it is a matter of guess-work. We are the money partners in this Government concern. \* \* Still, nobody is allowed to know anything about it. \* \* If the plan shadowed forth by the gentleman from Ohio, [Mr. Cox,] who spoke \* \* for the commanding general is really to be adopted, the sooner we supply ourselves with the money we want the better for the Treasury. \* \* The 'Anaconda' scheme \* \* is to surround, cut off communications with the world, and wait the result. In the mean time disease is wasting our noble Army, and uneasiness is increasing in every portion of the loyal States.

\* \* The Secretary of War, on whom the country now leans with entire confidence, I trustingly believe that his strong will and clear head shall prove sufficient \* \* in this time of great distress. \* \* The Army will respond with enthusiasm, and victories, which are the best financiers in these days, will be the happy result. \* \* The next sixty days are to be the nation's opportunity to re-assert itself.

Mr. WRIGHT. What is humiliating to me is that the credit of the nation is not able to make loans of money from foreign countries. It cannot be done. \* \* I do not think there is any government in Europe that we can expect to make any advance to us in a loan to carry on the war. \* \* We must rely solely on our own element of strength and power.

\* \* The question of liberty itself is at stake. \* \* When the people see that something is to be done, they will furnish their money to the Government as readily as they have their men. \* \* I think the indications are, especially at the War Department, that something will be done. \* \* I am sorry to say it, but there has been a gradual weakening of the faith of the people. \* \* I want something done to convince the people that the administration are in earnest, and has a definite plan which it has to work out. \* \* The time for mysterious utterances about a movement that is in the wind, or seen or heard or whispered, and gave a little hope at the time, is passed by. \* \* I do not think the Secretary of the Treasury, when he goes to New York, will say \* \* there is to be a great movement within such a time, and inspire the bankers with the hope that the good time is coming within fifteen days. \* \* but the people want action in the administration in the military department of the Government. \* \* How and when and the mode, I say nothing about, but there must be action everywhere. \* \* The people will then become inspired with the belief that the rebellion will be put down before harvest, and they will pour out their money like water.

IN THE SENATE,  
February 4, 1862.

Mr. MORRILL. Well, sir, is the Senate prepared to-day to say that it will enter upon an enterprise, enter upon the construction of mail-clad steamers designed for the prosecution of this war, to have a bearing simply upon this rebellion, which are not to be completed for the next twelve months? Sir, if this whole thing is not brought to an end in the next six months the nation will be beyond the hope of relief.

Mr. GRIMES. You all know that Great Britain has now the Warrior and Hero ready for use. We were told a little while ago, that the Warrior was coming to our coast—a large, immense frigate, which, according to naval authorities, is a complete success, and preparations have been made for building a great many more.

FEBRUARY 5, 1862.

Mr. SHERMAN. It is manifest that the people of this country will be called upon to bear an amount of not less than \$700,000,000. \* \* This is more than four times the aggregate currency of the country—it is more than the government of Great Britain bore in her struggle with Napoleon. \* \* It is more than any country in ancient or modern times has attempted to carry. There is nothing like it in history. \* \* No nation ever attempted it or approached it, never for any length of time.

FEBRUARY 6, 1862.

Mr. SHERMAN. That this condition of affairs is exciting attention abroad and at home is true. I have here an extract from a recent English paper, in which they speak of this very condition of affairs. Our friends across the water are now looking into all our deficiencies and all our difficulties. Here is a remarkable statement from the government organ, said to be owned by Lord Palmerston:

"The monetary intelligence from America is of the most important kind; national bankruptcy is not an agreeable prospect, but it is the only one presented by the existing state of American finance."

"What a strange tale does the history of the United States in the past twelve months unfold. What a striking moral does it not point. Never before was the world dazzled by a career of more reckless extravagance. Never before did a flourishing and prosperous State make such gigantic strides toward effecting its own ruin." (London Post, January 15, 1862.)

And you all have probably read the recent extract in the London Times in which our country is denounced in the most unmitigated language that is too offensive to be read in the Senate.

I merely quote these matters to show you that our financial condition has attracted the attention of foreign governments. It is an element of weakness, and they count upon it in all the political questions that will arise in the next sixty or ninety days, or the next year. They look at this vast expenditure as a dangerous element, as a reason why we cannot succeed in this contest, and as a reason why they should interfere in it. \* \* I do not show these facts, which are plain and palpable on their face, in order to impair our public credit. What I state is known to every money-lender in this land. There is not a bank or a broker who does not know these facts as well as I do. I do not do it for the purpose of stopping the prosecution of the war. \* \* Indeed I cannot contemplate the condition of my country, if it shall be dissevered and divided. Take the loyal States as they now stand, and look at the map of the United States, and regard two hostile confederacies stretching along for two thousand miles across the continent. \* \* Do you not know the normal condition of such a state of affairs would be eternal war, everlasting war? Two nations of the same blood, of the same lineage, of the same spirit, cannot occupy the same continent, much less stand side by side as rival nations, dividing rivers and mountains for their boundaries. \* \* Rather than yield to traitors or the intervention of foreign powers, rather than bequeath to the next generation a broken Union and an interminable civil war, I would light the torch of fanaticism and destroy all that the labor of the two generations has accumulated. \* \* If you can show me the reason by which the present expenditures can be maintained by our national Government, you show the means to success, to honor, to glory, to the preservation of the Union, and of our Government.

Mr. WILSON, of Massachusetts. The credit of this Government is sinking daily under our feet. \* \* Why, Mr. President, there was a time, and not far back, when the credit of this Government stood high, when it could command its millions; but to-day, with \$40,000,000 due the people, of which the Government is unable to pay one red cent, we propose to issue one hundred or one hundred and fifty millions of dollars of paper money and make that paper money a legal-tender. We are going to spend five or six hundred millions of dollars a year, and no one has yet pointed out the way to obtain that money, and it will take a long process to reach it. It is in vain to cry up the credit of this Government, to boast of it, or talk of it, unless we perform the acts necessary to sustain and uphold it. If there is one thing, more than another, that we need to show the people of this country, it is that we are ready to make some sacrifices.

Mr. DAVIS. I understand the Chairman of the Military Committee, Mr. Wilson, to state that the Government is now indebted \$40,000,000, and has no means of paying it. I presume the Government will need in the next six months \$300,000,000. The question is, how is the Government to raise this amount of money? Sir, you cannot raise \$300,000,000 by taxation, and the Government cannot get along without it.

IN THE HOUSE, February 6, 1862.

Mr. THADDEUS STEVENS. Congress at the extra session authorized a loan of \$250,000,000; \$100,000,000 of this was taken at seven and three-tenths per cent., and \$50,000,000 of six per cent. bonds at a discount of over \$5,000,000; \$50,000,000 were used in demand-notes payable in coin, leaving \$50,000,000 undisposed of. Before the banks had paid much of this last loan they broke down under it and suspended specie payments. They have continued to pay the loan, not in coin, but in demand notes of the Government, \* \* but the last

was paid yesterday, and on the same day the banks refused to receive them. They must now sink to depreciated currency. The remaining \$50,000,000 the Secretary has been unable to negotiate, \* \* and there is now a floating debt of at least \$189,000,000. The Secretary intended to use the balance of this authorized loan in paying it out to creditors in notes of seven and three-tenths; that becoming known, they immediately sunk four per cent., and had he persevered, it is believed they would have been down to ten per cent. discount. But even if this could be used, (about \$40,000,000,) there would remain due about \$90,000,000, the payment of which is urgently demanded. The daily expenses of the Government are now about \$2,000,000. To carry us on to the next meeting of Congress would take \$600,000,000 more, making, before legislation could be had next session, about \$700,000,000 to be provided for. We have already appropriated \$350,000,000, making our entire debt \$1,050,000,000.

The grave question now is, how can this large amount be raised? The Secretary of the Treasury has used his best efforts to negotiate a loan of but \$50,000,000, and has failed.

IN THE SENATE, *February 6, 1862.*

Mr. TRUMBULL. I will tell you what the people are clamoring for. They are clamoring for action on the part of your armies. The Senator from Rhode Island wants to know how to raise money. Give us victories; tell your generals to advance.

Gentlemen tell us there is no money and the fault is with Congress. Has not the Government had money? Did we not raise it by the hundreds of millions in July? Have you not had men, hundreds of thousands of them, and has not God Almighty given you a season for operations in the field, such as was never vouchsafed to a people before? \* \* Taxation will never save your country; but it is the strong arms and stout hearts that you want to put down this rebellion, and, as my friend Mr. Wade says, somebody to lead them.

FEBRUARY 11, 1862.

Mr. FOSTER. I believe, sir, \* \* that our whole coast, our Atlantic coast, our Lake coast, our Pacific coast would be much better fortified and protected by moving down the columns of our Army, now lying near the Upper Mississippi and along the Ohio Rivers, through the States of Kentucky and Tennessee, and the States south, victoriously and triumphantly to the Gulf of Mexico. \* \* But, sir, if these points are not very soon in possession of the United States forces, \* \* if we do not take possession of our southern ports within thirty or forty days, we shall need much more than the amount recommended by the Finance Committee to fortify all the exposed portions of our coast. \* \* I doubt whether very much more will protect them from foreign attack. \* \* Let us move our armies \* \* at the earliest moment we can, and move them energetically and successfully, and these appropriations will not be needed. \* \* I think it is demonstrable that Maine is to be better fortified at New Orleans than at Portland; Chicago better at Charleston than on Lake Michigan, and Newport better at Savannah and Mobile than at the mouth of the Narragansett Bay. Let us place our armies and unfurl our flag in these southern cities, and all these points we are solicitous to protect will be as safe as it is possible for human fortifications to make them. Without these we have not men enough nor money enough to defend them against the forces which will speedily threaten them.

Mr. HOWE. If it is not safe to publish to the country our own calculations as to the importance of different points on our coast, it may not be dangerous to lay before the country the calculations of other powers and other governments, and I should therefore like to have the Secretary read from the London Times, which I send to the desk.

[*Extract from the London Times of January 7, 1832.*]

"In the event of a renewal of hostilities which were terminated at the treaty of Ghent \* \* the command of the water which separates Upper Canada from the Federal territories would be equivalent to a command in the field. \* \* It will be seen that the matter divides into two periods, of which the first would be the most critical for England. It becomes a question therefore of the greatest importance how this superiority is likely to be determined. \* \* Up to the month of April next the lakes may be regarded as inaccessible to the sea, and therefore whatever force is created must be created on the spot. \* \* As soon, however, as the Saint Lawrence is opened there will be an end of our difficulty. We can then pour into the lakes such a fleet of gunboats and other craft as will give us the complete and immediate command of these waters. Directly the navigation is opened, we can send up vessel after vessel without any restriction. \* \* The Americans would have no such resource. They would have no access to the lakes from the sea, and it would be impossible that they could construct vessels of any considerable power in the interval that would elapse before the ice is broken up. With the opening of spring the lakes would be ours, and if the mastery of these waters is indeed the mastery of all, we may expect the result with perfect satisfaction. \* \* On the whole, therefore, the conclusion seems clear that three months hence the field will be all our own, and in the mean time the Americans, if judiciously encountered, would not be able to do us much harm."

Mr. HOWE. The fact is apparent from this communication that in case of a war with a maritime power, and especially a war with England, the Northwest is that portion of the country which they design as the theater of military operations. Inasmuch as I had just received this extract from an English paper, I deemed it proper to bring the matter to the attention of the Senate, for I deemed that one of the most important points to be fortified in the whole country. It defends a portion of the country which is not only the granary of the nation but almost of the world.

Mr. GRIMES. I do not believe they could get through the Welland Canal before some time in the middle of May, even if the vessels were all sent before that time. \* \* \* But what are we going to do in the mean time if hostilities actually commenced, or if they were imminent? Are we going to stand by and fold our arms, and not take possession of the Welland Canal? The British government has sent over into all the British colonies of North America some thirty thousand men. \* \* \* The Welland Canal is only a few miles from our frontier. \* \* \* Is it expected that we will not render it impassable for the British gunboats?

Mr. FESSENDEN. \* \* \* Does not every one see the position in which we stand toward foreign nations? \* \* \* It is obvious to every man's mind that we are engaged at present in a war which, in spite of all our endeavors to preserve peace, may bring about a collision with foreign powers. If we speak of things at all we must speak of them as they are. \* \* \* It is not necessarily a threat to anybody, because we see that position and recognize it ourselves. \* \* \* Sir, while there is no man in the Senate or the country who more strongly desires peace with all nations than I do, \* \* \* I cannot shut my eyes to the fact \* \* \* that such things may happen, \* \* \* especially when the Executive itself has recommended this bill.

My honorable friend from Illinois says \* \* \* our armies ought to do something; that would be the way to raise finances, and that would be the way to fortify the country. We all know it. \* \* \* Sir, it has been said, and it is well to remember, that there never was such a war as this in the history of the world—there never was one so difficult to carry on—there never was one which extended over so great a territory, upon which so many points were to be defended and so many attacked. I look for and believe that the results which are to be accomplished, even before many days, will be such as not only to gratify all our hopes, but to astound the world. Let us wait for them calmly.

Mr. TRUMBULL. I thought it might be necessary to repeat \* \* \* the necessity of more active operations on the part of our Army, and I am gratified to know from the Senator that we are to have more active operations, and that we are to have movements which will astonish the country and the world. I rejoice at it, but I believe we may learn something from the past. \* \* \* That we have suffered one summer to pass away, and one fall to pass away, and one winter to pass away, at an expense of \$500,000,000 to the country, without doing anything. I think it is our duty to see that no more seasons shall come and go without more efficient action.

FEBRUARY 12, 1862.

Mr. HOWE. Either the Treasury must be replenished or the war must be abandoned. The war cannot be abandoned. \* \* \* The Government is not gambling for empire; it is defending its own existence. \* \* \* Sir, if this Government lives, if the nation survives the perils which now beset it, every man knows that the stocks of the United States \* \* \* will in a few years command a large premium.

I have said that no one can suffer if the nation survives the struggle in which it is now engaged. But the statement suggests the possibility that the Government may not survive. What, then, it may be asked, will become of the money loaned and the notes outstanding? I confess my apprehension that they will all be lost. That, I apprehend, will be the case too with notes and money generally, let who ever will be the maker, let who ever will be the borrower.

Mr. FESSENDEN. We have suffered ourselves in a measure to be cast down. Time has come around, \* \* \* and everything looks as favorable to our cause as the heart of man could desire.

Mr. CHANDLER. From this day forth we can close the war in sixty days by an advance of our armies, and I believe the time has now arrived when we will advance our armies, and when the war will be brought to a close within sixty days. \* \* \* The time has arrived when this rebellion is within our grasp.

IN THE HOUSE, February 19, 1862.

Mr. POMEROY. Our Army, concerning whose seeming inactivity so many unkind words have been spoken on this floor in the past few months, has practically ended the war.

Mr. DIVEN. The times are auspicious. \* \* \* One good reason urged in favor of that policy was that the people were discouraged from want of success in our Army. We have now the encouragement of success. Only let the moneyed men of the country know that the Government is to succeed in putting down the rebellion, and we will not have to plead for

credit. It is not gold and silver that we want. It is not things that are to be taken for gold and silver that we want. It is credit, it is confidence on the part of men who have money to lend, and who can lend it to the Government with the assurance that it will be returned to them. This is all that is wanted. And now, in view of the brilliant prospect before us for a speedy termination of the rebellion, in Heaven's name let us leave no national dishonor to remain a stain upon the country.

Mr. GOOCH. The relations of this committee (Conduct of the War) with the President, Secretary of War, and all the officers of the Cabinet are of the most cordial nature. \* \* Bowling Green, Fort Henry, and Fort Donelson are only the beginning of the chapter which is to be the last in the history of this rebellion. \* \* If there is any department in which this committee have felt a deeper interest than any other, it is the department in which the gentleman from Kentucky is specially interested.

Mr. ROSCOE CONKLING. I believe the creation of this committee has been instrumental, with other kindred agencies, in bringing about valuable reforms, which have inaugurated beneficial changes and a vitalizing policy, without which we might not have had the victories which millions to-day applaud.

IN THE SENATE, *February 24, 1862.*

Mr. DOOLITTLE. We go into this struggle with all the energy which God Almighty has given us. The recent victories give earnest of speedy results, but let us rejoice with trembling. The results of battles none but God can foresee. While we have reason to hope that our flag will soon wave at Savannah, at Memphis, at Nashville, and at New Orleans, let us remember we have met reverses before, and let that remembrance chasten our rejoicing.

APRIL 18, 1862.

Mr. HOWARD. Our campaigns have been planned and carried out by the President, aided by his ordinary advisers and his subordinate military officers. \* \* The Government of the United States has witnessed what no monarchy ever witnessed. It has coped with the most formidable rebellion in the history of the world, one which no monarchical government since the dawn of history could have stood six weeks.

APRIL 21, 1862.

Mr. COLLAMER. For myself, without any prophetic vision, and I do not think now it needs any, I believe I can see the coming result, and its developments may be seen in the progress of our armies, and the necessary consequences which follow them. I see the masters dispersed, I see the slaves scattered, I see that in all probability they will never be reclaimed, no matter what laws we may make. I see the further that progress goes, the more extended will be its effect.

IN THE HOUSE, *May 2, 1862.*

Mr. WASHBURNE. But to the battle of Pittsburgh Landing. \* \* That battle has laid the foundation for finally driving the rebels from the Southwest. \* \* History will record it as one of the most glorious victories that has ever illustrated the annals of a great nation.

MAY 26, 1862.

Mr. GURLEY. That the idea of intervention in our affairs has been seriously entertained by the English and French governments there can be no reasonable doubt. \* \* Thanks to our sagacious President for dividing the Army at the critical moment, and ordering all the commanders to advance on the enemy. This defeated southern recognition, for the result was a succession of victories in the West, which saved our Government from so great a humiliation. \* \* As I have said, the signal success of our arms in the West, that immediately followed the action of the President, made recognition impossible.

IN THE SENATE, *July 15, 1862.*

Mr. HENDERSON. The object of the rebels in the beginning was to build up a confederacy of the cotton States. \* \* Why did they pretend that they desired the border States to go with them? To make us, in the language of Mr. Yancey, fortifications for them; \* \* to keep armies \* \* in the border States; \* \* and by the time their armies were conquered \* \* our financial condition would be such that we would be compelled to acknowledge their independence. They hoped that by the destruction of their own cotton, which they thought would regulate matters in Europe, and by keeping our armies at bay in the border States, \* \* they could build up a confederacy commanding the mouth of the Mississippi, \* \* the Gulf of Mexico, the Southern Atlantic, and the great rivers of the West.

Mr. DOOLITTLE. \* \* We have recovered our rightful supremacy over territories larger than the kingdoms that talk about intervention from Europe—larger than the kingdom of

France, three times as large as Great Britain—during which we have opened the great valley of the Mississippi, that river which more than all things binds this Union together. As long as we hold the Mississippi, from its source to its mouth, this Union cannot be dissolved. New England may regard Southeastern Virginia, this side of the Alleghany Mountains, and North and South Carolina as of very great importance. Why, sir, if we were ten years in subjugating that country to the supremacy of the Constitution, it would be as nothing compared to the holding of the valley of the Mississippi to the Gulf of Mexico, thus binding the Union together from north to south. \* \* The history of the world has never shown such a parallel.

JULY 16, 1862.

Mr. CHANDLER. On the 1st day of January, and for months previous to that date, the armies of the republic were occupying a purely defensive position upon the whole line from Missouri to the Atlantic, until or about the 27th of January, when the President and Secretary of War issued the order "Forward." Then the brave Foote took the initiative, soliciting two thousand men from Halleck to hold Fort Henry after he had captured it with his gunboats.

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*What President Lincoln and Mr. Seward thought of the campaign.*

[From the New York Evening Post, February 9, 1862.]

"The President stated yesterday that the recent victory of Fort Henry was of the utmost importance, and was intended to be followed up immediately with a blow on the railway connection, fifteen miles from the captured fort; \* \* that hot work was expected in that region at once. \* \* The victories the Government expected to win over the rebels in the next two months would put to flight all thoughts of (England and France) meddling in our affairs."

President Lincoln on the 10th of April, 1863, issued the following proclamation:

"It has pleased Almighty God to vouchsafe signal victories to the land and naval forces engaged in suppressing an internal rebellion, and at the same time to avert from our country the dangers of foreign intervention and invasion."

Mr. Seward, March 6, 1863, to Mr. Dayton, said:

"It is now apparent that we are at the beginning of the end of the attempted revolution. Cities, districts, and States are coming back under Federal authority."

Again, May 7, 1862:

"The proclamation of commerce which is made may be regarded by the maritime powers as an announcement that the republic has passed the dangers of disunion."

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## APPENDIX II.

### DEBATE ON THE ORIGIN OF THE PLAN OF THE TENNESSEE CAMPAIGN.

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1862.

Mr. ROSCOE CONKLING. I beg leave to offer a resolution, not for action at present, but that it may lie on the table, as follows: "That the thanks of Congress are due and are hereby presented to Generals Halleck and Grant for planning the recent movements in their respective divisions, and to both those generals, as well as the officers and soldiers under their command, for achieving the glorious victories in which those movements have resulted."

Mr. ROSCOE CONKLING. My purpose in offering the resolution and asking that it may lie over without action now is this: I desire that those who earn military honors shall wear them, and wear all that honor to which they are entitled. I believe the officers named in this resolution are entitled to certain credit, and I desire the resolution to await future action—perhaps amendment—and I care not what particular disposition is made of it for the present. I would like to call up this subject when the House and the country shall be in full possession of all the facts in the case, including reports to be made by different generals, and when we shall know whether these victories were organized or directed at a distance from the fields

where they were won, and if so, by whom organized: or whether they were the conceptions of those who executed them.

Mr. COX. I should have no objection to this resolution, but I think that it should be a little more extensive. It seems to be a matter of opinion with gentlemen as to who designed these victories. I understood the gentleman from New York the other day to give a great deal of the credit to the Committee on the Conduct of the War. Perhaps the gentleman will include that in his resolution. One thing is certain, Mr. Speaker, that these resolutions of thanks to our officers ought to be very carefully drawn and very carefully considered, to the end that no one entitled to credit should be excluded from them. I hope, therefore, the gentleman will do no injustice to any of those who may be entitled, on further examination, to the credit for these victories.

Mr. ROSCOE CONKLING. I am very glad the gentleman from Ohio has referred to a remark which fell from me the other day. The remark I made then, and am very glad to repeat now, was this, that to that committee, along with other kindred agencies, in which I include the action of the President of the United States and of the present Secretary of War as well as of Congress, were due most vitalizing and important reforms, without which the recent victories might not have been achieved. I will take occasion to say now that I venture to predict the truthful history of these victories will demonstrate that not alone to the mode of doing things, nor to the sources of movements which until recently prevailed in military affairs, not alone to the agencies which were at work when Congress met, not by any means to these alone are to be attributed the brilliant successes in the West. I will hazard the opinion that time will show the value of more recent causes, with a vigorous exercise of power which long lay dormant, itself in harmony with a longing for results and for action, and which has shown itself in debates and proceedings here, and in anxious expression of the people and the press in every loyal portion of the country. The great necessity of the occasion, the need and the fitness of something more than assurances for the future has inaugurated action—resolute, onward action—and to this inspired policy is due movements which have culminated in glorious success. I do not believe the recent movements in the West are a part of any long-existing plan conceived elsewhere, and only now unfolding itself. I do not believe these victories were arranged or won by men sitting at a distance engaged in what is termed "organizing victory." My belief is that they have been achieved by bold and resolute men left free to act and to conquer.

Like him, I should be very unwilling to withhold from a single general or officer, be he high or low, a morsel of the credit he deserves, and any purpose in offering the resolution and asking that it lie over until a future day is, that Congress and the country may discriminate and award just praise by awarding it to those who have earned it. I want to crown with heroic honors the real heroes of this war, and I should be very glad to have the resolution embrace every general and every officer and private who should be included; and my object will be accomplished if the great honor belonging to the blows lately struck on the Western rivers and their banks shall be conferred where it belongs, and shall not be appropriated or absorbed by any person whatever who has not earned it.

Mr. FENTON. I have drawn very hastily an amendment to the resolution now before the House, which I think embraces the idea which my colleague has just suggested. I offer it "that the thanks of Congress be tendered to the officers and soldiers who have rushed to arms to sustain the fabric which our fathers erected, and whose devotion has been alike conspicuous, whether in the camp or in the field, whether by that cheerful patriotism and unwearying ardor to be led to the face of the enemies of our country, or their matchless valor in contest."

Mr. ROSCOE CONKLING. I should be very unwilling to thwart, if I could, any desire my colleague may have, but I submit to him, and I think he will agree with me, that the amendment he proposes is an entire transformation of my resolution and destructive of its object. I mean by the resolution to secure the action of the House, if possible, at the proper time, in awarding the meed of praise and credit due to the men entitled, not only to the achievement of these victories, but for the planning and conception of the movement which led to them.

Mr. WASHBURN, of Illinois. There is certainly no man here who would withhold his thanks from the two distinguished officers named in that resolution. I feel a peculiar interest in one of them—General Grant—a man, I may say here, who is as brave as he is modest and incorruptible. But there are other generals who were upon the field, and whom we may wish to thank in the same connection. There is a gentleman who served with us in the last Congress and in a portion of the present Congress, who was upon that battle-field nobly doing his duty, General John A. McClernand. There is another gentleman, a member of the House; I mean Colonel Logan, who distinguished himself gloriously, and fell wounded upon that field. And yet there are still other brave officers who were there who should not be forgotten.

Mr. ROSCOE CONKLING. I took pains, in drafting the resolution, though I did it hastily, to so restrict its terms that it could not be at all open to the criticism suggested by the gentleman from Illinois. The resolution declares the thanks of Congress due to those two generals for the movements planned in their respective divisions, not departments. The expression is a departure from strict military phraseology, I believe, and employed to confine the resolution to the acts actually done by those named. It was far from my intention

to exclude from the thanks to be presented any person who was participant in these movements, and who may properly be included in the resolution.

Mr. COX. This resolution selects only two of the generals engaged in the recent conflict at Fort Donelson, Generals Halleck and Grant. If, sir, there are any generals entitled to credit for success in that great conflict, General Smith, of Pennsylvania, and our recent associate, General McClernand, of Illinois, than whom no braver or truer soldier adorns the Army of the West, are entitled to an equal degree of the glory and an equal consideration in the thanks of Congress.

Mr. HOLMAN. I do not want General Wallace to be deprived of his just share of the credit.

Mr. MALLORY. Nor should General Buell be forgotten.

Mr. COX. A splendid list could be made of officers of the Army and Navy who are entitled to credit for our recent victories. \* \* \* The gentleman says he does not believe in organizing victory at a distance. It may turn out when the matter comes to be examined, and fire shall have burned through the smoke, that other generals besides those mentioned, that the General-in-Chief, in this city, is entitled to some credit, at least, for his foresight, design, and strategy, which have so signally contributed to the recent gallant achievements of our Army and Navy. It is significant of one directing head and design in these recent victories, that both flanks of the enemy, west and east, have been stricken and paralyzed at the same time. \* \* \* Let us not, by prejudging this matter, do injustice to any officer of the Army and Navy. Let the Committee on Military Affairs have this resolution, as they have other resolutions, and let them report a proposition to the House which will discriminate fairly and justly between the different officers, giving to those who are entitled, not inconsiderately, but with deliberation and care, the merited thanks of the National Legislature.

Mr. KELLOGG, of Illinois. I profess to be as justly proud of the victories secured by western generals and western soldiers as any man on this floor. but in our exultation of great joy over these victories we should be very careful to prevent any injury being done through our action to any portion of the Army or to any general engaged in fighting the battles of the Union. \* \* \* We have soldiers in the ranks fit to be generals. Many such have sacrificed their lives to purchase the victories we have obtained. \* \* \* But, sir, we should not forget to do justice to all; in other words, we should refrain from even indirectly doing injustice to the Commanding General of the American Army.

Mr. OLIN. Those who oppose the resolution offered by my colleague seem entirely to misapprehend the object with which that resolution was offered. \* \* \* Its object seems to be to ascertain who it was that planned and directed the military movements which resulted recently in glorious victories in Kentucky and Tennessee.

If it be the object of the House before passing a vote of thanks to ascertain who was the person who planned and organized these victories, then it would be eminently proper in my opinion to request the Secretary of War to give us that information. That would satisfy the gentleman and the House directly as to who was the party who planned these military movements. \* \* \* It is sufficient for the country, for the present, that somebody has planned and executed these military movements; \* \* \* still, if the gentleman has any desire to know who originated these movements, he can ascertain that fact by inquiring at the proper office, for certainly some one at the War Department must be informed on the subject. The Secretary of War knows whether he had anything to do with them or not. The Commanding General knows whether he had anything to do with them or not. If neither of them had anything to do with them they will cheerfully say so.

Mr. KELLOGG, of Illinois. In my judgment this resolution, whether so designed or not, is an attack upon the Commanding General of the United States Army. It is declared in express terms by this resolution that the achievements by our arms in the Western Department were the result of movements planned, organized, and carried out by a subordinate officer of the General Government. It will be remembered that subordinate officers by law are under the control and command of the Commander-in-Chief of the American Army, and that if there is no general plan, that there ought to be a general plan and system of campaign calculated and designed to put down this rebellion. I believe there is emanating from the Commander-in-Chief of the American forces, through his first subordinates, and by them to the next, and so continuously down to the soldiers who fight upon the battle-field, a well-digested, clear, and definite policy of campaign that is to be put in motion, that is in motion, to put down this rebellion; and when a resolution, directly or indirectly, intimates while this should be the case that it is not the case, and that a subordinate officer has sprung into life and conceived, independently of the military organization of the Government, a campaign and a movement, although resulting gloriously—I say that that is asserted in a declaration, it is a direct charge—I do not say it was intended—that these proper campaigns and necessary movements were not and have not been conceived and put in execution by the Commander-in-Chief of our armies. It is detracting from the General in command of the whole force that which should be meted out to him if in fact he has planned and organized these movements; and I believe here, and I here declare that I believe, that the system of movements that has culminated in glorious victories, and which will soon put down this rebellion, finds root, brain, and execution in the Commanding General of the American Army and the

Chief Executive of the American people, and I would not, by passing this resolution, detract one iota from what he has fairly earned, if this be true, which I believe is true.

Therefore I am opposed to the resolution, not from any disrespect to Generals Halleck and Grant, for they have been thanked by the Commander-in-Chief, by the Secretary of War, and, more than that, by the heartfelt thanks of the American people—a higher tribute than can emanate from any men in position, however high that may be.

FEBRUARY 25, 1862.

Mr. THADDEUS STEVENS. I rise to a privileged question. I desire to have entered a motion to reconsider the vote by which the joint resolution tendering the thanks of Congress to Generals Halleck and Grant was referred to the Committee on Military Affairs.

The motion was entered.

MAY 2, 1862.

Mr. WASHBURN. In time came the operations up the Cumberland and Tennessee Rivers, and I state what I know. By a singular coincidence, on the 29th day of January last, without any suggestion from any source, General Grant and Commodore Foote, always acting in entire harmony, applied for permission to move up these rivers, which was granted. The gunboats and land forces moved up to Fort Henry. After that fort was taken it was determined to attack Fort Donelson. The gunboats were to go round and up the Cumberland River, while the Army was to move overland from Fort Henry to Fort Donelson.

IN THE SENATE, March 13, 1862.

*Thanks to Captain Foote.*

"Be it resolved, \* \* \* That the thanks of Congress and of the American people are due, and are hereby tendered, to Captain A. H. Foote, of the United States Navy, and to the officers and men of the western flotilla under his command, for the great gallantry exhibited by them in the attacks upon Forts Henry and Donelson, for their efficiency in opening the Tennessee, Cumberland, and Mississippi Rivers to the pursuits of lawful commerce, and for their unwavering devotion to the cause of the country amidst the greatest difficulties and dangers."

Mr. GRIMES. A great deal has been said of the origin of the proposition to take possession of the Tennessee River. The credit of originating the idea of a military campaign in that direction has been claimed first for one and then for another military commander. I desire that impartial justice should be done to every man. \* \* \* So far as I can learn, the project of turning the enemy's flanks by penetrating the Tennessee and Cumberland Rivers originated with Commodore Foote. The great rise of water on those rivers was providential, and with the quick eye of military genius, he saw the advantage it might secure to our arms. Accordingly he sent to General Halleck, at Saint Louis, the following dispatch :

"CAIRO, January 28, 1862.

"General Grant and myself are of opinion that Fort Henry, on the Tennessee River, can be carried with four iron-clad gunboats and troops, and be permanently occupied. Have we your authority to move for that purpose when ready ?

"A. H. FOOTE."

To this dispatch no reply was vouchsafed, but an order was subsequently sent to General Grant to proceed up the Tennessee River, under convoy of the armed flotilla, and attack Fort Henry, directing General Grant to show Commodore Foote his orders to this effect.

Commodore Foote was at once ready for the expedition, and advised the Department to that effect in the following dispatch :

"PADUCAH, February 3, 1862.

"To-day I propose ascending the Tennessee River with the four new armored boats and the old gunboats, \* \* \* in convoy of the troops under General Grant, for the purpose of conjointly attacking and occupying Fort Henry and the railroad bridge connecting Bowling Green and Columbus.

"A. H. FOOTE."

After reducing Fort Henry and sweeping the Tennessee River as far up as Florence, Ala., Commodore Foote returned to Cairo to prepare \* \* \* for operations against Donelson. \* \* \* He desired a delay of a few days to complete the mortar-boats, \* \* \* but General Halleck believed an immediate attack to be a military necessity. Although wounded himself and his gunboats crippled, \* \* \* he indulged in no repinings for his

personal misfortune. In a letter written the morning after the battle, to a friend, he said: "I feel sadly at the result of our attack on Fort Donelson. To see the brave officers and men \* \* \* fall by my side makes me feel sad to lead them to almost certain death." The next movement of his flotilla was to take Clarksville on the 19th of February. \* \* \* On the 21st of February, he telegraphed General Cullum, chief of Halleck's staff, as follows:

"PADUCAH, February 21, 1862.

"General Grant and myself consider this a good time to move on Nashville: We were about moving for this purpose, when General Grant to my astonishment received a telegram from General Halleck, 'not to let the gunboats go higher than Clarksville.' No telegram sent to me. The Cumberland is in a good stage of water, and General Grant and I believe we can take Nashville. Please ask General Halleck if we shall do it.

"A. H. FOOTE."

It may be that there was some great military reason why General Grant was directed "not to let the gunboats go higher than Clarksville," but, up to this time, it is wholly unappreciable by the public.

The next fact of importance in the campaign at the West, and indeed the most important of all, was the evacuation of Columbus. Why was this stronghold, which cost so much labor and expense, abandoned without firing a shot? It is well understood that Commodore Foote was opposed to giving the rebels an opportunity to leave Columbus. He felt sure of his ability with his gun and mortar boats to shell them into a speedy surrender, but was compelled to give way to counsels of military commanders. \* \* \* The two arms of the public service are equally entitled to the credit of frightening the rebels from their strongest position on the Mississippi River, if not the strongest in their whole military jurisdiction.

N. B.—At the time Congress was considering the question, who originated the idea of a military campaign on the line of the Tennessee River, there were present on the floor a few Senators and Representatives who were aware that Miss Carroll, as early as the last of November, 1861, devised and recommended to the Government the adoption of that line of attack upon the confederacy—they having seen and read her plan, but who, from prudential considerations, gave no publicity to their information.

## MISS CARROLL'S LITERARY SERVICES TO THE COUNTRY DURING THE CIVIL WAR STATED.

### *To the Military Committee of the United States Senate:*

This memorialist respectfully represents, that in her claim before Congress, for "military and other services," reference is made to only a portion of her publications; but in obedience to the suggestion of the honorable chairman of the committee, she now makes her literary services in support of the Government a separate and distinct claim; and that the committee may be able to form some estimate of their value to the Union, it seems proper to state briefly the circumstances under which they were rendered.

On the election of Mr. Lincoln, in 1860, the safety of the Union was felt to be in peril, and its perpetuity to depend on the action of the border slave States, and, from her geographical position, especially on Maryland.

In the cotton States, the Breckinridge party had conducted the canvass upon the avowed position that the election of a sectional President—as they were pleased to characterize Mr. Lincoln—would be a virtual dissolution of the "compact of the Union;" whereupon it would become the duty of all the Southern States to assemble in "sovereign convention" for the purpose of considering the question of their separate independence.

In Maryland, the Breckinridge electors assumed the same position, and as the legislature was under the control of that party, it was understood that could it assemble they would at once provide for a convention for the purpose of formally withdrawing from the Union. The sessions, however, were biennial, and could only be convened by authority of the governor. It therefore seemed for the time that the salvation of the Union was in the hands of Governor Hicks. Although he had opposed the election of Mr. Lincoln, and all his sympathies were on the side of slavery, his strong point was devotion to the Union. With this conviction, founded upon long-established friendship, she believed she might render some service to her country, and took her stand with him at once for the preservation of the Union, come weal or woe to the institution of slavery. Governor Hicks had been elected some three years before as the candidate of the American party, and to the publications she contributed to that canvass he largely attributed his election. It was, therefore, perhaps natural that, when entering on the fierce struggle for the preservation of the Union with the political and social powers of the State arrayed against him, he should desire whatever aid it might be in the power of this memorialist to render him.

A few days after the presidential election, this memorialist wrote Governor Hicks upon the probable designs of the southern leaders should the cotton States secede, and suggested the importance of not allowing a call for the legislature to be made a question.

That she might be in the position to make her services more effective, she repaired to Washington on the meeting of Congress, in December, and soon understood that the southern leaders regarded the dissolution of the Union accomplished.

The leading disunionists from Maryland and Virginia were on the ground in consultation with the secession leaders in Congress, and the emissaries from the cotton States soon made their appearance, when it was resolved to make Maryland the base of their operations, and bring her into the line of the seceding States before the power of the democratic party had passed away on the 4th of March, 1861. Hence, every engine that wickedness could invent was industriously manufacturing public opinion in Baltimore and all parts of the State to coerce Governor Hicks to convene the legislature.

With Maryland out of the Union they expected to inaugurate their "southern confederacy" in the Capitol of the United States on the expiration of President Buchanan's term on the 4th of March; and by divesting the North of the seat of government, and retaining possession of the public buildings and archives, they calculated with great confidence upon recognition of national independence by European powers.

About the middle of December this memorialist communicated to Governor Hicks their designs on Maryland, and suggested the propriety of a public announcement of his unalterable determination to hold Maryland to the Union.

After his address on the 3d of January, 1861, resolutions and letters from men and women indorsing his cause were received from Maryland and from all quarters of the United States.

Governor Hicks, at that time, was willing to abide by any terms of settlement that would save a conflict between the sections. He favored the compromise proposed by the border States committee, that slavery should not be forbidden, either by Federal or territorial legislation, south of  $36^{\circ} 30'$ . And he was strongly inclined to base his action on the acceptance or rejection of the Crittenden resolutions by Congress.

On the 19th of January, 1861, he urged this memorialist to exert whatever influence she was able to induce Congress to adopt some measure of pacification. But she was soon satisfied that no compromise that Congress should adopt would be accepted by the cotton States, and perceiving the danger, should the governor commit himself to any impossible condition, informed him, on the 24th of January, that the Crittenden proposition could by no possibility receive the sanction of Congress.

All efforts to move the steadfastness of the governor having failed, the president of the senate and speaker of the house of delegates issued their call to the people to act independent of him and elect delegates to a convention. This was a most daring and dangerous proceeding, and had the plan succeeded and a convention assembled, they would immediately have deposed the governor and passed an ordinance of secession. The governor was powerless in such an emergency to defend the State against the revolutionary body, as the State militia were on their side, and Mr. Buchanan had declared that the National Government could not coerce a sovereign State.

The gravity of the occasion was appreciated by the governor and the friends of the Union. This memorialist addressed articles through the press, and wrote many letters to prepare the public mind in Maryland for the struggle. Fortunately the people failed to indorse this call, when the leading statesmen of the disunion party abandoned their cherished expectation of inaugurating their government in the national capital.

Many of the conspirators, however, still sought to seize Washington, and forcibly prevent the inauguration of the President elect on the 4th of March. The military organizations of the South were deemed sufficient for the enterprise, and a leader trained in the wars of Texas was solicited to lead them. The more sagacious of their party, however, discountenanced the mad scheme. They assured this memorialist that no attempt would be made to seize the capital and prevent the inauguration of Mr. Lincoln so long as Maryland remained in the Union.

The ruthless assault on the Massachusetts troops in Baltimore, on the 19th of April, with the antecedent and attending circumstances, roused to the highest degree the passions of all who sympathized with the secession movement; and the mob became, for the time being, the controlling force of that city. So largely in the ascendant was it, and so confident were the disunionists in consequence, that they, without warrant of law, assumed the responsibility of issuing a call for the legislature of Maryland to convene in Baltimore. Governor Hicks, fearing that the legislature would respond to the call, and that, if it did, it would yield to the predominant spirit, give voice to the purpose of the mob, and adopt an act of secession, resolved to forestall such action by convoking that body to meet at Frederick City, away from the violent and menacing demonstrations of Baltimore.

The legislature, thus assembled, contained a number of leading members who were ready at once for unconditional secession. There were also others who, with them, would constitute a majority, and would vote for the measure, could they be sustained by public sentiment, but who were not prepared to give that support without that assurance. The field of conflict was therefore transferred from the halls of legislation to the State at large and to the

homes of their constituents; and there the battle raged during the summer of 1861. In that conflict of ideas, this memorialist bore an earnest and prominent part, and not without the testimony from distinguished men, that her labors were largely instrumental in thwarting the secessionists and saving Maryland to the Union.

The objective point of the labors of the disunion leaders was a formal act of secession, by which Maryland would become an integral portion of the confederacy, not only affording moral and material aid to the southern cause, but relieving the rebel armies in crossing the Potomac, from the charge, which at that stage of the conflict the leaders were anxious to avoid, of ignoring their vaunted doctrine of State rights by invading the territory of sovereign States. With the usual arguments that were urged to "fire the southern heart," and to reconcile the people to the extreme remedy of revolution, special prominence was given to what was stigmatized the arbitrary and unconstitutional acts of President Lincoln. To place the people in possession of the true theory of our institutions, and to define and defend the war-powers of the Government, were the special purposes of the labors of this memorialist during these eventful months.

It would not be possible in the compass of this paper to set forth circumstantially all the important questions that arose in the progress of the war, in the discussion of which this memorialist took part. But it is proper to say that on every material issue from the inception of the rebellion to the final reconstruction of the seceded States, she contributed through the newspapers, in pamphlet form, and by private correspondence. Nor can she specify all her articles as they appeared in the press of the country, as but a few of them are in her possession. These she submits to your committee, and respectfully asks an examination.

That portion of her publications written under the auspices of the War Department, for which she rendered an account, are fully set forth in the memorial heretofore presented to your committee, and to which she again respectfully calls attention.

Her private correspondence was not preserved with care, and only a small part of that with Governor Hicks can be found, the originals of which came into the possession of this memorialist among the papers he committed to her a few days previous to his death, with the request that she should write the history of Maryland in connection with the civil war, and the part performed by him in the maintenance of the Union.

To this correspondence is also subjoined testimonials from distinguished actors and observers in the scene of the revolutionary struggle, to which, in conclusion, she respectfully invites the committee's attention.

Memorialist submits, first, so much of her correspondence with Governor Hicks as suffices to show her attitude toward the rebellion.

[Private.]

"WASHINGTON HOUSE,  
"Washington City, January 16, 1861.

"MY DEAR GOVERNOR: I have, for some two weeks, intended to write and express my cordial admiration and gratitude for the noble stand you have taken in behalf of the Union. An extended relation with the leading presses of the country have enabled me in a public and more efficient manner to testify this, and create a public opinion favorable to your course of patriotic action throughout the land. Many of these articles you have seen emanated from this source. I feel it will be a gratification to you, in the high and sacred responsibilities which surround your position, to know from one who is incapable of flattering or deceiving you, the opinion privately held in this metropolis concerning your whole course, since the secession movement in the South was practically initiated. With all the friends of the Union with whom I converse, without regard to section or party, your course elicits the most unbounded applause. I might add to this the evidences furnished from private correspondence, but you doubtless feel already the sympathy and moral support to be derived in this way. I am often asked if I think you can continue to stand firm under the frightful pressure brought to bear upon you. I answer yes, that my personal knowledge enables me to express the confident belief that nothing will ever induce you to surrender while the oath to support the Constitution of your country, and the vow to fulfill the obligations to your God, rest upon your soul. \* \* \* As a daughter of Maryland I am proud to have her destiny in the hands of one so worthy of her ancient great name; one who will never betray the sacred trust imposed upon him. 'When God is for us no man can be against us,' is the Christian's courage when the day of trial comes. \* \* I shall continue to fight your battle to the end.

"Your sincere friend,

"A. E. CARROLL."

[Private.]

"ANNAPOLIS, January 19, 1861.

"I regret exceedingly that want of composure of mind prevents such a response to your kind, sustaining letter, just received, as it merits. \* \* I knew it would greatly curtail my labors to convene the legislature, \* \* but the harassing of calculating demagogues, (and they are terrible,) will not compare with a troubled conscience. I feel that I have

acted for the good of my State and the country, and am content. \* \* My motives are impugned, and slanders are busily circulated by some of those for whom I have labored hard and long, but these have no terror for me. I have worked to the point where I knew they aimed, the masses, and have the satisfaction to know they are with me. \* \* I close this with the expression of my sincere wish, that Congress may early do something to stave off and save a collision. God only knows the end of shedding blood in this contest. \* \* Will not the Representatives from the border States go at once to work and effect something as a salvo, and will not the northern Representatives yield more for their country's safety? They have the power; will they not display the needed magnanimity and pass conciliatory measures, and put the southern extremists at fault? This I say as a southern man. The southern extremists wish no offers of compromise from any quarter, but not so the masses; and how easy a matter for northern members to unite with conservative border State members, and the few worthies from the far South, and pass the proposition of that good laboring man, Crittenden, or some such measure to stave off until the people can have light, and the 4th of March is passed.

"With the kindest acknowledgments for your sympathy in all my domestic and official troubles, I have the honor to be, with great respect, your obedient servant and friend,  
"THOS. H. HICKS."

[Private.]

"WASHINGTON HOUSE,  
"Washington City, January 24, 1861.

"MY DEAR GOVERNOR: I read that portion of your letter bearing upon your own integrity of purpose, and your views of the exigency of the crisis, to several leading republican Senators and members with evident gratification.

"The rumor being circulated that you would yield in the event of Virginia's expected action, had much excited and alarmed the friends of the Union, and hence it was that my assurance that you will continue inflexible to truth and duty in this crisis, with the knowledge of your private feelings, as indicated by your letter, has exceeding encouraged our friends.

"Colonel Seaton said yesterday, 'I am delighted at what you tell me of Governor Hicks from personal knowledge; tell him for me if he saves Maryland he will save the Union.' Mr. Brooks, of the New York Express, has written to you.

"I never doubted but that God would support and strengthen you, because I believe you trust in Him for wisdom to direct and guide you. I assured by friends that Maryland will come out of this contest, not only like gold seven times purified, but without the smell of fire upon her garments.

"Whatever may be the action of Virginia, she is, in spite of the secessionists, I am privately assured, true to the Union; but there is no reason, I can see, why Maryland should cast her destiny with Virginia.

"I cannot, in the space of a letter, refer to all I daily discuss through the press—but on one thing you may rely, that the Crittenden or Bigler amendments will never pass Congress; it would be as easy to build a world; I know this to be the determined sentiments of every leading and ruling republican in and out of Congress. There was far more chance six weeks ago for compromise than now. The action of the seceding States, the madness of the political leaders \* \* have placed them, and all who unite with them, so entirely in the wrong, that tens of thousands of northern men, who believed the South aggrieved, and were ready to fight for her rights at first, now regard the action of the Gulf States as rank treason to the Government, and believed it the planned work of traitors, as I do. I say this in sorrow, for among these leaders I have warm personal friends, but I love my country and its Great Ruler more.

"As to the reconstruction of which they speak, it has no significance whatever; it is sheer nonsense—it cannot be done.

"There is now but one course for the border States—to adhere to their own conservative principles and bow to the supremacy of constitutional law. Mr. Lincoln is the lawful President of the nation, and will be, in my judgment, a far better one than John Bell would have been. Would to Heaven that every mind could be led to see the wickedness and sin that reckless politicians are bringing on us, and flee from their influence as from the wrath to come! \* \* To be more explicit, I say, that in the event of the non-action of Congress, the border States \* \* should cling to the Union as the only ark for their safety.

"Accept the assurance of my regard and friendship.

"A. E. CARROLL.

"P. S.—Governor Corwin, with whom I have just conversed, accords with the views expressed in this letter. He sees very little reason, indeed, to expect anything from the present Congress.

"A. E. C.

"JANUARY 25."

[Private.]

"WASHINGTON HOUSE,  
*"Washington City, January 30, 1861.*

"MY DEAR GOVERNOR: I rather expected to hear from you as to what you regard the present strength of the disunionists in Maryland. I very well understand the constant pressure upon your time, and under these circumstances should probably not write now, but that I am personally interested in the information I seek.

"You have no idea of the painful solicitude felt by the republicans in this capital. I am in a house with many Senators and Representatives. The ladies seem to rely more on me than on their husbands for information and knowledge of southern intentions. Leading secessionists, who have called, gave me their earnest assurance that it was no part of their programme to attack this city, and only two days ago Mr. Iverson said to me, that unless Maryland should secede they would not think of taking this capital, even if Virginia went out; that it was on Maryland soil, ceded by her, and could only be rightfully claimed by her secession. See letter in the New York Express to-day, signed 'Independent.' Marshal Kane writes me from Baltimore, to-day, that there is no danger. I am also in correspondence on this subject with friends in Virginia. But it is reported here, and causes much excitement, that you had sent your private secretary to General Scott on Monday afternoon, informing him that the city would be taken unless he had more troops. I did not credit it, and so stated. If there was really any seriousness in the rumors, we know very well that General Scott could not defend the city against the Southern States. Colonel Kane thinks the rumor ill-advised, but then I am not aware how he feels positively on the secession question.

"My relations with the press of the Union being extensive, it would be a great personal inconvenience to leave the city between now and the 4th of March. If I did it would be supposed it was from an apprehension of danger and would cause all the ladies of the North to leave. I shall have a private interview with General Scott in the morning, but desire the result of your discretion and judgment as to the proper course in this matter, and shall determine my action and that of my friends accordingly.

"Very truly, your friend,

"A. E. CARROLL.

"To this letter Governor Hicks, in reply, said that he was satisfied the military organizations in Maryland would make no attempt on the capital, and advised me to remain in Washington.

"A. E. C."

Memorialist's attention being attracted to the Navy, she wrote to that unquestioned patriot, Commodore Stewart:

"PHILADELPHIA, December 4, 1860.

"MY DEAR MISS CARROLL: I have received your note of the 30th ultimo. You ask me where will the Navy go; in other words, 'where will it be found' in the present crisis. This is a difficult question to ask me of the present Navy of the United States, but I only presume to advise you that it will always be found with and in the Union, performing that duty which its obligations and its oaths ought to find it. Were it the Navy I once knew it to be, I could assure you it would be found nowhere else. Should you go to New York before I visit Washington let me be advised of it, as I should like to have a talk with you.

"I have the honor to be, your obliged and obedient servant,

"CHAS. STEWART."

The following letter from the Rev. S. Giuteau was inclosed by Governor Hicks to memorialist, at the time, for her consideration and action:

"BALTIMORE, August 16, 1861.

"DEAR SIR: I cannot forbear to say to you I fear the Government at Washington are not aware of the danger of our position in this city. I have recently had a number of interviews with Rev. Dr. R. J. Breckenridge, of Kentucky. He is a very strong Union man, as you must be aware from the articles he has published 'on the state of the country.' At the same time he is in a position to know the wishes and intentions of the Confederate leaders. He has no doubt that they wish, and, if possible, intend, to reach Baltimore. They fully believe that their approach would be a signal for a tremendous uprising in Maryland and especially in Baltimore. They hope thus to be able to attack Washington in the rear. If they once cross the Potomac they will aim at Baltimore by the most rapid marches possible. He regards our peril greater than it has ever been. I have reason to know that few men would be listened to by General Scott as you would. I beg respectfully to ask if he cannot be induced to place a much stronger force here than we have. If we had twenty or thirty thousand men in our environs, on our hills, &c., the attempt to cross the Potomac would not be made. They might as well be here. Dr. Breckenridge remarks, a better location for camps of instruction cannot be found. I have no doubt but that for the position you have taken and maintained we should have long since been in utter desolation, not a green spot left.

"May God vouchsafe grace to meet your future responsibilities as you have in the past, is the fervent prayer of your friend and obedient servant,

"S. GIUTEAU.

"N. B.—What is done for our safety must be done very quickly I fully believe!

"Hon. THOS. H. HICKS."

As to the importance of her literary services to the Government during the civil war, memorialist invites the committee's attention to the following testimonials:

"SEPTEMBER 21, 1861.

"I have this moment, 11 o'clock Saturday night, finished reading your most admirable reply to the speech of Mr. Breckinridge. And now, my dear lady, I have only time to thank you for taking the trouble to embody for the use of others so much sound constitutional doctrine and so many valuable historical facts in a form so compact and manageable. The President received a copy left for him, and requested me to thank you cordially for your able support.

"This delay was not voluntary on my part. For some time past my time and mind have been painfully engrossed by very urgent public duties, and my best affections stirred by the present condition of Missouri, my own neglected and almost ruined State. And this is the reason why I have been so long deprived of the pleasure and instruction of perusing your excellent pamphlet.

"I remain, with great respect and regard, your friend and obedient servant,

"EDWARD BATES."

"Your refutation of the sophistries of Senator Breckinridge's speech is full and conclusive. I trust this reply may have an extended circulation at the present time, as I am sure its perusal by the people will do much to aid the cause of the Constitution and the Union.

"CALEB B. SMITH."

"Miss Carroll is a very vigorous thinker, and an honest, bold, and independent writer.

"WILLIAM H. SEWARD."

"GLOBE OFFICE, August 8, 1861.

"Allow me to thank you for the privilege of reading your admirable review of Mr. Breckinridge's speech. I have enjoyed it greatly. Especially have I been struck with its very ingenious and just exposition of the constitutional law, bearing on the President, assailed by Mr. B., and with the very apt citation of Mr. Jefferson's opinion as to the propriety and necessity of disregarding mere legal punctilio, when the source of all is in danger of destruction. The gradual development of the plot in the South to overthrow the Union is also exceedingly well depicted, and with remarkable clearness. If spoken in the Senate your articles would have been regarded by the country as a complete and masterly refutation of Mr. B.'s heresies. Though the peculiar position of the Globe might preclude the publication of the review, I am glad that it has not been denied to the editor of the Globe to enjoy what the Globe itself has not been privileged to contain.

"I remain, with great respect, your obedient servant,

"SAMUEL T. WILLIAMS."

"PHILADELPHIA, June 15, 1862.

"MY DEAR MISS CARROLL: On receiving your 'speech' I immediately sat down and read it attentively. It is an admirable and able exposition of the constitutional question of confiscation. It does you great credit, and ought to be widely circulated. \* \* \* Your noble efforts, although they may not be adequately appreciated now, will speak well of you to posterity, and may have the desired effect to admonish them of the evils of willful error, and animate them with a just sense of patriotism.

"Most respectfully and truly, yours,

"JACOB BROOM."

"BALTIMORE, June, 1862.

"I do not know that there is any way of estimating, by money, the value of literary performances of the high order of yours. Your services, by pen and personal influence, are so well known, and so highly appreciated by Mr. Stanton and the authorities at Washington, that they will be glad, I have no doubt, to have you continue your contributions to the cause of the Union.

"BRANTZ MAYER."

"NEW YORK, No. 48 EAST 35TH STREET,

"June 13, 1862.

"MADAM: Pardon a total stranger for the liberty he takes in asking you where he may obtain your pamphlet entitled 'The Relation of the General Government to the Revolted

Citizens, &c., &c.' I found it spoken of in the National Intelligencer, without indication of place or publisher. Your family name is so naturally connected with Baltimore that I venture to send this letter thither. I conclude as I commenced this note, with asking your pardon for the liberty I am taking, and the trouble I may give you.

"I am, very respectfully, your obedient servant,

"FRANCIS LIEBER."

"WASHINGTON, July 7, 1862.

"MY ESTEEMED FRIEND: I intended to see you on leaving the Department and thank you in person for your last pamphlet, which you did me the kindness to inclose me. They are invaluable document, evidencing, to my judgment, that you have ever been imbued with the spirit and wisdom of the authors of our Constitution, and therefore to me they are doubly precious. I shall carefully preserve and return them. I was about to carry and read to you a production I penned on the last national anniversary, when I learned you were afflicted. I pray you may soon recover.

"Most respectfully and sincerely yours,

"ELISHA WHITTLESEY."

In the House of Representatives, on the 22d of January, 1862, Hon. A. S. Diven, of New York, said:

"A specious argument in favor of what may be done under the war-power by way of confiscation has been made. \* \* \* Any one who desires to see it answered will find that a clever woman has done it completely. \* \* \* The same one, in her cleverness, has answered my friend from Ohio," [Mr. Bingham.]

"A MEMBER. What is her name?

"MR. DIVEN. She signs herself, in her pamphlet, Anna Ella Carroll. I commend her answer on the doctrine of the war-power to those who have been following that phantom and misleading the people; and I commend it to another individual, a friend of mine, who gave a most learned disquisition on the writ of *habeas corpus* and against the power of the President to imprison men. He will find that answered. I am not surprised at this. The French revolution discovered great political minds in some of the French women, and I am happy to see a like development in our women."

Judge Diven subsequently addressed the following letter to our memorialist:

"WASHINGTON, February 9, 1862.

"I thank you for the note of the 6th. Your pamphlet I have read with satisfaction, as I had your former publication. I have no desire to appear complimentary, but cannot forbear the expression of my admiration of your writings. There is a cogency in your argument that I have seldom met with. Such maturity of judicial learning, with so comprehensive and concise a style of communication, surprises me. Ladies have certainly seldom evinced ability as jurists—it may be because the profession was not their sphere—but you have satisfied me that at least one might have been a distinguished lawyer. Go on, madam, in aiding the cause to which you have devoted your talent; your country needs the labor of all her defenders. If the time will ever come when men will break away from passion and return to reason, your labors must be appreciated. Unless that time soon arrives, alas for this republic! I have almost despaired of the wisdom of men. God's ways are mysterious, and my trust in Him is left me as a ground of hope. I have the honor to be, madam,

"Your obedient servant,

"A. S. DIVEN."

"WASHINGTON City, September 23, 1862.

"I have read several of the productions of Miss Carroll, and among others two of the within mentioned. The learning, ability, and force of reasoning astonishes me.

"Without concurring in all the conclusions of the writer, I think that the writer is fully entitled, not only to the amount charged, but to the thanks and high consideration of the Government and the nation.

"RICHARD S. COXE.

"WASHINGTON, May 22, 1862.

"I most cheerfully indorse the papers respecting your publications under the authority of the War Department. Mr. Richard S. Coxe, I can say, is one of the ablest lawyers in this District or in the country. In his opinion of your writings I entirely concur, as with other men who have expressed one. I regret I am without the influence to serve you at the War Department, but Mr. Lincoln, with whom I have conversed, has, I know, the highest appreciation of your services in this connection. Judge Collamer, whom I regard as among the first of living statesmen and patriots, is enthusiastic in praise of your publications, and

indeed I have heard but one opinion expressed by all the able men who have referred to them.

"Sincerely yours,

"R. J. WALKER."

"P. S.—I expect shortly to control a monthly, where your contributions will ever find a welcome place, especially in connection with the war."

"OCTOBER 11, 1862.

"Having been requested to give my opinion of the pamphlets described on the within list, I have in a cursory way looked them over. As I have but just returned from Europe, from a long absence, and am at present with many unsettled matters of my own, I cannot undertake to study them. From the examination I have given to them, I cheerfully say they appear to be learned and able productions, and the work of a well-stored mind. They are written in a clear style, and must be read with interest and advantage, and certainly cannot fail to be of service to the cause they uphold. Much labor must have been given to these productions. Their actual value in money I cannot determine, but I think they are well worthy of a high and liberal compensation.

"BENJAMIN H. BREWSTER.

"706 WALNUT STREET, *Philadelphia*."

Hon. Charles O'Connor, of the New York bar, on the 10th of October, 1862, said:

"Without intending to express any assent or dissent to the positions therein asserted, but merely with a view of forming a judgment in respect to their merits as argumentative compositions, I have carefully perused Miss Carroll's pamphlets. The propositions are clearly stated, the authorities relied on are judiciously selected, and the reasoning is natural, direct, and well sustained, and framed in a manner extremely well adapted to win the reader's assent, and thus to obtain the object in view. I consider the charges quite moderate."

Hon. Edward Everett, on the 20th of September, 1862, said:

"I distinctly recollect that I thought them written with very great ability and research, and as Miss Carroll has unquestionably performed her part of the agreement with fidelity and a truly patriotic spirit, that of the Department, I have no doubt, will be fulfilled with liberality."

Hon. William M. Meredith, of Pennsylvania, on the 4th of October, 1862, said:

"I had the pleasure of reading the publication on the War Powers of the Government, and it certainly exhibits very great ability and research."

Hon. Horace Binney, sr., of Philadelphia, in October, 1862, said:

"No publications evoked by the war have given me greater pleasure. They exhibit great ability and patient investigation, and the pamphlet on the War Powers of the Government has the additional merit of being in advance of any similar one, and rendered a timely and valuable service to the country."

Hon. Jacob Collamer, late United States Senator, December 5, 1862, said:

"There can be no question of the great intellectual value of these productions, or of their eminent usefulness to the cause of the Union. Were I Secretary of War I would cheerfully pay every dollar charged."

Ex-Governor Hicks, of Maryland, then United States Senator, February 5, 1863, said:

"I know if Secretary Stanton could give his attention to your business matter it would be settled to your satisfaction; for he could not express himself stronger than he has done to me of your services to the country. And President Lincoln has talked of you to me several times in the same way, and so have many of the ablest Unionists in Congress.

"I said at the War Department, to Mr. Watson, that I did not pretend to be competent to judge of the money-value of literary performances, but I could say that your writings had had a powerful influence in Maryland for good, and that your defense of the war and the administration of Mr. Lincoln did more of itself to elect a Union man as my successor than all the rest of the campaign documents put together.

"As you know, I am ready to serve you in any way I possibly can. Your moral and material support I shall never forget in that trying ordeal, such as no other man in this country ever went through."

"PHILADELPHIA, *January 28, 1863.*

"All of my interviews with Miss Carroll were in my official capacity as Assistant Secretary of War. The pamphlets published were, to a certain extent, under a general authority then exercised by me in the discharge of public duties as Assistant Secretary of War. No price was fixed, but it was understood that the Government would treat her with sufficient liberality to compensate her for any service she might render.

"I thought them then and still believe they were of great value to the Government, and that she fairly earned and should be paid the amount she has charged, which I would have allowed in my official capacity, and which is certified as reasonable by many of the leading men of the country..

"THOMAS A. SCOTT."

*Extract of the report of Hon. Jacob M. Howard, of the Military Committee of the Forty-first Congress.*

"From the high social position of Miss Carroll, and her established ability as a writer and thinker, she was prepared at the inception of the rebellion to exercise a strong influence in behalf of liberty and the Union. That it was felt and respected in Maryland during the darkest hours in that State's history there can be no question. Her publications throughout the struggle were eloquently and ably written and widely circulated, and did much to arouse and invigorate the sentiment of loyalty in Maryland and other border States. It is not too much to say that they were among the very ablest publications of the time, and exerted a powerful influence upon the hearts of the people. Some of these publications were prepared under the auspices of the War Department, and for these Miss Carroll preferred a claim to re-imburse her for the expenses incurred in their publication, which ought to have been paid."

"DEPARTMENT OF THE INTERIOR,

"Washington, June 7, 1865.

"I would be gratified if you would take time to run your eye over an article written by Miss Carroll on the subject of the exercise of the elective franchise. I think you will agree with me in thinking it able and timely, and well calculated to attract attention to this great subject.

"JAS. HARLAN."

"DANVILLE, KY., December 6, 1864.

"MY EXCELLENT FRIEND: It is very seldom I have read a letter with more gratification than yours of November 29, directed to Lexington, and forwarded to me here. It is to-day I have received it, and I cannot delay to thank you for it at once. How kind it is of you, after so many events, to remember me; and how many people and events and trials and enjoyments connected with years of labor rush through my heart and my brain as you recall Maryland and Baltimore so freshly and suddenly to me; and how noble is the picture of a fine life, well spent, which the modest detail of some of your efforts realizes to me. It is no extravagance, not even a trace of romance; it is a true enjoyment, and deeply affecting, too, that you give me in what you recount, and what is recalled thereby. For what is there in our advanced life more worthy of thankfulness to God than our former years were such that if we remember them with tears they are tears of which we need not be ashamed. My life during the twenty years (almost) since I left Maryland has been, as the preceding period has all been, a scene of unrelenting effort in very many ways; and now, if the force of invincible habit permitted me to live otherwise, I should hardly escape, by any other means, a solitary if not desolate old age. Solitary, because, of a numerous family, all except one young son are either in the great battle of life or are in their graves. Desolate, because the terrible curse which marks our times and desolates our country has divided my house, like thousands of others, and my children literally fight in opposite armies, and my kindred and friends die by each other's hands. You know what course I have taken, and you are so good as to allude to it with kind and approving words. But you are not correctly informed, as I think the facts will prove, that my people here put the estimate you do upon what I have done for them.

"Kentucky is not, at this moment, a loyal State. A combination of parties, disloyal to our country and disloyal to human freedom, has, for a time, robbed Kentucky of the glory of taking rank with Maryland. There is no likelihood that, in my opinion, that our legislature will send me to the Senate of the United States. And will you wonder if I assure you I have not desired that they should, perhaps have too decidedly and continually declined to encourage all such attempts. All I have ever conceded to the urgent desires of many friends was, that if the Lord would show me that such was His will, it would be my duty to obey him. At any rate, was it not a purer, perhaps a higher ambition to prove that in the most frightful times and through long years, a simple citizen had it in his power, by his example, his voice, and his pen, by courage, by disinterestedness, by toil, to become a real power in the State of himself, which no power beside could wholly disregard? And have not you, delicately-nurtured woman as you are, also cherished a similar ambition, and done a similar work, even from a more difficult position? If the nation shall be saved, and slavery abolished throughout the land, it is absolutely nothing to me, that so far from being distinguished as one who did a good deal in accomplishing both results, it should be denied or forgotten that I ever had any connection with either. My highest conception of virtue and wisdom, is to be content to do, in this life, the work the Lord sets us on, and content to look for the reward in the world to come.

"I beg to be remembered in kind terms to your father, and that you will accept the assurances of my great respect and esteem.

"ROBERT J. BRECKENRIDGE."

"DANVILLE, KY., April 27, 1865.

"MY DEAR MISS CARROLL: It is only last night, after an absence of several weeks from this place, that your kind letter of the 17th instant, with its very interesting printed inclosures, came to my hands. Your letter must have been here some days, a delay of reaching me I regret, and which causes me to direct this to Baltimore as you suggest—in such a contingency. You will easily understand how much I value the good opinion you express of my past efforts to serve our country, and of my ability to serve it still further; and it is very kind of you to report to me, with your approbation, the good opinion of others, whom to have satisfied is in a measure fame.

"It would be at once an unbecoming affectation in me, and wanting in candor, to profess any ignorance of the kind and high appreciation of me by considerable numbers of eminent persons scattered over America, and also the warm admiration and even affectionate confidence of very large numbers of 'the common people,' the same who heard our Master gladly; the same who everywhere, in all ages, are the natural supporters of all that has been done in this world that was worth doing. I thank God for all this; but it has neither turned my head nor clouded my clear sight of my mission. If I had loved power, or if I had been ambitious of worldly distinction, or if I had desired riches, the way was fairly open before me from early life—for either—or all. And God has, in a measure, forced upon me more of all these than I sought, or I fear have used rightly.

"Many years ago—without reserve, and with a perfect and irrevocable consecration—I gave myself and all I had to Him; and have never for one moment regretted that I did so. The single principle of my existence, from that day to this, has been to do with my might what I was given to see it was God's will I should do. And even, when like a most indulgent father, He has left me to do what was pleasing in my own sight, I have still preferred that He should condescend to choose for me, and He has done so. You see, by dear Miss Carroll, that I, who never sought anything, am not now capable of seeking anything—nor even permitted to do so. And, on the other hand, that I, who never refused to undertake any duty, am not allowed now to hesitate, if the Lord shows me the way, nor permitted to refuse what my country might demand of me. This is all I can say—all I have dared to say, for nearly my whole life. I would not turn my hand over to secure any earthly power or distinction; I would not hesitate a moment to lay down my life to please God or to bless my country.

"Now, let me add, that I do not believe there is the remotest probability that I should be called to serve my country otherwise than as a private citizen; that I have thus judged all along, amidst the constantly-expressed desires and expectations of others in an opposite direction; and that, at the present moment, the situation your partial judgment would assign to me would be out of my reach, even if I earnestly desired it, or something equivalent to it. Mr. Lincoln was my personal friend—and habitually cultivated expressed sentiments toward me—which did me the highest honor. Mr. Johnson barely knows me by eyesight, and by repute.

"It gives me great pleasure to learn that you propose to publish annals of this revolution; and I trust you will be spared to execute that purpose.

"It has happened that I have published during the past four years in the Danville Review (now temporarily suspended) fifteen or sixteen articles on the various phases of the struggle as it progressed, which, if you think it worth while, I will try and collect and put at your disposal.

"Make my cordial salutations to your father, and accept the assurances of my high respect and esteem.

"Your friend, &c.,

"R. J. BRECKENRIDGE."

"WASHINGTON, March 1, 1869.

"MISS CARROLL. I cannot take leave of my public life without expressing my deep sense of your services to the country during the whole period of our national troubles. Although a citizen of a State almost unanimously disloyal and deeply sympathizing with secession, especially the wealthy and aristocratical class of her people, to which you belonged, yet, in the midst of such surroundings, you emancipated your own slaves at a great sacrifice of personal interest, and with your powerful pen defended the cause of the Union and loyalty as ably and effectively as it has ever yet been defended.

"From my position on the Committee on the Conduct of the War, I know that some of the most successful expeditions of the war were suggested by you, among which I might instance the expedition up the Tennessee River.

"The powerful support you gave Governor Hicks during the darkest hour of your State's history, prompted him to take and maintain the stand he did, and thereby saved your State from secession and consequent ruin.

"All these things, as well as your unremitted labors in the cause of reconstruction, I doubt not, are well known and remembered by the members of Congress at that period.

"I also well know in what high estimation your services were held by President Lincoln,

and I cannot leave this subject without sincerely hoping that the Government may yet confer on you some token of acknowledgment for all these services and sacrifices.

"Very sincerely, your friend."

"B. F. WADE."

"QUINCY, ILL., *September 17, 1873.*

"MISS A. E. CARROLL. During the progress of the war of the rebellion, from 1861 to 1865, I had frequent conversations with President Lincoln and Secretary Stanton in regard to the active and efficient part you had taken in behalf of the country, in all of which they expressed their admiration of and gratitude for the patriotic and valuable services you had rendered the cause of the Union, and the hope that you would be adequately compensated by Congress. At this late day I cannot recall the details of those conversations, but am sure that the salutary influence of your publications upon public opinion, and your suggestions in connection with the important military movements, were among the meritorious services which they recognized as entitled to remuneration.

"In addition to the large debt of gratitude which the country owes you, I am sure you are entitled to generous pecuniary compensation, which I trust will not be withheld.

"With sentiments of high regard, I am your obedient servant,

"O. H. BROWNING."

"GREENSBURG, PA., *May 3, 1873.*

"MISS CARROLL: \* \* \* I do remember well that Mr. Lincoln expressed himself in wonder and admiration at your papers upon the proper course to be pursued in legislating for the crisis. \* \* \* In this connection I know that you considered your opinions sound, and, coming from a lady, most remarkable for their knowledge of international and constitutional law.

"EDGAR COWAN."

"DAYTON, *November 23, 1869.*

"MY DEAR MISS CARROLL: Your letter finds me in the midst of care, labor, and preparation for removal to Washington. Pardon me, therefore, if I write briefly. You must see me when the session of Congress commences, that I may say much which there is not space or time for on paper. \* \* \*

"Nobody appreciates more highly than I do your patriotism and your valuable services, with mind and pen, through so many years.

"Yours, faithfully and truly,

"ROBERT C. SCHENCK."

"LONDON, E. C., *July 30, 1872.*

"DEAR MISS CARROLL: I have read with pleasure the pamphlet you were so kind as to send me, and am glad to see that your claim is so strongly indorsed—see *strongly* that it can hardly be ignored by Congress.

"Very truly, yours,

"H. McCULLOCH."

"BALTIMORE, *September 28, 1869.*

"I have known Miss Carroll many years; she is a daughter of Governor Carroll, and by birth and education entitled to the highest consideration. She writes exceedingly well, and during the late war published several pamphlets, &c., which I have no doubt proved most serviceable to the cause of the Union. Her own loyalty was ardent and constant throughout the struggle.

"REVERDY JOHNSON."

"MY DEAR MISS CARROLL: You may feel assured that I read with exceeding interest everything from your pen, and every reference in the press to yourself and your interests. \* \* \* I have no doubt that your contribution to the history of Maryland at the eventful crisis referred to will be a most valuable and interesting one.

"Very truly, yours,

"H. W. HOFFMAN.

"CUMBERLAND, MD., *August 25, 1874.*"

"DEAR MISS CARROLL: I have carefully read your pamphlet, and I do not hesitate to say your claim is a strong one. You could not have a better witness than Colonel Scott. A man of the highest character, his testimony is clear and unequivocal; and if your claim is rejected, I can attribute it to but one cause, you are a woman, a relic of barbarism against

your sex. But still I believe you will succeed. I am satisfied that a large majority of the members of both houses are fair-minded, honorable men, disposed to do what is right. I should be glad to meet you and talk with you about your proposed life of Governor Hicks' \* \* There are several matters I should be pleased to discuss with you.

"Very truly, your friend,

"WM. H. PURNELL,  
"President Delaware College.

"NEWARK, September 28, 1874."

"MY DEAR MISS CARROLL: I have read with interest and gratification the publications respecting your claim now pending before Congress. I well remember that you were an earnest supporter of the Union in the hour of its trial, and that you did much by word and pen to encourage and sustain those who battled against the rebellion, and for such services you are entitled to high consideration and reward. \* \* The proofs adduced are very full and direct. I do not see how its payment can be resisted without impeaching the evidence of Mr. Scott, the late Assistant Secretary of War, and of Judge Wade, chairman of the Committee on the Conduct of the War—an alternative which their official and personal characters forbid, even in cases where their personal interests were involved.

"With my best wishes, I have the honor to be, very truly, yours, &c.,  
"J. W. CRISFIELD.

"PRINCESS ANNE, MD., August 22, 1874."

"MY DEAR MISS CARROLL: It affords me great pleasure to have an opportunity to testify to the valuable assistance rendered by yourself to the cause of the Union at the commencement and during the progress of the late war. Your private conversations and your publications in the newspapers and pamphlets all tended to inspire that ardent patriotism which a grave crisis in public affairs imperatively demanded.

"Every Marylander who felt himself called upon to support the endangered Government of the United States must have been encouraged and cheered in the discharge of a painful duty by that earnest enthusiasm which was at that time displayed by yourself in support of the measures forced upon the Government by the rebellion. I am gratified to hear that you propose to publish a book that will do justice to the memory of the late Governor Hicks, and offer my best wishes for the success of your undertaking, and for your personal health and happiness.

"I am sincerely your friend,

"FRANCIS THOMAS.

"LIMA, PERU, September 12, 1874."

"MISS CARROLL: I thank you for your letter of the 19th ultimo, and for the two pamphlets which accompanied it, which I read with great interest. I think they clearly establish your claim on the gratitude of the country, and on a suitable remuneration by Congress, by proving that you rendered the Government very important services during the crisis of the late war. As that service involved great labor and sacrifice upon your part, and saved the country a great amount of useless expenditure in men and money, justice as well as gratitude demands that it should be liberally rewarded. Hoping that those in authority will recognize the debt which the country owes you,

"I am, very respectfully, yours,

"CHARLES HODGE,  
"President of Theological Seminary.

"PRINCETON, October 13, 1874."

"WASHINGTON CITY, January 23, 1873.

"MY DEAR MISS CARROLL: I owe you an humble apology for not calling to pay my respects to you as I intended to do, but I have been so occupied with numerous engagements that the purpose indicated escaped my recollection until I was on the point of leaving for my home, in Connecticut, and can only now proffer to you my cordial and heartfelt wishes for your health, prosperity, and happiness. I have too much respect for your name and character to address you in the accents of flattery, and I presume you will not suspect me of any such purpose, when I say that of the many characters, both male and female, of whom I have formed a favorable opinion since I was introduced into public life, there is no one for whom I cherish a higher esteem than Miss Carroll, of Maryland. May the richest of Heaven's blessings rest upon your ladyship, and may the inappreciable services which you rendered your country in the dark hour of its peril be recognized by your countrymen, and to a just extent rewarded.

"I have the honor to be, and to remain, my dear Miss Carroll, most faithfully and truly, your friend,

"TRUMAN SMITH."

"MISS ANNA ELLA CARROLL: Surely nothing more can be needed than your pamphlet, entitled 'Miss Carroll's Claim Before Congress,' to insure the prompt and generous pay-

ment of it. \* \* Our country will be deeply dishonored if you, its wise and faithful and grandly useful servant, shall be left unpaid.

"With great regard, your friend,

"GERRITT SMITH.

"PETERSBOROUGH, N. Y., *May, 1874.*"

"CHESTERTOWN, MD., *October 9, 1874.*

"My friend Miss Carroll has two claims against the Government, growing out of services rendered the country during the dark hours of the civil war—the one of a literary and the other of a military character. Miss Carroll is a daughter of the late Hon. Thomas King Carroll, formerly governor of Maryland, and one of the best men Maryland ever produced.

"GEORGE VICKERS."

"BALTIMORE, *May 9, 1874.*

"MISS CARROLL: After the presidential election, in 1860, a Union association was formed in Baltimore, and I was elected chairman, which position I held until the Union party was formed in Maryland, in 1861, when Brantz Mayer was made chairman, and I was appointed treasurer, and held the position until 1863. We commenced at once to circulate your publications, and sent them broadcast over the entire State. When we appealed to you, you furnished them most liberally, and to our surprise, and the relief of our treasury, you informed us you made no charge. All were disposed to give your articles a careful perusal, and many instances came to my knowledge of the great positive good they effected in keeping men within the Union party when the first blow of secession had been struck.

"On your return from the Southwest in November, 1861, you told me that you intended, as soon as you reached Washington, to propose to the War Department to divert the Mississippi expedition up the Tennessee River; that you had satisfied yourself that the Mississippi plan would fail, but if the Government would push the armies up the Tennessee River they could crush the rebellion without a doubt.

"Governor Hicks was my intimate friend, and I spoke of this to him, and after Henry and Donelson fell, he and I talked it over, and neither of us ever doubted but you were the author of that change. He often spoke of you to me as the campaign progressed, and gave you the credit of it, as well as for the valuable services you had rendered to him by your pen and the cause of the Union.

"Perhaps I ought to state why you gave me your confidence in this matter, which, I suppose, was on account of your knowledge of what I had done to aid Governor Hicks in maintaining his position in Maryland, and of the sacrifices I made on the 19th of April from my devotion to the Union.

"I am, truly, yours,

"FRED. FECKEY, JR."

"WASHINGTON, D. C., *December 16, 1874.*

"DEAR MISS CARROLL: I have not the vanity to suppose that my commendation can add to the high estimate placed by all upon your services to the Union in the late war. But, as you have done me the honor to ask a candid expression of my opinion, I venture to say that any statesman or lawyer or author of America might be justly proud of having written such papers as the able pamphlets produced by you in support of the Government at that critical period.

"As to your military services, in planning the Tennessee campaign, you hold and have published too many proofs of the validity of your claim to require further confirmation.

"I shall rejoice in your success in procuring a formal recognition of your labors, if only because it will aid in establishing the just rule that equal services, whether performed by man or woman, must always command equal recognition and reward. As a Marylander, I am proud, that in the war of the rebellion 'the old Maryland line' was so worthily represented by you.

"Very respectfully,

"SAMUEL T. WILLIAMS."

"WASHINGTON, D. C., *May 13, 1874.*

"MISS A. E. CARROLL: I am gratified to have the opportunity of expressing my knowledge and appreciation of the valuable services rendered by you to the cause of the Union at the beginning of and during the late war. Being a Marylander, and located officially in Baltimore, in 1861, '62, '63, and '64, I can speak confidently of the important aid contributed by you to the Government in its struggle with the rebellion. I recollect, very distinctly, your literary labors, the powerful productions of your pen, which struck terror into the heart of the rebellion in Maryland, and encouraged the hopes, and stimulated the energies of the loyal sons of our gallant State. Especially do I recall the eminent aid you gave to Governor Hicks, and the high esteem he placed upon your services. Indeed I have reason to know he

possessed no more efficient coadjutor, or one whose co-operation and important services he more justly appreciated. I can say, with all sincerity, I know no one to whom the State of Maryland, I may say the country at large, is more indebted for singleness of purpose, earnestness, and effectiveness of effort in behalf of the Government than to yourself. A failure to recognize these services will indicate a reckless indifference to the cause of true and unflinching patriotism, to which I cannot think a just government will prove ungrateful.

"I am, dear Miss Carroll, always most sincerely and truly yours,

"CHRIS. C. COX."

Respectfully submitted.

A. E. CARROLL:

DECEMBER 19TH, 1874.

The reference to the historic incident will justify the publication of the following letter, inclosing the original ballad, "What shall we do with our Flag?"

"VICKSBURG, MISS., January 22, 1861.

"Hon. THOMAS H. HICKS: Permit me to request your excellency to accept the accompanying lines as a slight token of respect and admiration for yourself, and the course that you are now pursuing.

"If I mistake not, it was a Maryland lady who made the first American flag, and it is due to the honor and fame of the State that Maryland shall be among the last to abandon it.

"WHAT SHALL WE DO WITH OUR FLAG?"

- "What shall we do with our glorious flag?  
 Shall its stars be all sullied and dim  
 With the blight and the breath of treason foul?  
 Shall it trail in the dust at the mad'ning howl  
 And the fierce strokes of anarchy grim?
- "It is proudly waved o'er land and sea,  
 It is floated 'neath every sky—  
 And the Blood-Red Cross has full lowly bent,  
 Humbled and awed by the volleys we sent;  
 While our stars have shone brightly on high—
- "Its meteor light hath e'er cheered in the fight,  
 For it telleth of victory won—  
 And the soldier's heart hath leapt with pride,  
 (While the red blood poured from his mangled side)  
 As he counteth its stars one by one.
- "And a joy, that the fearful battle's roar  
 Cannot drown in the hearts of the brave,  
 Hath illumed his face, while his glorious eye  
 Hath turned to the Stars and Stripes on high—  
 The glorious flag he dies to save.
- "Its heavenly blue is the gift of God;  
 From His fields of boundless air it came;  
 And its crimson streaks are dyed in the blood  
 Of the noble band who for freedom stood—  
 Shall we dim its holy Stars in shame?
- "To win it, to save it, our fathers died,  
 And it now waves as proudly as then;  
 But the hand is raised that would dim its light,  
 And hide its bright stars in anarchy's night:  
 Let us save, or die for it like men.
- "Shall the bloody flag of Britain still wave,  
 And our own in foul shame be laid low?  
 Shall the haughty Gaul his tricolor flaunt  
 In our very teeth? Can we bear the taunt,  
 The burning shame and the deadly woe?
- "What shall we do with our glorious flag?  
 Where is the dastard foul that could mar  
 Its glorious beauty, or dim its light?  
 Or sully with treason its spotless white?  
 Or pluck from its folds one single star?



" 'T is dear to our hearts as the crimson blood  
That speeds from the heart to every vein ;  
We have loved it, and fought for it with pride,  
'T is the gift of our fathers true and tried ;  
Let us ever keep it free from stain.

" O ! God of the Just, our fathers' true friend,  
Save, save our flag from the fearful doom  
That threatens it now. In its home on high  
Let it ever float, free as thine own sky ;  
Let it never be shrouded in gloom.

" And oh ! in the dark hour of trial stern,  
When foul treason our happiness mars,  
Look down and protect and prosper our cause.  
We strike for our freedom our homes and laws,  
Our banner of light, our Stripes and Stars."

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[Extract.]

PITTSBURGH LANDING,  
April 17, 1862.

RESPECTED MISS : I have just received another of your kind and very flattering letters, and feel under obligations to send you an account of the hardest-fought battle ever fought on this continent. [Then follows the full description of the battle.] \* \* \* And now I close this, my account of what all think they know all about. And as I do not write for fame or money, but only to oblige one who has done as much for the Union as any other, be that other who they may, and hope that the perusal of my imperfect sketch may afford you all the pleasure that such scenes of blood can afford the lovers of their country.

C. M. SCOTT.

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*I do not write for fame or money, but only to oblige one who has done as much for the Union as any other, be that other who they may, and hope this imperfect sketch will afford you all the pleasure that the perusal of such scenes of blood can afford the lovers of their country, in whose cause it was shed.*

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POST OF ARKANSAS,  
January 13, 1863.

RESPECTED MISS : Again I resume the pen to let you know the result of our Vicksburg expedition, but *I will call your attention to one of the first letters that I sent you, with my observations as to the Mississippi River as a point of attack, and you will see how well verified they have been by the result of this and the former attack on Vicksburg ; but to my story, &c.*

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POST OF ARKANSAS, January 13, 1863.

RESPECTED MISS : Again I resume the pen to let you know the result of our Vicksburg expedition ; but I will call your attention to one of the first letters that I sent you, with my observations as to the Mississippi River as a point of attack, and then you will see how well verified they have been by the result of this and the former attack on Vicksburg ; but to my story. On the 31st of December all was ready to commence the attack on their intrenchments, having driven in their skirmishers. Our forces moved out to the attack in good order and with admirable bravery and soon carried their first works ; but then the battle only began—their first line was commanded by a second, and that again by masked batteries, and those again by others still behind and above. Our men, on occupying their first work, immediately formed themselves into new columns of attack, and rushing up the hill and over their intrenchments, charged them with the bayonet. Our forces had no shelter from the new batteries and the converging fire that opened on them, still they held their ground and boldly attempted to scale the heights—and some few were able to reach and take three of their guns—but enough to support them could not get up in time, and the enemy seeing that we had got so far hurried up his men and the few that got into their inner

lines were either killed or made prisoners. Again and again was the attack renewed, but with no better success; finally our men were forced to retreat to the position they had left in the morning, defeated but not disheartened. Our generals then concluded to do what they ought to have done at first, namely, attempt to capture the fort on the river above us, which prevented us from getting to the hills above their fortifications; the fort was about six miles above us by the river, and heavily mounted. A few days before our gunboats had attempted its reduction, but were forced to withdraw, as the river was too low for our cannon to be effective, the fort being some fifty feet above the water. This time it was intended that some ten thousand men should embark on some of our largest transports, and under cover of the night, and while the gunboats were to engage the fort, they would disembark some half or three-quarters of a mile below the fort and march up in its rear, and, at a given signal, the boats were to cease firing and the troops were to carry the place by storm. This, no doubt, would have been successful if it could have been put in practice with sufficient secrecy and at once, and would, no doubt, have enabled us to have got on the bluffs on their flank. But owing to a heavy fog the boats were unable to go but a little way before they were compelled to stop and their scouts had time to give the alarm; after which it would have been a useless waste of life to have attempted it. The next day the news of Grant's retrograde movement, in consequence of his supplies being cut off, reached us, and the knowledge that the enemy was being heavily re-enforced and all hopes of his co-operation in the attack decided our generals to abandon it for the present. We then commenced embarking our material, all of which we brought off in good order, and our men got on board without any trouble from the enemy, until after the boats had left the bank, when a few copperheads showed themselves and commenced firing on the transports, but a few shots from the gunboats sent them back to their covers; not that their attack could have resulted in anything serious, as the boats were all out of their reach. On reaching the Mississippi River we were joined by our commander-in-chief, who had arrived the day before, and he immediately gave orders to get ready to go up the river. It took us two days to procure fuel to proceed with, and then we started and arrived at the mouth of White River in a couple of days after, and soon got ready for this expedition, which, if not so much importance as the taking of Vicksburgh, will have a very important bearing on the war in the West, for by shutting up this rat-hole we cut off a very important source of supplies from the enemy; at the same time it has a great effect on the war in the northern part of this State, and also in Missouri. We took some four thousand prisoners; all but one regiment of them were Texans, and a more contemptible set I have never saw than General Churchill's staff for bombast and brag. After surrendering a post admirably adapted for defense, where a few resolute men might have made it a costly thing to have taken them, and this only after the loss of some one hundred men out of over four thousand; and then to talk of their willingness to fight four to one in an open field is too contemptible to be noticed. I found on inquiry that every one of these Falstaffian braves were South Carolinians, either by birth or descent. I do not mean that all were so. General Churchill appears to be a gentleman, and I believe that he is brave; also one or two others, whose names I did not learn; but, I think, from their conversation, they were from Virginia or Tennessee. I was in their company some two days and had ample opportunity to study them. I do not know what the next move is, but will send—

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VICKSBURGH, July 7, 1863.

RESPECTED MISS: Again I try my hand at writing, although I have not much to tell you, that you will not already have learned in the papers. I have been engaged for some time down here, sometimes going up and down the river, and again stationary. On Thursday, the second, I joined the Navy, as we expected to commence an attack on the fourth, and the pilots were scarce, but few good ones caring to go, as the salary in the merchant-service is so much better than the Navy. When I went on board of the gunboat, I quit a salary of \$300 per month, to take one here at \$250, but I was needed, and that was enough. Fortunately the town surrendered without the necessity of an attack and many lives on both sides were saved. I can say but little of their fortifications, but have talked with some of the prisoners, and all concur in saying that they were living on mule-meat, and poor mule at that. The fortifications along the river front are formidable from their position, number of guns, and size of them. War has strange features. After we took possession on the fourth, some of our men were scattered through the town, and they would take their seats on the curb-stone, under the shade of a tree, take off their haversacks, which were generally well filled, and spreading out the contents, invite the captured enemy who was looking on with longing eye to come and share with them. The invitation was mostly accepted, and then they, who a few hours before were doing their best to shoot each other, now laughed and chatted away like brothers. Occasionally some of them would answer the invitation with curses or a contemptuous silence. The officers in most of cases looked with great disfavor on the mingling of their men with ours. They evidently were afraid of the influence of our men on theirs. And well they may, as a large portion of their men are of the con-

script class, and all I have had the opportunity to talk to say they do not want to fight against the United States Government, as they say they voted against secession all the time. Indeed some of them go so far as to speak out boldly and say if they have to fight any more they will take the oath of allegiance to the United States and fight under the old flag. Every man that I have seen of German origin is anxious to take the oath and join our ranks, as they all say they have been forced into this war against their will. The worst and most bitter secessionists I have met are those of northern birth, with some few southern-born overseers.

I think General Grant's next move will be on Mobile. I will not be surprised if it is in our possession by the first of August, and our men on the march for the stronghold of Chattanooga by, that in our possession, the rear of Georgia, and South Carolina is open to us. I think Grant will try to get North before the middle of August; if he succeeds, the next winter will close the war in the States east of the Mississippi and West of Virginia, although there will no doubt be guerrilla-fighting for a long time to come wherever the country is fit for it. If you have the first letter I wrote to you still in your possession, please look at what I say about the difficulty of taking this country by the river, and then see the facts as developed at Vicksburg and Port Hudson, and then recollect that Columbus, Fort Pillow, and Randolph are by nature four times as strong, as they are protected both above and below by impassable swamps, and the only means—

*If you have the first letter I wrote to you still in your possession, please look at what I say about the difficulty of taking this country by the river, and then see the facts as developed at Vicksburg and Port Hudson; and then recollect that Columbus, Fort Pillow, and Randolph are by nature four times as strong, as they are protected both above and below by impassable swamps, &c.*

SAINT LOUIS, MO., January 14, 1872.

RESPECTED MISS: I this day saw Mr. McCoy, who told me he had received a letter from you, and that you informed him that your claim was now before Congress, also that you had kindly mentioned me and hoped to procure me a good situation on one of the western railroads. I am under great obligations to you for the interest you are taking in my affairs.

I wish you would tell me if you are going to publish that magazine article you and Judge Evans was speaking about when here. I allude to the criticism on Badeau's history of the Tennessee campaign. If you do, please send me a copy, directed to the care of Orlando Fish, No. 1916 Morgan street, Saint Louis.

I would also wish to know what you think about Grant getting the nomination; and if you think the conservative republicans will nominate a candidate; and, if so, who you think will get the nomination.

I also would like to know Judge Evans's address, and if it is likely he will pass through Saint Louis when he goes East.

My family are well, and my wife joins me in wishing you success in your application, and regrets very much that she did not see you when you was here.

When you write to Judge Evans, please give him my respects, and say I would be glad to hear from him.

With respect, I subscribe myself, your most obedient,

CHAS. M. SCOTT.

Miss E. A. CARROLL,  
Washington City, D. C.

SAINT LOUIS, March 14, 1872.

RESPECTED MISS: I have read and studied your pamphlet, also all letters and publications pertaining to it in my possession, and have concluded to put in a claim for compensation as the best method of securing what I believe to be my true place in history. In doing so I do not believe that I will injure your claim, but rather strengthen it. I would be glad to have your co-operation if my plan suits you. If not, please let me know your objections. But if you like the idea I think you can make more out of it (my claim) than you can out of your own, and by helping each other on equitable terms both will get justice done them.

I propose to claim for the loss of my boat and for making maps of the river, first for General Prentiss and afterward extending it for General Grant, and for furnishing the Government through you with valuable information; also through General Grant, as acknowledged

by his letters. I think these various claims will make a good basis to ask a large sum on, and I believe if you would take it in hand you could push it through with less trouble than you could your own.

C. M. SCOTT.

I send with this a copy of a petition I am preparing, and will have it ready in a few days. Please let me know what you think of it, and, if you approve, on what terms you will undertake it.

With respect, I remain, your obedient servant,

CHAS. M. SCOTT.

My boat alone amounted to \$22,000, and the interest for eleven years.

To Miss ANNA ELLA CARROLL,  
Washington City, D. C.

*To the honorable the Senate and the House of Representatives of the United States :*

The petitioner, Charles M. Scott, would respectfully offer the following statement, and accompanying letters, and earnestly pray that your honorable bodies would take the facts into consideration, and grant such relief as in your wisdom may be thought right. The petitioner is a pilot on the Mississippi River from Saint Louis to New Orleans, and had been following western and southern rivers for over thirty years previous to 1861, and was thoroughly conversant with all of the water-courses in the South and West, and at the breaking out of the war I was in New Orleans, and left there on the last day of May, 1861, for Saint Louis. When I arrived at Memphis, General Pillow, under the rebel government, seized my boat, and gave me a certificate of valuation to be paid when I would prove my allegiance to the Southern Confederacy by taking the oath; this I refused to do, and was refused a pass to Saint Louis, as I was known to be Union in sentiment. I escaped from Memphis and arrived at Cairo on the 19th of June, and immediately reported to General Prentiss at that place, and was employed by him to sketch a plan of the channel and rebel fortifications on the river from Ashport to the Mississippi line, including Forts Pillow, Randolph, Harris, and Memphis. This I did to his satisfaction, and he, having no further use for me as a pilot, I left him my address and took my family to Ohio. In August I went back to Cairo, and reported to General Grant as ready to do anything required of me to put down the rebellion, and was employed by him. (How I performed my duty his letter will show.) In November of 1861 I met a lady and gentleman in Saint Louis, (Miss Anna Ella Carroll and Judge Evans,) who stated they were seeking information for the Government, and requested me to assist them; I did so, and they requested me to put what I had communicated in writing. At first I refused, from the want of time and of skill with the pen. (I was about departing for Cairo with a boat.) They then told me that Miss Carroll was going to Washington, and if I would send such writing to her she would lay it before the Secretary of War. To this I agreed. And in accordance with this, on my arrival at Cairo, I sent her a communication, in which I demonstrated the impracticability of the Mississippi River as the military key of the West, and showed the advantages of the Tennessee River, (the accompanying letter marked B is a copy.) From this letter Miss Carroll made extracts and placed them before the Assistant Secretary of War, Thomas A. Scott. And the Government was thus first made aware of the vulnerable point in the rebel lines. I continued to furnish to Miss Carroll, and through her to the Government, valuable information from time to time, which was acted on; and at the close of the war Miss Carroll published a short account of my service in the National Intelligencer of the 12th of April, 1865. At the close of the war I returned to my business of piloting, but found that there was a prejudice against me, on the part of those who had returned to their allegiances, for the active part I had taken. It had been threatened at the commencement that if I took sides with the Union "I would never be allowed to pilot any more, let it end as it would." This threat has been carried out, as far as possible, to my injury; indeed, a steamboat-agent in New Orleans told me he would not ship freight on a boat that I was connected with, and would use his best influence to prevent others also. His name is John A. Stevenson, of New Orleans. And the whole of the Saint Louis and New Orleans pilots, one hundred and twenty-eight, (128, except five, (5,) were disunion, and threatened me, and have combined to cause me to quit the river, and for the reason that I served the Government to the best of my ability. I have been ruined financially, and now, in my old age, I am reduced to beggary for my loyalty. I would respectfully ask of you to consider my case and grant me such relief as in your judgment I may deserve.

CHARLES M. SCOTT.

#### MEMORANDUM.

A pilot on the Mississippi River testifies that on the 17th of November I came to Saint Louis on the Belle Memphis, and in accordance with an invitation from Miss Carroll, con-

veyed to me, I waited on her at the Everett House. After conversing some time we were joined by Judge Evans, and the first conversation was about the battle of Belmont. After conversing some time on that subject, the judge asked me about the feeling in regard to Frémont. This question brought up a discussion as to the true point of attacking the enemy. I stated that we could not go down the Mississippi with a million of men. The judge asked where I considered the true point of attack. I answered, the Tennessee River. After conversing for some time, both the judge and Miss Carroll requested me to write down what I had stated to them. At first I refused, but afterward consented to write to Miss Carroll from Cairo.

On my arrival at Cairo I wrote to her, at length, an account of the Tennessee River and the difficulty of going down the Mississippi River, and in a few days after I received an acknowledgment of my communication. I answered it, and about the 15th of December I received a letter from Miss Carroll stating my ideas had been approved, and that the move up the Tennessee was to be the move. I read and showed this letter to Mr. Barclay, (my partner, who had seen the other correspondence,) and consulted with him as to the propriety of informing General Grant. I concluded to do so, and took them, (the copies of my letters to Miss Carroll and her answers.) After reading them, he said, "Scott, this is a thing I have never thought about. What do you want me to do about it?" I told him he could try and get a command in the expedition he saw was in contemplation, and by so doing add a feather to his cap or a star to his shoulder. After studying a few moments, he said there was something in that, and asked to leave the papers with him, which I did, requesting him to take care of them. This he promised, but never returned them.

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*Letter from Miss Carroll to Secretary Stanton.*

MAY 14, 1862.

Hon. E. M. STANTON, *Secretary of War* :

It will be the obvious policy of the rebels, in the event of Beauregard's defeat, to send a large column into Texas for the purpose of holding that country for subsistence, where beef and wheat abound. Now, all this can be defeated by strongly occupying Vicksburg, and plying a gunboat or two on the Yazoo River. I would also suggest a gunboat to be placed at the mouth of the Red and Arkansas Rivers. Whether the impending battle in North Mississippi should occur at Corinth, or within the area of a hundred miles, a large part of the enemy's forces will retreat by the Yazoo River, and by the railroad to Vicksburg on the Mississippi, and will then take the railroad through Louisiana into Texas. I handed Hon. Mr. Watson on Monday a letter giving information that the canoes, skiffs, and other transports had been sent up the Yazoo from Memphis and Vicksburg for the purpose undoubtedly of securing the rebels' retreat from our pursuing Army. This information I obtained from Mr. Scott, a pilot on the Memphis, which conducted the retreat of the soldiers at the battle of Belmont, and had been with the fleet in the same capacity up the Tennessee River. Until June last he resided in New Orleans, and for twenty years or more has been in his present employment. His wife stated this to me, and with a view of obtaining facts about that section of country, I requested her to introduce him to me. I was surprised at his general intelligence in regard to the war, and from the facts I derived from him and other practical men I satisfied myself that the Tennessee River was the true strategic point, and submitted a document to this effect to Hon. Thos. A. Scott, dated the 30th November, 1861, which changed the whole programme of the war in the Southwest, and inured to the glory of our arms in that section and throughout the land. The Government is not aware of the incalculable service rendered by the facts I learned from this pilot, and I therefore take the present occasion to ask his promotion to the surveyorship of New Orleans, for which I should think him well suited in this crisis.

I inclose you a letter describing the battle of Pittsburgh Landing, which will interest you.

Very sincerely,

ANNA ELLA CARROLL.

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*Miss Carroll's letter to Dr. Draper.*

DR. DRAPER: I forward you a publication on the Tennessee campaign of 1862, in which I have cited some passages from your work on the civil war, wherein you state that the Tennessee River was the invader's true path. Plainly along it, and not down the impassable Mississippi, blows fatal to the Confederacy could be delivered. The Mississippi itself was not the true line of attack; even if it were seized, the great railroad (Memphis and Charleston) would not necessarily have been touched. Moreover, it was a military necessity that the strong fortifications on the Mississippi should be surrendered on the passage of an army in the rear, when

two great events would follow: the bisection of the Confederacy, the eastern and western portions being severed, and the gratification of the popular demand that the Mississippi should be opened. That to General Halleck must be given the credit of the solution of the Mississippi problem; he showed that the correct movement was on the line of the Tennessee River, &c.

And you rest his claim to this upon some remarks made by him in a conversation with Generals Sherman and Cullum the last of December, 1861, a report of which was given by General Sherman in a speech at Saint Louis soon after the surrender in 1865. To you, as a historian of the war, it may not be uninteresting to know that one month before this conversation I had suggested to the Government the importance of transferring the expedition then preparing to descend the Mississippi from that river to the Tennessee River, and with great precision and fullness of detail had pointed out all the several consequences that would follow from a proper execution of a movement upon the Tennessee River, as noted by you in your history of the war. For proof of this I invite your attention to my papers found on page 40, and to the evidence on pages 47, 48, and 49, in this publication, that the ideas and suggestion were substantially carried out in the campaigns that followed in that section.

This paper was submitted without signature, and in consideration of the pride of opinion which obtains in the profession of arms as in all other professions, it was believed that all these results would be better secured without having it known who, or whether any one, had originated the plan. In those supreme moments, the great question was what could be done to save our national existence. It is very probable that General Halleck had been advised from Washington of the important information contained in this paper, but he made no reference in this interview to the Tennessee River as a line for military operations beyond Fort Henry.

Had any allusion been made to the practicability of advancing his army on the line of the Tennessee as high as the foot of the Muscle Shoals, and seizing the Memphis and Charleston Railroad, it could not have been omitted by General Sherman in any statement intended to enlighten the country on the origin of the Tennessee campaign. That officer had been for some considerable time in command in Kentucky, and had only a few weeks before relinquished his position to General Buell in despair of meeting the expectations of the Government without a force of some two hundred thousand men, which it could not at that day supply, and of course no important fact or suggestion could have escaped him.

That nothing was said in this conversation that inspired General Sherman with the hope of any important military success upon the center of the enemy's line, from Bowling Green to Columbus, is obvious from his letter to General Grant of the 16th of March, 1864, in which, referring to that period of the war, he said: "He was almost cowed by the terrible array of anarchical elements that presented themselves at every point, and saw no ray of light until the battle of Donelson," which was more than six weeks after this interview occurred.

General Halleck had been only a few weeks in command, and his plans for offensive operations may not have been mature; but certain it is that the correspondence between himself and General McClellan, the commander-in-chief, shows that, in his opinion, he was not then ready to take the offensive, nor for some time after, and that he required more time for preparation and a larger force than the Government in the exigency of the moment could extend. And when the expedition was undertaken, in pursuance of the direct order of President Lincoln, General Halleck did not perceive the important consequences that must follow from its proper execution, but regarded it simply as preliminary to future operations. For had he foreseen that by moving his army up the Tennessee River into Northern Mississippi, all the fortifications on the Mississippi River, from Columbus to Memphis, would at once become untenable, and Western Tennessee and Kentucky fall into his hands, it cannot be doubted but that, immediately on the fall of Henry, he would have advanced his victorious column *onward* without turning aside to take Donelson or giving any thought to Columbus. General Halleck's own estimate as to what he expected to accomplish by this campaign is given by himself, in his instructions to General Grant on the 1st of March, 1862, in which he said:

"The main object of the expedition up the Tennessee River is to destroy the railroad bridge over Bear Creek, near Eastport, Miss., and also the connections at Corinth, Jackson, and Humboldt. "Having accomplished these objects, or so much as practicable, you will return to Dover and move on Paris." "Competent officers should be left to command the garrisons at Forts Henry and Donelson."

This order is inexplicable on any other theory than that General Halleck did not propose to extend his lines higher up the Tennessee than Fort Henry, and to operate thence directly on the fortifications on the Mississippi River, a strategy that had been suggested to him by General Grant on the 28th of January preceding, who said in his letter of that date: "With permission I will take and hold Fort Henry, and establish and hold a large camp there. "From Fort Henry it will be easy to operate either on the Cumberland, (only twelve miles distant,) Memphis, or Columbus."

The credit of the Mississippi problem belongs to Hon. Thomas A. Scott and President Lincoln, seconded by Secretary Stanton upon his advent to the War Department, the middle of

January, 1862, when Colonel Scott was directed to go to the western armies and arrange to increase their effectual force as rapidly as possible by organizing and consolidating into regiments all the troops then being recruited in Ohio, Indiana, Illinois, and Michigan, for the purpose of carrying through this campaign, then inaugurated, upon the ideas and suggestions furnished by myself. I cannot within the compass of a letter refer to the measure of credit which belongs to each in the origin and adoption of this great campaign, by which the unity of this Government stands to-day, but any award of historic honors would be incomplete without the mention of two other names, Capt. C. M. Scott, a pilot on the Mississippi River, and Chief-Justice Evans, of the supreme court of Texas, to whom I am largely indebted for facts which first suggested to my mind the idea of the Tennessee campaign as set forth in this publication.

In establishing the truth of history, in regard to the *decisive* movement of the war, I detract not from the merit of General Halleck or of any other military man. He was undoubtedly aware of all that had been written upon the subject, and of the fact as well that the Military Committee of the United States Senate had in 1871 awarded its authorship to another, but I have no information that to the day of his decease he ever claimed to have originated the Tennessee campaign.

With much respect,

A. E. CARROLL.

Dr. J. W. DRAPER, *New York City.*

HEADQUARTERS ARMIES OF THE POTOMAC, CITY POINT,  
March 18, 1865.

CAPTAIN: I was placed in a position in September, 1861, where I could see the course pursued by you at that stage of the rebellion. It was my understanding that you had been an old river-pilot, and had left the Lower Mississippi about the last chance that was left for escape. I know nothing about your personal sacrifices further than you have stated them to me, but I have no reason to doubt those statements. It gives me pleasure to say that at a time when the great majority of your profession were decidedly disloyal, or at least sympathized with the rebellion, you professed the strongest devotion to the old Union, and so long as I remained at Cairo, stood always ready to conduct either transports or armed vessels wherever Government authorities wished them to be taken. You also furnished information of the Mississippi River and its defenses, and of the Cumberland, which proved both correct and valuable.

Yours truly,

U. S. GRANT,  
*Lieutenant-General.*

Capt. C. M. SCOTT,  
*Mississippi River Pilot.*

The above is an exact copy of the original.

A. E. CARROLL.

MISSISSIPPI SQUADRON, FLAG-SHIP BLACK HAWK,  
Mound City, March 1, 1865.

SIR: I accept, to take effect at the expiration of your leave on the 31st instant, with much regret, your resignation as first-class pilot in this squadron. But I cannot withhold my acceptance, in view of the state of your health, the long, able, faithful, and willing public service you have rendered in the Army and Navy from the outbreak of the rebellion, and because you have provided not one, but several substitutes who are qualified pilots.

When you wish to return to the service you will be gladly re-appointed.

With best thanks for your good example and wishes for your health and happiness, I have the honor to be, sir, your obedient servant,

S. P. LEE,  
*Rear-Admiral, Commanding Mississippi Squadron.*

Capt. C. M. SCOTT,  
*First-Class Pilot.*

The above is an exact copy of the original.

A. E. CARROLL.

BALTIMORE, January, 1867.

MY DEAR GENERAL GRANT: Some time between the 20th and 30th of November I drew up the accompanying paper and submitted it on the 30th of November, 1861, to the Assistant Secretary of War, Hon. Thomas A. Scott. At that time the Government at Washington

had never thought of the Tennessee River. Two of the cabinet ministers, Mr. Bates and Mr. Smith, told me it was not feasible, from the fact that the depth of that river was not sufficient for the gunboats. Colonel Scott, the Assistant Secretary of War, however, was instantly impressed, and thanked me for the information, and he said to me on his return from Cairo, after the fall of Forts Henry and Donelson and the battle of Pittsburgh Landing, that the paper I submitted had been of the most essential service to the country, and that it entitled me unquestionably to the thanks of Congress. How far this plan influenced military men in turning their attention to the Tennessee River I do not undertake to say; but no paper containing a plan or even a suggestion of the Tennessee River bearing date prior to mine has ever yet been made public, and I do not suppose any can be produced. My reason for this conclusion is, that some friend claimed the suggestion as having originated with General Buell, but no proof whatever was ever adduced to support it. General Frémont put in his claim, yet there was no evidence further than he had suggested the importance of the occupation of Paducah. And at the time I was preparing my paper, Frémont was in command at Saint Louis, and so far as he had a plan, it was to send the gunboats down the Mississippi to New Orleans, with two supporting columns, one east and the other west of the Mississippi.

Subsequently, General Sherman claimed this plan for General Halleck; but this, of course, could have no foundation in fact, for General Halleck was not there at that time, and besides, as you told me, he at first opposed your own proposition to go up the Tennessee. Here is one military man of the highest order of genius, to whose mind it had never occurred, and the first time he ever heard it suggested was from General Halleck, several weeks after my paper was in possession of the military authorities at Washington. The suggestion having occurred to your own mind, you think it must naturally have done so to every military mind. Now, in the recital of facts which you are supervising, would it not be well to state the date when you drew up the plan for carrying the expedition into effect, and whether, to your knowledge, it had ever occurred to any other military man? And permit me to suggest the importance of your stating, in the work referred to, the date when the Tennessee became to your mind the plan of conducting the campaign in the Southwest, and to whom you communicated it, verbally or otherwise.

You advise me to claim in the history of the rebellion my agency in the adoption of the Tennessee plan in 1862, and hence my desire to have the fact incontestably settled, that I may not infringe upon the rights of any other, and, above all, upon those of yourself, to whom we all owe so much in the preservation of the unity of the United States.

Very truly, yours,

ANNA ELLA CARROLL.

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WESTMINSTER PALACE HOTEL,  
London, November 29, 1875.

MY DEAR MISS CARROLL: Your letter of the 9th is received. I am glad to hear from you. The two pamphlets you say you have sent have not reached me. As soon as they do, I will try to use them in the way you suggest. My time is so much occupied here, however, that my endeavors in your behalf may not be successful.

I remember very well that you were the first to advise the campaign on the Tennessee River, in November, 1861. This I have never heard doubted, and the great events which followed it demonstrated the value of your suggestion. That this will be recognized by our Government sooner or later I cannot doubt.

My stay abroad will probably be continued until April next. On reaching home, I hope soon to shake you by the hand once more.

Sincerely your friend,

REVERDY JOHNSON.

Miss A. E. CARROLL.

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WASHINGTON, D. C., July 11, 1876.

*Memorial of Charles M. Scott.*

*To the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialist, Charles M. Scott, would respectfully represent that he is and has been a pilot on the Mississippi River between the ports of Saint Louis and New Orleans for thirty (30) years, and, including that time a boatman on the western and southern rivers over forty-seven (47) years, and herewith begs leave to present to your honorable body the following statement of facts and the accompanying proofs in relation to the claim of Miss A. E. Carroll for two hundred and fifty thousand dollars (\$250,000) as compensation for originating the Tennessee campaign.

I was engaged on the steamer Capitol during the spring of 1861, and left New Orleans on the night of the last of May of that year for Saint Louis and La Salle, Ill. On my arrival at Memphis, General Pillow, in command of the rebel forces at that point, would not allow us to take our boat any farther, and about the 15th of June he took possession of her for the rebel authorities, giving in exchange a certificate of valuation to the amount of twenty-two thousand (\$22,000) dollars and indorsed on it, "To be paid when the owners prove their allegiance to the Southern Confederacy." This certificate was afterward negotiated for cotton, and said cotton was lying in the rebel lines on the 1st of March, 1865, at which time I came to Washington to procure a permit to bring it in clear of the 25 per cent. duty. All the papers were presented to Mr. Lincoln on the 14th of April, 1865, at about 2 p. m., who, after hearing my statement, told me he would have the papers examined, and, if found to be correct, the favor I asked for should be granted. His death, that same night prevented it, and in the confusion my papers disappeared, and although I endeavored to have them hunted up they have never been found, and having no other proofs I have made no claim on the Government, nor do I now. But during the time I was in Memphis, in June of 1861, and on my passage up the river to New Madrid, I observed the fortifications that were being made at the different defensible points, and knowing the country well I became satisfied of the impracticability of going down the Mississippi, and sought for a less dangerous route, and knowing the country well I concluded that the Tennessee River was the true point of attack. This plan I explained to Major Gilliam and Mr. Barclay, (my partner.) I was afraid to communicate it to others until I met Mrs. A. E. Carroll and Judge Evans at Saint Louis about the 17th of November, 1861, and they convinced me that they were Government agents seeking information for the Government. I explained to them my ideas so that they might be laid before the proper authorities. Judge Evans asked me to write them out, and as I had to leave that day for Cairo he gave me Miss Carroll's address in Washington, who would, on their receipt, immediately lay them before the War Department. I did so, and the first letter quoted in the copy from the National Intelligencer is a copy; also the same letter is quoted by Miss Carroll in her pamphlet as the one she laid before Colonel Scott, Assistant Secretary of War. I wrote several others to Miss Carroll during the war, and received replies. On my arrival in Washington to procure the release of the cotton I had an interest in, I met Miss Carroll and Judge Evans, and after they had published the paper in the National Intelligencer (the paper marked is a copy) they endeavored to get me to allow them to use my name, and they would engineer a bill through Congress granting me a large amount for originating the Tennessee campaign, to be equally divided between us three. This I positively refused to do, as I thought I had only done my duty as a loyal man, and had no right to remuneration for doing that duty. About three years after, I was surprised to see in a newspaper Miss Carroll's name as a claimant for remuneration for originating the Tennessee campaign. I immediately wrote to her denouncing the claim as a fraud, and told her if she did not withdraw it I would come to Washington and expose it. As far as I know she dropped it at that time, but in 1871 or 1872 she and Judge Evans came to Saint Louis and waited there several days to see me. When I saw them they represented that they were collecting information about the condition of politics in the ensuing election; but I had learned to distrust them, and when they tried to ascertain whether I had any letters of Miss Carroll's I left them under the impression that they were all destroyed. A short time after, I was surprised to receive a copy of Miss Carroll's pamphlet, and immediately wrote to her denouncing it as a fraud, and took steps to prevent its success by sending a letter to the Committee on Claims, and referred them to the National Intelligencer on file in the National Library. I then thought there would be no further attempt; but again in 1874 I was surprised to see that it had been revived. I wrote to the Hon. W. H. Stone, and pointed out to him where to find the proofs in the Library, and by that means set it aside once more. In January of this year I came here to explain and advocate the amendments to the steamboat law proposed by the western steamboat-men, and was surprised to find that Miss Carroll's claim was again before Congress, and advocated by one of the most able and influential members of the bar, (Montgomery Blair.)

I feel it my duty to present the facts and proofs to your honorable body, and ask that this question be passed on and set at rest forever. I do not do so expecting pay for doing my duty as a loyal man, but in justice to myself and the western boatmen I ask that Congress, will award me the credit of being the originator of the Tennessee campaign; and if your honorable body think that any compensation is due to the author, I claim that that compensation is due to your petitioner.

CHARLES M. SCOTT.

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MISS CARROLL'S CLAIM BEFORE CONGRESS, ASKING COMPENSATION FOR MILITARY AND OTHER SERVICES IN CONNECTION WITH THE CIVIL WAR.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorialist, Anna Ella Carroll, respectfully represents that, as stated in her memorial

heretofore submitted to Congress, she rendered important and valuable military services in the civil war, and especially that she devised the Tennessee campaign of 1862.

At the time she suggested this change of campaign, the military topography of the revolted States was very imperfectly understood, and it was therefore not surprising that the military operations for the suppression of the rebellion had not met the expectations of the country. The tide of battle thus far had been steadily against the Union. The enemy was arrayed in strong force on the Potomac, and on a line extending from thence westward through Bowling Green to Columbus, on the Mississippi. To him time was power, and every day's delay a continuous victory, while it increased the difficulties which were gathering and closing around the national cause.

More than seven months had been consumed since the war commenced, and it had already aggregated a debt of some \$500,000,000. An army numbering between seven and eight hundred thousand men had taken the field, and \$2,000,000 scarcely sufficed for its daily expenditure; besides, every day was a sacrifice of hundreds of lives.

The North had become restive, and the credit of the Government was virtually exhausted. At the same time England and France were preparing and anxious to terminate the conflict by intervening and making good the independence of the South.

Unless, then, unquestioned military advantage could be gained in the next few months that would satisfy the country and convince Europe of the ability of the Government to conquer the rebellion, all hope of restoring the Union was gone. How could this military advantage over the rebellion be gained in time, was then the momentous question which pressed upon every loyal heart connected with the Government.

The Army of the Potomac, on which the country had relied for success, could not, in the opinion of its commander, safely advance until the Army of the West had engaged the enemy in that quarter, and the Secretary of War, with the Adjutant-General, after a tour of inspection in October, 1861, reported that, in the judgment of the commanders, the forces in Kentucky and Missouri were not strong enough to make an advance. The President was painfully apprehensive that this decisive advantage could not be gained in time.

In this crisis your memorialist perceived and pointed out to the Government how this success could be obtained in time.

Being convinced, after careful inquiry, that the Mississippi expedition, howsoever strong, could not open that river upon its waters, except at a cost, perhaps, of years and a corresponding sacrifice of life and treasure, she turned her attention to other lines of invasion, and found the Tennessee River afforded sufficient depth of water for the gunboats to the Muscle Shoals, in Alabama, but a few miles from the Memphis and Charleston Railroad, the enemy's only complete interior line of communication. Your memorialist comprehended that the movement of a strong force up that river to a position in command of that railroad would effectually cut the confederacy in two by severing the Atlantic from the Mississippi portion, turn Columbus and all the fortifications on the Mississippi to Memphis, free all Western Kentucky and Tennessee from the enemy, and bring the whole of that country southward to Mobile under the control of the national arms; and she indicated as the position, Hamburg, on the west bank of the Tennessee River, which, it will be observed, is but two or three miles from Pittsburgh Landing. These suggestions she embodied in the following paper, and submitted it to the Government the 30th of November, 1861:

"The civil and military authorities seem to be laboring under a great mistake in regard to the true key of the war in the Southwest. It is not the Mississippi, but the Tennessee River. All the military preparations made in the West indicate that the Mississippi River is the point to which the authorities are directing their attention. On that river many battles must be fought and heavy risks incurred before any impression can be made on the enemy, all of which could be avoided by using the Tennessee River. This river is navigable for middle-class boats to the foot of the Muscle Shoals, in Alabama, and is open to navigation all the year, while the distance is but two hundred and fifty miles by the river from Paducah, on the Ohio. The Tennessee offers many advantages over the Mississippi. We should avoid the almost impregnable batteries of the enemy, which cannot be taken without great danger and great risk of life to our forces, from the fact that our boats, if crippled, would fall a prey to the enemy by being swept by the current to him, and away from the relief of our friends. But even should we succeed, still, we will only have begun the war, for we shall then have to fight the country from whence the enemy derives his supplies.

"Now, an advance up the Tennessee River would avoid this danger; for if our boats were crippled, they would drop back with the current and escape capture.

"But a still greater advantage would be its tendency to cut the enemy's lines in two, by reaching the Memphis and Charleston Railroad, threatening Memphis, which lies one hundred miles due west, and no defensible point between; also Nashville, only ninety miles northeast, and Florence and Tusculum, in North Alabama, forty miles east. A movement in this direction would do more to relieve our friends in Kentucky and inspire the loyal hearts in East Tennessee than the possession of the whole of the Mississippi River. If well executed, it would cause the evacuation of all the formidable fortifications upon which the rebels ground their hopes for success; and, in the event of our fleet attacking Mobile, the presence of our troops in the northern part of Alabama would be material aid to the fleet.

"Again, the aid our forces would receive from the loyal men in Tennessee would enable

them soon to crush the last traitor in that region, and the separation of the two extremes would do more than one hundred battles for the Union cause.

"The Tennessee River is crossed by the Memphis and Louisville Railroad and the Memphis and Nashville Railroad. At Hamburg the river makes the big bend on the east, touching the northeast corner of Mississippi, entering the northwest corner of Alabama, forming an arc to the south, entering the State of Tennessee at the northeast corner of Alabama, and if it does not touch the northwest corner of Georgia, comes very near it. It is but eight miles from Hamburg to the Memphis and Charleston Railroad, which goes through Tusculumbia, only two miles from the river, which it crosses at Decatur, thirty miles above, intersecting with the Nashville and Chattanooga road at Stevenson. The Tennessee River has never less than three feet to Hamburg on the 'shoalest' bar, and during the fall, winter, and spring months there is always water for the largest boats that are used on the Mississippi River. It follows from the above facts that in making the Mississippi the key to the war in the West, or rather in overlooking the Tennessee River, the subject is not understood by the superiors in command."

On the 5th of January, 1862, she communicated some additional facts, of which the following is an extract:

"Having given you my views of the Tennessee River on my return from the West, showing that this river is the true strategical key to overcome the rebels in the Southwest, I beg again to recur to the importance of its adoption. This river is never impeded by ice in the coldest winter, as the Mississippi and Cumberland sometimes are. I ascertained when in Saint Louis that the gunboats then fitting out could not retreat against the current of the western rivers, and so stated to you; besides, their principal guns are placed forward, and will not be very efficient against an enemy below them. The fighting would have to be done by their stern guns, only two, or if they anchored by the stern, they would lose the advantage of motion which would prevent the enemy from getting their range. Our gunboats at anchor would be a target which the enemy will not be slow to improve and benefit thereby.

"The Tennessee River, beginning at Paducah, fifty miles above Cairo, after leaving the Ohio, runs across south-southeast, rather than through Kentucky and Tennessee, until it reaches the Mississippi line, directly west of Florence and Tusculumbia, which lie fifty miles east, and Memphis, one hundred and twenty-five miles west, with the Memphis and Charleston Railroad eight miles from the river. There is no difficulty in reaching this point any time of the year, and the water is known to be deeper than on the Ohio.

"If you will look on the map of the Western States you will see in what a position Buckner would be placed by a strong advance up the Tennessee River. He would be obliged to back out of Kentucky, or if he did not our forces could take Nashville in his rear and compel him to lay down his arms."

The Government comprehended the transcendent importance of her suggestions, accepted them, inaugurated the campaign upon them, and the decisive blow was struck, which cut the confederate power in two, coerced the evacuation of the formidable fortifications on the Mississippi from Columbus to Memphis; averted European intervention, and consequent war with the United States; removed the visible and growing discontent in the great Northwest; revived the national credit, and hurled the enemy back to the Vicksburgh and Meridian Railroad, and brought the national forces in contact with the slave population of the cotton States, which turned four millions of people, until then a source of his strength, against him, and to the support of the Union.

That the danger from financial bankruptcy and European intervention and invasion may be more fully apprehended, which in those supreme moments made the very existence of the Government a question of doubt, and to show more clearly that the victories in the West were not achieved a day too soon to prevent defeat and the loss of the Union, your memorialist asks your attention to the extracts from the speeches of many distinguished statesmen of that period in both houses of Congress, many of whom were occupying positions on the most important committees connected with the prosecution of the war, and necessarily possessed of the most accurate information. (See Appendix I.)

So soon as the victories revealed that the Government was in very fact advancing the Army on a definite plan to the destruction of the rebellion, the enthusiasm of the people and of Congress was thoroughly aroused, and not knowing who had projected the campaign, in the exultation of the hour, they ascribed the honor to one and another, as their partiality or favoritism inclined. In this connection your memorialist respectfully invites your attention to the discussion upon the resolution of Mr. Roscoe Conkling, in the House of Representatives, on the 24th of February, 1862, the object of which was to ascertain "whether these victories were organized or directed at a distance from the fields where they were won, and, if so, by whom organized, or whether they were the conceptions of those who executed them."

She also invites your attention to the subsequent remarks of Mr. Washburne, in the House, and Mr. Grimes, chairman of the Naval Committee, in the Senate. (See Appendix 2.)

With the knowledge that the Government was acting upon the information communicated by her, your memorialist contributed other suggestions as the campaign progressed.

Immediately after the fall of Fort Henry, she suggested to the Secretary of War the

practicability of advancing the Army onward to Mobile or Vicksburgh. Her duplicate of this letter she has not as yet been able to find, but it may be observed there is an allusion to it in her letter of October, 1862, on the reduction of Vicksburgh.

In view of the disappointment manifested at the check which the naval flotilla received at Island 10, and with perfect confidence that the campaign would accomplish every result, as promised by the suggestions in November, your memorialist addressed the Secretary of War the 26th of March, 1862, of which the following is an extract :

"The failure to take Island 10, which thus far occasions much disappointment to the country, excites no surprise to me. When I looked at the gunboats at Saint Louis, and was informed as to their power, and considered that the current of the Mississippi at full tide runs at the rate of five miles per hour, which is very near the speed of our gunboats, I could not resist the conclusion that they were not well fitted to the taking of batteries on the Mississippi River if assisted by gunboats perhaps equal to our own. Hence it was that I wrote Colonel Scott from there that the Tennessee River was our strategic point, and the successes at Forts Henry and Donelson established the justice of these observations. Had our victorious Army, after the fall of Fort Henry, immediately pushed up the Tennessee River and taken position on the Memphis and Charleston Railroad, between Corinth, Miss., and Decatur, Ala., which might easily have been done at that time with a small force, every rebel soldier in Western Kentucky and Tennessee would have fled from every position to the south of that railroad. And had Buell pursued the enemy in his retreat from Nashville without delay into a commanding position in North Alabama on the railroad between Chattanooga and Decatur, the rebel government at Richmond would have necessarily been obliged to retreat to the cotton States. I am fully satisfied that the true policy of General H. is to strengthen Grant's column by such a force as will enable him at once to seize the Memphis and Charleston Railroad, as it is the readiest means of reducing Island 10, and all the strongholds of the enemy to Memphis."

And again observing in October, 1862, preparations for a naval attack on Vicksburgh, she wrote as follows :

"As I understand an expedition is about to go down the river for the purpose of reducing Vicksburgh, I have prepared the inclosed map in order to demonstrate more clearly the obstacles to be encountered in the contemplated assault. In the first place it is impossible to take Vicksburgh in front without too great a loss of life and material, for the reason that the river is only about half a mile wide, and our forces would be in point-blank range of their guns—not only from their water-batteries which line the shore, but from the batteries that crown the hills, while the enemy would be protected by the elevation from the range of our fire. By examining the map I inclose, you will at once perceive why a place of so little apparent strength has been enabled to resist the combined fleets of the Upper and Lower Mississippi. The most economical plan for the reduction of Vicksburgh now is to push a column from Memphis or Corinth down the Mississippi Central Railroad to Jackson, the capital of the State of Mississippi. The occupation of Jackson and the command of the railroad to New Orleans would compel the immediate evacuation of Vicksburgh as well as the retreat of the entire rebel army east of that line; and by another movement of our army from Jackson, Miss., or from Corinth to Meridian in the State of Mississippi, on the Ohio and Mobile Railroad, especially if aided by a movement of our gunboats on Mobile, the confederate forces, with all the disloyal men and their slaves, would be compelled to fly east of the Tombigbee.

"Mobile being then in our possession, with 100,000 men at Meridian, would redeem the entire country from Memphis to the Tombigbee River. Of course, I would have the gunboats with a small force at Vicksburgh as auxiliary to this movement. With regard to the canal, Vicksburgh can be rendered useless to the confederate army upon the very first rise of the river, but I do not advise this, because Vicksburgh belongs to the United States, and we desire to hold and fortify it, for the Mississippi River at Vicksburgh and the Vicksburgh and Jackson Railroad will become necessary as a base of our future operations. Vicksburgh might have been reduced eight months ago, as I then advised, after the fall of Fort Henry, and with much more ease than it can be done to-day."

Other papers upon military operations were contributed by your memorialist during the progress of the war, but those only are given which relate to the Tennessee campaign.

Your memorialist now respectfully submits that a comparison of these papers with the official history of the military operations in that quarter will show that the plan of these campaigns is distinctly and clearly set forth in her paper of November 30, 1861, and the subsequent letters in relation thereto. The correctness of this plan was proven not alone by the successes which awaited upon its execution, but likewise by the failures to open the Mississippi or win any decided success on the plan first devised by the Government.

That the advantages gained by the campaign were not pressed to the final conquest of the rebellion in '62-'63 does not in the least impair the value of the plan, since the merit is in the *conception* rather than its execution. For when the Government was shown the decisive position in the geographical center of the rebel power, with a navigable river for a line of communication with the North, which the enemy could neither break nor destroy, the *mastership* of the rebellion by the national arms was evermore assured, even though the powers of all Europe should be arrayed upon its side. This campaign having therefore de-

cided the issues of our great war, must ever rank with those very few strategic movements in the world's history which have settled the fate of empires and nations. Hence a more extended account of its origin and development might seem to be demanded than that which has heretofore been presented.

Your memorialist, under an agreement with the War Department to write in aid of the Union, and with the hope of rendering greater efficiency, visited the West in the autumn of '61 for the purpose of studying the condition of affairs in that military department. Soon after she arrived her attention was arrested by the confidence with which the best-informed southern sympathizers in that section expressed the opinion that the Government could not suppress the rebellion; that the Army of the Potomac, no matter how strong it might be made, could not reach Richmond before summer, and that Columbus would effectually bar any advance down the Mississippi; and before spring Price would redeem the whole of Missouri, and Buckner the whole of Kentucky, and the confederate flag would be planted on the northern border of the slave States, when it would become the material interest of the Northwest to stop the war and compel the Government to come to terms with the South. These declarations were having a most depressing effect upon the loyal sentiment in that section. Your memorialist, realizing the imminency of the danger that environed the Union, directed her inquiries as to the best means of escape. Her anxiety in regard to the success of the Mississippi expedition was increased by the opinion expressed by Judge Evans, of Texas, who, from personal observation, was accurately acquainted with the topography of the Mississippi Valley, whose attention had been called to this plan of campaign by Secretary Chase when in Washington some time before, and in view of the difficulties Mr. Chase expressed his own doubts, and his preference for an overland expedition through Cumberland Gap, Chattanooga, Atlanta, and thence to the sea.

Your memorialist then resolved to seek the information of practical steamboat-men as to their views of the Mississippi expedition. She met in the hotel at Saint Louis Mrs. Scott, whose husband, Capt. C. M. Scott, a pilot, was connected with the expedition, and requested to see him, and on his return to Saint Louis after the battle of Belmont she sent for him. Her energies were quickened at this time by the sight of the battle-torn regiment, the Seventh Iowa, as it filed into Benton Barracks. She learned from Captain Scott, who was a very intelligent and experienced pilot on the Mississippi, that it would be impossible to reduce Columbus with the gunboats without a very large co-operating land force, after a very long siege; that the gunboats were not suited to fight down the Mississippi, on account of its strong current; that there were a great many positions on the Mississippi that the enemy could make as strong as Columbus; that they would be fortified as our fleet descended, so that innumerable battles must be fought, and it would take years to open that river; and this, he said, was the belief of every pilot connected with the expedition. He said the Cumberland, at favorable stages of water, was navigable for the gunboats to Nashville, and the Tennessee at all stages to the Muscle Shoals, in Alabama. Upon the mention of the navigability of the Tennessee River for gunboats to the Muscle Shoals, in Alabama, the thought flashed upon the mind of your memorialist that all the fortifications on the Mississippi might be turned by advancing an army up the Tennessee River to a position in North Mississippi or Alabama. She immediately communicated this thought to Judge Evans, and asked him if it could not be done; he concurred that it could, and after reflecting a moment said, "That's the move." Your memorialist said, "I will have it done." She invited him to join in the interview. In answer to our inquiries Captain Scott stated the draught and speed of the gunboats and number of guns; the width and depth of the channel of the Mississippi; the number of bluffs upon the river, and the wide extent of the swamp or overflowed lands; also the width and depth of the channel of the Cumberland and Tennessee Rivers. He did not think the gunboats could pass over the Muscle Shoals, in Alabama. We inquired as to the practicability of the naval expedition reaching Mobile, and as to the navigability of the Alabama and Tombigbee Rivers. He thought the fleet could not pass the bar, some seven miles below that city; said the Tombigbee afforded good steamboat navigation to Demopolis, which is one hundred and fifty miles from the Muscle Shoals, on the Tennessee River.

Your memorialist requested this gentleman to give her a memorandum of the facts elicited, and informed him that it was her purpose to induce the Government, if possible, to change the plan upon which they were operating, and divert the expedition up the Tennessee River, and, in the event of the change, requested him to furnish her with all the facts he could obtain during his continuance with the expedition.

She hastened to Washington and prepared her paper upon the data she collected, and laid it before the Government the 30th of November, 1861, as hereinbefore stated.

Colonel Scott, to whom she read it in the War Department, had then control of the railroads used by the Government, and was accurately informed upon the railroad system of the South and its value in war. He saw at once that the seizure of the Memphis and Charleston Railroad at that point would not only open the Mississippi, but would open the way for McClellan's march on Richmond. He expressed great gratification, and said it was the first solution of the difficulty, and he had no doubt but your memorialist was right. He asked her for the paper; she told him it was for the use of the Government she had prepared it, and said to him, repeating the language, "If it is upon the expedition to descend the Mississippi that you rely to save the Union, then there is an end of it, but if you will have that expedi-

tion diverted up the Tennessee River, you will not only save the Union, but cover yourself with glory."

As these suggestions did not come from any one connected with the military or naval service, it was deemed prudent that the Government should appropriate them without any reference to their source.

She left the paper without signature, caring absolutely nothing in those supreme moments, if it but saved the country, whether it should be denied or forgotten that she was its author.

Convinced of the importance of her suggestions, Colonel Scott requested your memorialist to continue her labors, and contribute all she deemed important during the war. He submitted the paper to the Secretary of War and President Lincoln. The President, who had from the beginning reserved special direction of the Mississippi expedition, now decided the Tennessee River as the line of invasion. And when Secretary Stanton came into the Department, the middle of January, 1862, the campaign was inaugurated, and Colonel Scott, under the instructions of the Government, went forward to arrange to increase the effective force of the western armies as rapidly as possible for the purpose of carrying it through.

In proof that your memorialist submitted the plan of campaign, as set forth in her memorial, and that the Government profited thereby, she offers the following from Hon. Thomas A. Scott, Assistant Secretary of War :

" PHILADELPHIA, June 15, 1870.

" I learn from Miss Carroll that she has a claim before Congress for services rendered in the year 1861, in aid of the Government. I believe the Government ought now to reward her liberally for the efforts she made in its behalf. I hope you will be able to pass some measure that will give Miss Carroll what she is most certainly entitled to.

" THOMAS A. SCOTT.

" Hon JACOB M. HOWARD,  
" *United States Senate.*"

" PHILADELPHIA, June 24, 1870.

" On or about the 30th of November, 1861, Miss Carroll, as stated in her memorial, called on me, as Assistant Secretary of War, and suggested the propriety of abandoning the expedition which was then preparing to descend the Mississippi River, and to adopt, instead, the Tennessee River, and handed to me the plan of campaign as appended to her memorial, which plan I submitted to the Secretary of War, and its general ideas were adopted. On my return from the Southwest, in 1862, I informed Miss Carroll, as she states in her memorial, that, through the adoption of this plan, the country had been saved millions, and that it entitled her to the kind consideration of Congress.

" THOMAS A. SCOTT.

" Hon. JACOB M. HOWARD,  
" *Of the Military Committee of the United States Senate.*"

Again :

" PHILADELPHIA, May 1, 1872.

" MY DEAR SIR : I take pleasure in stating that the plan presented by Miss Carroll, in November, 1861, for a campaign upon the Tennessee River and thence South, was submitted to the Secretary of War and President Lincoln ; and, after Secretary Stanton's appointment, I was directed to go to the western armies and arrange to increase their effective force as rapidly as possible. A part of the duty assigned me was the organization and consolidation into regiments of all the troops then being recruited in Ohio, Indiana, Illinois, and Michigan, for the purpose of carrying through this campaign then inaugurated.

" This work was vigorously prosecuted by the Army ; and as the valuable suggestions of Miss Carroll, made to the Department some months before, were substantially carried out through the campaigns in that section, great successes followed, and the country was largely benefited in the saving of time and expenditure.

" I hope Congress will reward Miss Carroll liberally for her patriotic efforts and services.

" Very truly, yours,

" THOMAS A. SCOTT.

" Hon HENRY WILSON,  
" *Chairman Military Committee, United States Senate.*"

That President Lincoln and Secretary Stanton fully recognized the service of your memorialist will appear from the following letter of the honorable B. F. Wade, chairman of the Committee on the Conduct of the War :

" WASHINGTON, February 28, 1872.

" DEAR SIR : I have been requested to make a brief statement of what I can recollect concerning the claim of Miss Carroll, now before Congress. From my position as chairman

of the Committee on the Conduct of the War, it came to my knowledge that the expedition which was preparing, under the special direction of President Lincoln, to descend the Mississippi River, was abandoned, and the Tennessee expedition was adopted by the Government in pursuance of information and a plan presented to the Secretary of War, I think in the latter part of November, 1861, by Miss Carroll. A copy of this plan was put in my hands immediately after the fall of Forts Henry and Donelson. With the knowledge of its author, I interrogated witnesses before the committee to ascertain how far military men were cognizant of the fact. Subsequently President Lincoln informed me that the merit of this plan was due to Miss Carroll; that the transfer of the armies from Cairo and the northern part of Kentucky to the Memphis and Charleston Railroad was her conception and was afterward carried out generally, and very much in detail, according to her suggestions. Secretary Stanton also conversed with me on the matter, and fully recognized Miss Carroll's service to the Union in the organization of this campaign. Indeed, both Mr. Lincoln and Mr. Stanton, the latter only a few weeks before his death, expressed to me their high appreciation of this service and all the other services she was enabled to render the country by her influence and ability as a writer, and they both expressed the wish that the Government would reward her liberally for the same, in which I most fully concur.

"B. F. WADE.

"To the CHAIRMAN OF THE MILITARY COMMITTEE OF THE UNITED STATES SENATE."

As more conclusively showing the appreciation in which Secretary Stanton held the services of your memorialist, she submits the following correspondence with Judge Wade:

"MARCH 28, 1873.

"MY DEAR JUDGE WADE: I took a memorandum at the time of some remarks of yours to me in a conversation we had in January, 1870. Alluding to the recent death of Secretary Stanton, you said I 'had lost a strong friend in him,' and repeated several remarks he made to you respecting myself in connection with the services I had rendered the country in the civil war. I inquired how long since this was said. You replied, 'Why, the very last time I ever saw him; only a few weeks before he died. I was with him on that occasion four hours. He voluntarily spoke of you, and said there was one person who had done more to save this country than all the rest of the border State people together, and who to that time had had no proper recognition or reward for it.' I asked him who he meant? He said, 'Why, Miss Carroll.' I told him I had always known that. He said, 'If his life was spared he intended you should be properly recognized and rewarded for originating the Tennessee campaign; that the merit belonged to you, and he would see you through Congress if he lived.' Your remarks, coming so recently from Mr. Stanton, impressed me very much, especially as they accorded so fully with what he said himself to me some two years before. I would be pleased if you can recall what I have stated.

"With great esteem,

"A. E. CARROLL."

"WASHINGTON, March 31, 1873.

"MISS CARROLL: I have received your note, in which you desire me to state the language in which Mr. Stanton expressed himself in reference to your services during and after the war, the substance of which you already have. I remember that he stated those sentiments with great earnestness; but after such a length of time I cannot undertake to state the exact language that he used; but when I related to you what he said so soon after the event, I doubt not that I used, or rather repeated, very nearly the language he used in expressing himself to me, and there is nothing in your relation of what I told you that conflicts with my recollection of his language to me.

"Yours, truly,

"B. F. WADE."

Hon. O. H. Browning, of Illinois, Senator during the war, and in confidential relations with President Lincoln and Secretary Stanton, refers, in the following letter, to the estimation in which they held military services of your memorialist:

"QUINCY, ILL., September 17, 1873.

"MISS A. E. CARROLL: During the progress of the war of the rebellion, from 1861 to 1865, I had frequent conversations with President Lincoln and Secretary Stanton in regard to the active and efficient part you had taken in behalf of the country, in all of which they expressed their admiration of and gratitude for the patriotic and valuable services you had rendered the cause of the Union—and the hope that you would be adequately compensated by Congress. At this late day I cannot recall the details of those conversations, but am sure that the salutary influence of your publications upon public opinion, and your suggestions in connection with the important military movements, were among the meritorious services which they recognized as entitled to remuneration.

"In addition to the large debt of gratitude which the country owes you, I am sure you are entitled to generous pecuniary compensation, which I trust will not be withheld. With sentiments of high regard,

"I am your obedient servant,

," O. H. BROWNING."

In confirmation of her own statement as to the conception and development of the plan of the Tennessee campaign, your memorialist submits the statement made by Chief-Justice Evans, of the supreme court of Texas, to the chairman of the Senate Military Committee of the Forty-second Congress :

"WASHINGTON, April 27, 1872.

"SIR: Having been requested to state my knowledge of the Tennessee plan of campaign, I respectfully submit that Miss Carroll was the first to suggest to the Government the practicability and importance of moving the armies from Cairo up the Tennessee River into Northern Mississippi or Alabama, on the Memphis and Charleston Railroad.

"It may be remembered that the rebel power, very early in the contest, developed a strength and proportion which the country was not prepared to expect. This fact, together with our failure to achieve any early military success, was having a most depressing effect upon the spirit of the country, while the danger of foreign intervention was becoming more and more imminent. Indeed, our Government was warned that, without some decided military advantage before spring, England and France would acknowledge the independence of the South, and raise the blockade for a supply of cotton. If, then, we would preserve the Union, we must, in a very short period, gain a strategic position South that would satisfy the country, and convince European powers of the ability of the Government to suppress the rebellion.

"To find this decisive point, and the direction in which a blow could be delivered that would insure this result, became in the autumn of 1861 a matter of the most serious military consideration. It was in this exigency that Miss Carroll visited the West in quest of information in aid of the Union, as she stated to me, and as I fully believe.

"From early in October to about the 20th of November, 1861, she was at the Everett House, in Saint Louis. I was also in that city, and conversed almost every day with her upon the military and political situation in that quarter, and especially in reference to the difficulties to be overcome by the expedition preparing to open the Mississippi. I am, therefore, able from personal knowledge to state the origin of the plan of the Tennessee campaign from its inception to its final draught and presentation to the War Department. The conception which is embodied in this plan occurred to the mind of Miss Carroll about the middle of November, 1861, in conversation with Mr. Charles M. Scott, a pilot on one of the transports connected with the expedition to descend the Mississippi River. She learned some important facts from his wife, whom she met in the hotel, concerning the naval preparations for the expedition, and requested to see her husband, that she might be informed as to the special knowledge and opinions of practical steamboatmen, and on his arrival in Saint Louis, after the battle of Belmont, she sent for him.

"When he stated to her that it was his opinion, and that of the pilots generally who were familiar with the western waters, that the naval expedition could not open the Mississippi; that the gunboats were not fitted to fight down that river, and that it was practicable for them to go up the Tennessee, the thought occurred to her that the Government should direct the Mississippi expedition up the Tennessee River to some point in Northern Mississippi or Alabama, so as to command the Memphis and Charleston Railroad. In a very earnest and animated manner she communicated this thought to me. Being a native of that section, and intimately acquainted with its geography, and particularly with the Tennessee River, I was at once impressed with the tremendous value of her suggestions. She immediately introduced Captain Scott to me with a request that I would interrogate him on all his special facts. He stated the number and strength of the fortifications on the Mississippi and the impossibility of the gunboats to reduce them, the width and depth of the Tennessee River, and the practicability of ascending with the gunboats to the foot of the Muscle Shoals, but did not think they could pass above.

"With the view of ascertaining the practicability of a naval expedition to reach Mobile and ascend the Alabama and Tombigbee Rivers, I questioned him as to the depth of these waters also. We were so impressed with the fullness and accuracy of his information, that Miss Carroll asked him to write it down for her, to do which he declined, as he said, from want of education, but finally consented. The same day she wrote from Saint Louis to Attorney-General Bates, and Hon. Thomas A. Scott, Assistant Secretary of War, suggesting the change of the expedition from the Mississippi to the Tennessee River, and on her arrival in Washington, the latter part of November, she prepared the plan of campaign appended to her memorial, and submitted it to me for my opinion, and, without signature, placed the same in the hands of Thomas A. Scott to be used by the Government without her name being known in its connection.

"She communicated with the pilot, Captain Scott, at Cairo, what she had done, and the probabilities that her suggestions would be adopted by the Government, and requested him

to send her from time to time all the information he could gather. He complied with her request, and gave her further important information, from which she prepared a second paper on the Tennessee campaign of January 5, 1862, an imperfect copy of which appears in Mr. Howard's report. I say imperfect, because I have a very distinct recollection of aiding her in the preparation of that paper, tracing with her, upon a map of the United States which hung in her parlor, the Memphis and Charleston Railroad and its connections southward, the course of the Tennessee, the Alabama, and Tombigbee Rivers, and the position of Mobile Bay; and when Henry fell, she wrote the Department showing the feasibility of going either to Mobile or Vicksburg.

"In conclusion, I will state that having critically examined all the plans of our generals and everything official which has been published by the War Department bearing on this point, and every history that has been written upon the war, it is evident that, up to the time Miss Carroll submitted her plan to the Government, it had not occurred to any military mind that the true line of invasion was not down the Mississippi River, nor yet up the Cumberland to Nashville, and thence overland, but that it was the Tennessee River, and on that line alone, that the Mississippi could be opened and the power of the rebellion destroyed.

"It had not been perceived that moving a force up the Tennessee River into Northern Mississippi or Alabama strong enough to maintain itself and command the Memphis and Charleston Railroad would render all the fortifications from Bowling Green to Columbus and from Columbus to Memphis valueless to the enemy, and cause their evacuation and bring the whole Mississippi Valley under the control of the national arms.

"Respectfully submitted.

"L. D. EVANS.

"Hon. HENRY WILSON,

"*Chairman of the Military Committee of the United States Senate.*"

Your memorialist's connection with this campaign was, for military reasons, known only to a few friends outside of the War Department, to whom she confidentially exhibited her paper at the time; among these was Judge Whittlesey, of Ohio, who, after the fall of Henry and Donelson, asked for a copy of her plan for the purpose of indorsing his appreciation of the service, and bequeathing it as a legacy to his children. She was permitted, by his son in Mansfield, Ohio, to see this paper for the first time in December last, of which the following is a copy:

"TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,

"February 20, 1862.

"This will accompany copies of two letters written by Miss Anna Ella Carroll to the War Department. Having informed me of the contents of the letters, I requested her to permit me to copy her duplicates. When she brought them to me, she enjoined prudence in their use. They are very extraordinary papers as verified by the result. So far as I know or believe, our unparalleled victories on the Tennessee and Cumberland Rivers may be traced to her sagacious observations and intelligence. Her views were as broad and sagacious as the field to be occupied. In selecting the Tennessee and Cumberland Rivers instead of the Mississippi, she set at naught the opinions of civilians, of military and naval men. Justice should be done her patriotic discernment. She labors for her country and for her whole country.

"ELISHA WHITTLESEY."

Your memorialist invites your attention to the following letters received from distinguished men who have examined her claim:

"BALTIMORE, October 12, 1872.

"MY DEAR MISS CARROLL: I have examined as far as I have been able, because of pressing engagements, the papers you placed in my hands relating to your claim for services rendered the Government during the civil war. That very valuable services were rendered, and that they contributed very materially to the success of the Union arms in the West, is very satisfactorily established. Among other proofs, the letters of Messrs. Wade and Scott are conclusive. Each had the best means of knowing what your services were and how valuable they proved in their result. Every fair-minded man, with this evidence before him, will, I am sure, concur in the opinion that you should be liberally compensated by the Government. And hoping this may be so, I remain, with regard, your friend and obedient servant,

"REVERDY JOHNSON."

Hon. George Vickers, United States Senator, writes:

"CHESTERTOWN, MD., July 19, 1872.

"\* \* \* I have read a printed copy of your memorial and exhibits with a great deal of pleasure, and concluded your case was a much stronger one than I had been apprised of. The letters of Judge Evans, Mr. Wade, and Mr. Scott are explicit, pointed, and strong

There can be no doubt that you originated the plan of the Tennessee campaign, and of its subsequent adoption by the Administration.

"Very sincerely, yours,

"GEORGE VICKERS."

Hon. Truman Smith, of Connecticut, 20th of January, 1873, says:

"\* \* \* May the inappreciable service you rendered your country in the hour of its peril be recognized by your countrymen, and to a just extent rewarded.

"Most faithfully and truly, your friend,

"TRUMAN SMITH."

Hon. B. F. Wade, President of the Senate, addressed your memorialist the following letter:

"WASHINGTON, March 1, 1869.

"MISS CARROLL: I cannot take leave of my public life without expressing my deep sense of your services to the country during the whole period of our national troubles. Although a citizen of a State almost unanimously disloyal, and deeply sympathizing with secession, especially the wealthy and aristocratical class of her people, to which you belonged, yet, in the midst of such surroundings, you emancipated your own slaves at a great sacrifice of personal interest, and with your powerful pen defended the cause of the Union and loyalty as ably and effectively as it has ever yet been defended.

"From my position on the Committee on the Conduct of the War, I know that some of the most successful expeditions of the war were suggested by you, among which I might instance the expedition up the Tennessee River.

"The powerful support you gave Governor Hicks, during the darkest hour of your State's history, prompted him to take and maintain the stand he did, and thereby saved your State from secession and consequent ruin.

"All these things, as well as your unremitting labors in the cause of reconstruction, I doubt not, are well known and remembered by the members of Congress at that period.

"I also well know in what high estimation your services were held by President Lincoln; and I cannot leave this subject without sincerely hoping that the Government may yet confer on you some token of acknowledgment for all these services and sacrifices.

"Very sincerely, your friend,

"B. F. WADE."

Your memorialist invites your attention to the following letters from the Hon. Cassius M. Clay, who was minister to St. Petersburg in this crisis of our civil war:

"WHITE HALL, MADISON COUNTY, KENTUCKY,

"January 24, 1873.

"MY DEAR MISS CARROLL: Your letter of the 18th instant, with the accompanying brochures, setting forth your claim to being the originator of the Tennessee River campaign, and showing its vast influence in crushing the rebellion and preventing foreign intervention, were duly received. I read them all with great interest, all the more because I had strongly urged upon General Scott, early in 1861, the absolute necessity of entering the vast territory of the rebel States by the sea, and bays, and rivers as the only practicable means of supplying with food and material of war such immense armies as would be necessary to success. I suggested two grand armies, one on the sea-coast, and one on the Mississippi and its adjuncts. But it was reserved to you to study and point out the great and successful strategic line of the Tennessee River. And I think you do not overrate the importance of the consequent success of our arms, or the crushing of the rebellion, and in withholding the purpose of France, England, and other powers of armed intervention.

"The aristocratic sympathies of Russia would have been naturally with the South, and for the destruction of the republic, but the Emperor Alexander, following the policy of his dynasty, had already entered upon the scheme for the liberation of the serfs, which was effected in 1862, and this naturally brought him in sympathy with the Union party; and then Russia, as the rival of England in Europe and Asia, lost her dread of republicanism—distant from her shores by two oceans—in her desire to maintain America as a great naval power to check the ambition and prowess of Great Britain.

"The Emperor was therefore thoroughly on our side; not that he liked the South less, but that he loved the Union more. Gortchacow, whilst anxious to do everything possible for us, (for the southern emissaries never ventured to visit St. Petersburg,) partook of the general impression of Europe, that the republic was in imminent danger, and was always anxious that the North and South should compromise, so as to maintain a common nationality. The successes, then, of the Tennessee campaign \* \* \* made intervention thenceforth impossible. \* \* \*

To return to your claim for compensation from Congress, for your personal services in this great event, I most ardently wish that your efforts may be successful. For my part, I see no reason why officers and soldiers, who fought in the field, should be more entitled to honor and emolument than the many eminent women who showed equal patriotism and rendered essential aid to the common cause.

"I trust that while land and rank and pensions are allowed Union men, that the Union women who risked life and health, as well in the sanitary and in other departments, should share those similar rewards.

"Be that as it may, your case stands out unique; for you towered above all our generals in military genius, and it would be a shame upon our country if you were not honored with the gratitude of all and solid pecuniary reward.

"C. M. CLAY."

Again Mr. Clay refers to the claim of your memorialist:

"WHITE HALL, MADISON COUNTY, KENTUCKY,  
"April 23, 1873.

"MY DEAR MISS CARROLL: Your favor inclosing your letter to Dr. Draper is received. After the exhaustive proof of your being the projector of the Tennessee line of attack upon the confederacy, it seems a waste of time to consider General Halleck's claim. \* \* \* Were he proven capable of such a conception as Dr. Draper awards him, your presentation of the case is conclusive against its actuality.

"I cannot believe that Congress will hesitate to admit your claim with all honor and substantial pecuniary reward—compensation such as all governments bestow upon those who assist in saving their nation.

"Perhaps I am all the more interested in your case because of your historic name, and because it seems to me that those of the South who stood by the Union of these States, gave higher proof of disinterested patriotism than any other citizens of the republic.

"C. M. CLAY."

The following is from Hon. J. T. Headley, the distinguished historian of the civil war:

"NEWBURGH, N. Y., February 6, 1873.

"MY DEAR MADAM: I am much obliged for the pamphlet you sent me. \* \* \* I never knew before with whom the plan of the campaign up the Tennessee River originated. There seemed to be a mystery attached to it that I could not solve. \* \* \* Though General Buell sent me an immense amount of documents relating to this campaign, I could find no reference to the origin of the change of plan. Afterward I saw it attributed to Halleck, which I knew to be false, and I noticed he never corroborated it. It is strange that, after all my research, it has rested with you to enlighten me. Money cannot pay for the plan of that campaign. I doubt not Congress \* \* \* will show, not liberality, but some justice in the matter.

"Yours, very sincerely,

"J. T. HEADLEY."

The Military Committee of the United States Senate, at the third session of the Forty-first Congress, reported (No. 339) that your memorialist did furnish the plan of the Tennessee campaign, and that it was adopted by the Government; and they further reported that, in view of her highly meritorious services throughout the whole period of our national troubles, and especially at that epoch of the war to which her memorial makes reference, and in consideration of the further fact that all the expenses incident to these services were borne by herself, the committee believe her claim to be just, and that it ought to be recognized by Congress.

In preferring her claim for originating the Tennessee campaign, your memorialist detracts not from the fame of any one, for, so far as she is aware, no one has ever laid claim to it; and she has carefully examined every official order, letter, and telegram hitherto published in connection with this campaign. And she now submits, had these papers your memorialist laid before the Government—suggesting the Tennessee campaign in advance of all others—been the work of one in the military or naval service, would he not have been heralded as the foremost strategist of the war? Would he not have been commissioned to the highest grade of the service and insured corresponding pay for life? In the name of all that is just and equal, can you withhold a similar recognition from one on whom, in the hour of the nation's desperate emergency, the Government relied, because not trained under the rules and axioms of war?

Other services were rendered by your memorialist. She wrote and published in aid of the Union from the inception of the rebellion to its close. In the summer of 1861 she published a reply to the speech of Senator Breckinridge, delivered in the July session of Congress. Colonel Scott, Assistant Secretary of War, to whom she was referred by the Secretary, decided to circulate a large edition as a war measure. At the same time she had an agreement to write other pamphlets in aid of the Union, and particularly upon the power of the Government in the conduct of the civil war, to be submitted to the Department for approval, and, if approved, to be paid their value. Under this agreement the second, entitled "The War Powers of the Government," was submitted to the Department in December, 1861,

examined, approved, and its publication ordered; but she was requested to wait for settlement until another appropriation.

The third, entitled "The Relations of the Revolted Citizens to the National Government," was written to meet the express views of President Lincoln, to whom it was directly submitted, and by him approved in advance of publication. At his request she prepared several papers on the colonization of the freedmen, a measure in which at the time he evinced great interest. And she wrote and published subsequently, on various subjects, as they were evoked by the war, and throughout the struggle, without any reference to pecuniary compensation.

For the writing, publishing, and circulation of these, prepared under the auspices of Government, your memorialist presented an account of \$6,750.

Hon. Thomas A. Scott, with whom the agreement was had, having left the Department before her account was presented, wrote as follows to Hon. John Tucker, then Assistant Secretary of War:

"PHILADELPHIA, January 16, 1863.

"Hon. JOHN TUCKER,

"Assistant Secretary of War:

"I believe Miss Carroll has fairly earned and ought to be paid the amount of her bill, (\$6,750,) and if you will pay her I will certify to such form as you may think necessary as a voucher.

"THOMAS A. SCOTT."

To Assistant Secretary Watson, who had the settlement of the claim, he wrote the following:

"PHILADELPHIA, January 28, 1863.

"All my interviews with Miss Carroll were in my official capacity as Assistant Secretary of War. The pamphlets published were, to a certain extent, under a general authority then exercised by me in the discharge of public duties as Assistant Secretary of War. No price was fixed, but it was understood that the Government would treat her with sufficient liberality to compensate her for any service she might render.

"I thought them then, and still believe they were, of great value to the Government, and that she fairly earned and should be paid the amount she has charged, which I would have allowed in my official capacity, and which is certified as reasonable by many of the leading men of the country.

"THOMAS A. SCOTT."

Assistant Secretary of War Watson subsequently paid \$750 of this claim. This amount scarcely sufficed to defray the actual cost of the publications. She received nothing for the time and labor in their preparation, yet they were prepared with the understanding she would be compensated somewhat in proportion to their value to the Government.

The creation of an intelligent and healthful public opinion at that time was as essential to the preservation of the Union as the creation and maintenance of armies in the field. As to the influence exerted upon public sentiment by these publications, your memorialist submits the following from the report of the Senate Military Committee in the Forty-first Congress, made through Senator Jacob M. Howard:

"From the high social position of Miss Carroll and her established ability as a writer and thinker, she was prepared at the inception of the rebellion to exercise a strong influence in behalf of liberty and the Union. That it was felt and respected in Maryland during the darkest hours in that State's history, there can be no question. Her publications throughout the struggle were eloquently and ably written and widely circulated, and did much to arouse and invigorate the sentiment of loyalty in Maryland and other border States. It is not too much to say that they were among the very ablest publications of the time, and exerted a powerful influence upon the hearts of the people. Some of these publications were prepared under the auspices of the War Department, and for these Miss Carroll preferred a claim to re-imburse her for the expenses incurred in these publications, which ought to have been paid."

She also submits the opinions of some of the eminent men at that period:

Hon. Edward Bates, Attorney-General, on the 21st of September, 1861—

"I have this moment, 11 o'clock Saturday night, finished reading your most admirable reply to the speech of Mr. Breckinridge. And now, my dear lady, I have only time to thank you for taking the trouble to embody for the use of others so much sound constitutional doctrine and so many valuable historical facts in a form so compact and manageable. The President received a copy left for him, and requested me to thank you cordially for your able support.

"This delay was not voluntary on my part. For some time past my time and mind have been painfully engrossed by very urgent public duties, and my best affections stirred by the present condition of Missouri, my own neglected and almost ruined State. And this is the

reason why I have been so long deprived of the pleasure and instruction of perusing your excellent pamphlet.

"I remain, with great respect and regard, your friend and obedient servant,  
"EDWARD BATES."

Hon. Caleb B. Smith, Secretary of Interior :

"Your refutation of the sophistries of Senator Breckinridge's speech is full and conclusive. I trust this reply may have an extended circulation at the present time, as I am sure its perusal by the people will do much to aid the cause of the Constitution and the Union."

"GLOBE OFFICE, August 8, 1861.

"Allow me to thank you for the privilege of reading your admirable review of Mr. Breckinridge's speech. I have enjoyed it greatly. Especially have I been struck with its very ingenious and just exposition of the constitutional law, bearing on the President, assailed by Mr. B., and with the very apt citation of Mr. Jefferson's opinion as to the propriety and necessity of disregarding mere legal punctilio, when the source of all is in danger of destruction. The gradual development of the plot in the South to overthrow the Union is also exceedingly well depicted and with remarkable clearness. If spoken in the Senate, your article would have been regarded by the country as a complete and masterly refutation of Mr. B.'s heresies. Though the peculiar position of the *Globe* might preclude the publication of the review, I am glad that it has not been denied to the editor of the *Globe* to enjoy what the *Globe* itself has not been privileged to contain.

"I remain, with great respect, your obedient servant,  
"SAM'L T. WILLIAMS."

In the House of Representatives, on the 22d of January, 1862, Hon. A. S. Diven, of New York, said :

"A specious argument in favor of what may be done under the war-power by way of confiscation has been made. \* \* Any one who desires to see it answered will find that a clever woman has done it completely. \* \* The same one, in her cleverness, has answered my friend from Ohio, [Mr. Bingham.]

"A MEMBER. What is her name ?

"MR. DIVEN. She signs herself, in her pamphlet, Anna Ella Carroll. I commend her answer on the doctrine of the war-power to those who have been following that phantom and misleading the people; and I commend it to another individual, a friend of mine, who gave a most learned disquisition on the writ of habeas corpus and against the power of the President to imprison men. He will find that answered. I am not surprised at this. The French revolution discovered great political minds in some of the French women, and I am happy to see a like development in our women."

Judge Diven subsequently addressed the following letter to your memorialist :

"WASHINGTON, February 9, 1862.

"I thank you for the note of the 6th. Your pamphlet I have read with satisfaction, as I had your former publication. I have no desire to appear complimentary, but cannot forbear the expression of my admiration of your writings. There is a cogency in your argument that I have seldom met with. Such maturity of judicial learning with so comprehensive and concise a style of communication, surprises me. Ladies have certainly seldom evinced ability as jurists—it may be because the profession was not their sphere—but you have satisfied me that at least one might have been a distinguished lawyer. Go on, madam, in aiding the cause to which you have devoted your talent; your country needs the labor of all her defenders. If the time will ever come when men will break away from passion and return to reason, your labors must be appreciated. Unless that time soon arrives, alas for this Republic! I have almost despaired of the wisdom of men. God's ways are mysterious, and my trust in Him is left me as a ground of hope. I have the honor to be, madam,

"Your obedient servant,

"A. S. DIVEN.

Hon. Richard S. Coxe, on the 15th of May, 1862, said :

"I have never read an abler or more conclusive paper than your 'War-Power' document in all my reading. Your charges are very reasonable."

"WASHINGTON, May 22, 1862.

"I most cheerfully indorse the papers respecting your publications under the authority of the War Department. Mr. Richard S. Coxe, I can say, is one of the ablest lawyers in this District or in the country. In his opinion of your writings I entirely concur, as with other men who have expressed one. I regret I am without the influence to serve you at the War Department, but Mr. Lincoln, with whom I have conversed, has, I know, the highest appreciation of your services in this connection. Judge Collamer, whom I regard as among the first of living statesmen and patriots, is enthusiastic in praise of your publications; and

indeed I have heard but one opinion expressed by all the able men who have referred to them.

"Sincerely, yours,

"R. J. WALKER.

"P. S.—I expect shortly to control a monthly, where your contributions will ever find a welcome place, especially in connection with the war."

Hon. Edgar Cowan, United States Senator from Greensburgh, Pa., 11th September, 1862, wrote:

"I am ignorant of the value in money of the articles in question. I believe they were eminently useful and ought to be paid for fully."

Hon. Reverdy Johnson said:

"From the opinions of able men, in whose judgment I have all confidence, your charges are moderate."

Hon. Charles O'Connor, of the New York bar, on the 10th of October, 1862, said:

"Without intending to express any assent or dissent to the positions therein asserted, but merely with a view of forming a judgment in respect to their merits as argumentative compositions, I have carefully perused Miss Carroll's pamphlets. The propositions are clearly stated, the authorities relied on are judiciously selected, and the reasoning is natural, direct, and well sustained, and framed in a manner extremely well adapted to win the reader's assent, and thus to attain the object in view. I consider the charges quite moderate."

Hon. Edward Everett, on the 20th of September, 1862, said:

"I distinctly recollect that I thought them written with very great ability and research, and as Miss Carroll has unquestionably performed her part of the agreement with fidelity and a truly patriotic spirit, that of the Department, I have no doubt, will be fulfilled with liberality."

Hon. William M. Meredith, of Pennsylvania, on the 4th of October, 1862, said:

"I had the pleasure of reading the publication on the War-Powers of the Government, and it certainly exhibits very great ability and research."

Hon. Horace Binney, sr., of Philadelphia, in October, 1862, said:

"No publications evoked by the war have given me greater pleasure. They exhibit great ability and patient investigation, and the pamphlet on the War-Powers of the Government has the additional merit of being in advance of any similar one, and rendered a timely and valuable service to the country."

Hon. Jacob Collamer, late United States Senator, December 5, 1862, said:

"There can be no question of the great intellectual value of these productions, or of their eminent usefulness to the cause of the Union. Were I Secretary of War I would cheerfully pay every dollar charged."

Ex-Governor Hicks, of Maryland, then United States Senator, February 5, 1863, said:

"I know if Secretary Stanton could give his attention to your business matter it would be settled to your satisfaction; for he could not express himself stronger than he has done to me of your services to the country. And President Lincoln has talked of you to me several times in the same way, and so have many of the ablest Unionists in Congress."

"I said at the War Department to Mr. Watson that I did not pretend to be competent to judge of the money-value of literary performances, but I could say that your writings had had a powerful influence in Maryland for good, and that your defense of the war and the administration of Mr. Lincoln did more of itself to elect a Union man as my successor than all the rest of the campaign-documents put together."

"As you know, I am ready to serve you in any way I possibly can. Your moral and material support I shall never forget, in that trying ordeal, such as no other man in this country ever went through."

"GREENSBURGH, PA., May 3, 1873.

"MISS CARROLL: \* \* I do remember well that Mr. Lincoln expressed himself in wonder and admiration at your papers upon proper course to be pursued in legislating for the crisis. \* \* \* In this connection I know that he considered your opinions sound, and, coming from a lady, most remarkable for their knowledge of international and constitutional law."

"EDGAR COWAN."

Rev. Dr. Breckenridge on the 6th of December, 1864, in referring to the part performed in the civil war by himself and your memorialist, writes:

"Is it not a purer, perhaps a higher, ambition to prove that in the most frightful times and through long years a single citizen had it in his power, by his example, his voice, and his pen—by courage, by disinterestedness, by toil, to become a real power in the State of himself, which no power beside could wholly disregard? And have not you, delicately nurtured woman as you are, also cherished a similar ambition and done a similar work even from a more difficult position? \* \* It gives me great pleasure to learn that you propose to publish annals of this revolution, and I trust you will be spared to execute that purpose."

"Your friend and servant,

"R. J. BRECKENRIDGE."

"DANVILLE, KY."

You memorialist will now state that it is conclusively shown in the foregoing pages that the plan for opening the Mississippi and destroying the rebel power in the Southwest was submitted to the Government in November, 1861, as set forth in her memorial.

2. That the armies advanced along the line of the Tennessee River to the decisive position on the Memphis and Charleston Railroad as pointed out in the plan, and by consequence the Mississippi was opened and the power of the rebellion effectually broken.

3. That Assistant Secretary of War Thomas A. Scott, through whom the plan was submitted, and President Lincoln and Secretary Stanton, by whom the campaign was inaugurated, recognized your memorialist as its author, and awarded to her its merit.

4. That the pamphlets published under the auspices of the War Department were of great value to the Government, and her charges were moderate, and should have been fully paid.

5. That your memorialist gave her time and energies exclusively to the cause of the Union throughout the struggle, and it was understood by the Assistant Secretary of War, Colonel Scott, as well as by your memorialist, that the Government should treat her with sufficient liberality to compensate her for any service she might render.

Your memorialist respectfully asks you to make the service she rendered the people and Government of the United the basis of your action, and reward her somewhat in proportion to the benefits received.

ANNA ELLA CARROLL.

MARCH 28, 1874.

## APPENDIX I.

*Extracts from the debates in Congress in 1861-'62, on the military situation—The Tennessee campaign—Preventing bankruptcy, and foreign intervention.*

IN THE HOUSE OF REPRESENTATIVES, December 16, 1861.

Mr. WICKLIFFE. One thing I do know, that whenever your Army moves to take possession of Columbus, a position seized and fortified, since the adjournment of the last Congress, you will require every soldier that can be brought to bear to take that place, and make an advance down the Mississippi River. When the Army moves with the view of carrying out the plan of campaign, I do not want that we shall have to leave one-tenth of its force behind to protect the base of its operations in this campaign. And the first decisive battle that is to be fought in this campaign against the rebel army will be fought on Kentucky soil.

Mr. MORRILL. If the people are willing to furnish 20,000 more men to put down this rebellion, I say let us bid them God-speed in the work. We know there is necessity for a very large force in that State. There is a large confederate army at Columbus and another at Bowling Green. We know that under Zollicoffer, Kentucky is invaded through Cumberland Gap, and \* \* \* Humphrey Marshall is in another direction.

Mr. MAYNARD. Kentucky occupies a peculiar situation in connection with our public affairs. \* \* \* She is not only invaded by armies in large force and great strength, but she has the elements of disorder within her own borders. She is surrounded by hostile forces on three sides who wish to make her Union and loyal citizens feel the full force of their wrath.

\* \* \* Hence she is subject to invasion from these quarters. \* \* \* You want men familiar with the country, who have that sort of local knowledge to enable them to meet this invading insurrectionary force.

Mr. BLAIR. We see the fact plainly as the Administration can see it, that our Armies are not advancing, and that we have never met the enemy except when the enemy was in an overwhelming superior numbers.

Mr. RICHARDSON. The misfortune that has attended us heretofore has been that we have not been familiar with the country where we have to fight. \* \* \* Our base of operations has got to be Louisville.

Mr. DIVEN. This rebellion must be put down speedily or it will wear out the resources of the country. \* \* \* Let it be made apparent that by an additional force in Kentucky, this rebellion can be put down one month sooner. No better economy can be employed than by the expenditure of this money in Kentucky. Suppose it will be \$10,000,000 or \$20,000,000, and that it will end the rebellion one month sooner, why we will then save \$30,000,000, for I believe the current expenses of the Government are \$30,000,000 per month.

The question with me is, whether granting this increase of appropriation will hasten one hour the crushing of the rebellion?

Mr. WRIGHT. If the great battle which is to determine the question whether the Government is to exist or not, is to be fought in Kentucky or in the vicinity of Kentucky, I think the time may come when we shall be very glad to avail ourselves of this force raised by Kentucky. \* \* \* The rebellion has now assumed such formidable proportions we must call it war—that is its proper and legitimate name, \* \* \* and in its issue is involved the cause of freedom and the power of man for self-government.

Mr. CONWAY. The report of the Secretary of the Treasury tells a fearful tale. Nearly

two millions a day will hardly suffice to cover our existing expenditures. Eight hundred thousand strong men in the prime of life are abstracted from the laboring population to consume and be a tax on those who remain to work. \* \* Up to this time we have not encountered the enemy in a single engagement of importance in which we have had an unquestioned victory.

Mr. THADDEUS STEVENS. I confess I do not see how, unless the expenses are greatly curtailed, this Government can possibly go on over six months. If we go on \* \* \* as we are doing \* \* \* the finances, not only of the Government, but of the whole country, must give way, and the people will be involved in one general bankruptcy and ruin.

Mr. CRITTENDEN. We are engaged now in the greatest war the world ever saw. \* \* \* The fall of the Roman Empire was nothing to the civilization of the world in comparison with the preservation of this great Union. \* \* \* Men were never intrusted with such an issue as we are. \* \* \* All other policies are insignificant in comparison with the rescue of our country from the perils which surround it on every side. \* \* \* Make sure you give us and our posterity a homestead, before you talk about the smaller policies. \* \* \* Your homestead is in question to-day—mine—the national existence.

IN THE SENATE, December 17, 1861.

Mr. LANE, of Kansas. I do not wish to risk a battle with inferior numbers—but a battle with equal or superior numbers, a well-contested, bloody battle we must fight. This war cannot draw its slow length along until spring. There must be a decisive stroke within the next few weeks. Gain a victory before England send her armies and navies upon us, and England will not send that navy nor those armies. It is a victory we want and a victory we must have.

Mr. GRIMES. This war is exceedingly oppressive upon that section of country in which I have the honor to reside. We are the only people of the loyal States that feels this war oppressively. The result is there is no money in the Northwest.

Mr. BROWNING. We are probably on the very verge of a rupture with one of the most powerful nations of the earth, whose power is to be united with the rebels in the fierce struggle against us.

IN THE HOUSE, December 30, 1861.

Mr. THADDEUS STEVENS. We see why certain leading journals in England sympathize with the South and suggest means to evade the blockade and kindly advise us to settle peaceably with the rebels. \* I doubt not she will use every means in her power to open the southern ports. The most surprising thing is the impertinent interference of France.

JANUARY 7, 1862.

Mr. DIVENS. The enemies of this Government began long since to prepare the way for their success. \* \* They labored to create prejudices against us in Europe. They had their emissaries in every capitol of Europe to instill into the minds of the merchants and manufacturers and traders there the necessity, in case of a separation, of their siding with the South, and to show them the great advantage of opening the southern ports to free trade with them—and thus the commercial and trading mind of Europe was prepared and its sympathies were years ago enlisted on the side of the South in this struggle, that they have been secretly bringing upon the country. The seed thus sown had grown, and the commercial mind of England had a strong attachment to the South, and strong expectations from the South. That state of feeling existing, every circumstance that was calculated to provoke them against the North would be seized upon and the most would be made of it.

Mr. KELLEY. I think our whole course of action, or rather inaction, invites them to declare war. \* \* I think the condition of this Capitol to-day invites war. It is environed within a narrow circle of two hundred thousand men in arms. And yet, sir, that short river which leads to the Capitol of a great and proud country, thus defended and encircled by patriot troops, is so thoroughly blockaded by rebels, that the Government, though its army has not an adequate supply of forage, cannot bring upon it a peck of oats to feed a hungry horse. \* \* Call it what you may, it is a sight at which men may well wonder.

We have six hundred thousand men in the field.

We have spent I know not how many millions of dollars, and what have we done? What one evidence of determined war or military skill have we exhibited to foreign nations or to our own people? \* \* We have been engaged in war for seven months. \* \* England does respect power. \* \* Let her hear the shouts of a victorious army \* \* and England and the powers of the continent will pause with bated breath.

Sir, it was said yesterday the last day had come. \* \* My heart has felt the last day of our dear country was rapidly approaching. Before we have achieved a victory, we have reached bankruptcy. We are to-day flooding the country with an irredeemable currency. In ninety days, with the patriotism of the people paralyzed by the inaction of our great Army, \* \* the funded debt of the country will depreciate with a rapidity that will stultify us. In ninety days more \* \* the nations of the world will, I fear, be justified in saying to us: "You have no more right to shut up the cotton-fields of the world

by a vain and fruitless endeavor to reconquer the territory now in rebellion than China or Japan has to wall themselves in." And in the eyes of international law, in the eyes of the world, and, I fear, in the eyes of impartial history, they will be justified in breaking our blockade and giving to the rebels means and munitions of war. \* \* \* But, sir, in less than ninety days, to come back to the point of time, we shall be advancing to the month of April, when northern men will begin to feel the effects of heat in the neighborhood of Ship Island and the mouth of the Mississippi. Looking at the period of ninety days, I say it is not a double but a triple edged sword approaching, perhaps, the single thread of destiny upon which the welfare of our country hangs. Bankruptcy and miasmatic pestilence are sure to come with the lapse of that period, and foreign war may add its horrors to theirs.

Mr. WRIGHT. We are gasping for life. This great Government is upon the brink of a volcano which is heaving to and fro, and we are not certain whether we exist or not.

Mr. F. A. CONKLING. In this crisis of our history, when the very existence of the republic is threatened—when, in all human probability, the next thirty days will decide forever whether the Union is to maintain its place among the powers of the earth, or whether it is to go down, and constitutional liberty is to perish, \* \* \* at this time it does appear to me that every effort should be made to economize the energies of the Treasury.

#### IN THE SENATE.

Mr. WILSON, of Massachusetts. Why, sir, you can be borne all over this country upon a wave of popular murmur against the Government at this time, and I must say, too, in regard to the men controlling the civil and military affairs of the country, \* \* \* it springs from that deep disappointment of the people of the country, who have poured out five hundred thousand men and hundreds of millions of dollars, and who see no results. They see no policy in the administration of the country; they see no plans; they read of no victories.

#### IN THE HOUSE, January 13, 1862.

Mr. DAWES. Mr. Speaker, it takes \$2,000,000 every day to support the Army in the field. One hundred millions have thus been expended since we met here in December, upon an Army in repose. What they will be when that great day shall arrive when our eyes may be gladdened with the sight of the Army in action, I do not know. \* \* \* What it may cost to put down this rebellion I care very little, provided it may be put down. \* \* \* When the history of these times shall have been written, it will be doubtful on whom the guilt will rest most heavily—upon him who conspired to destroy, or upon him who has proved incompetent to preserve the institutions bequeathed to us by our fathers. \* \* \* Amid all these things, is it strange the public Treasury trembles and staggers like a strong man with a great burden upon him?

Sir, that man beneath an exhausted receiver, gasping for breath, is not more helpless today than the Treasury of this Government. \* \* \* Without income from your custom-houses, from your land-sales, from any source whatever, to sustain the Treasury-notes you are now issuing, they are already beginning to fall in the market. Already they are sold at five per cent. discount at the tables of the money-changers. Six per cent. my friend near me says. \* \* \* Sixty days of the present state of things will bring about a consummation. It is impossible for the Treasury of the United States to meet this state of things sixty days longer, and an ignominious peace is upon this country, and at our very doors.

#### JANUARY 14, 1862.

Mr. JULIAN. In the opinion of many, the great model republic of the world is in the throes of death. This is one of the grand judgment-days of history. \* \* \* Mr. Seward, in his letter to Mr. Clay, of May 6, admits that "the object of this rebellion is to create a nation built upon the principle that African slavery is a blessing, to be extended over this continent at whatever sacrifice." \* \* \* We are still in imminent peril of foreign war. \* \* \* What is it that has called into deadly conflict from the walks of peace more than a million of men, brethren and kindred, and the joint-heirs of a common heritage of liberty? \* \* \* The solemn issue of life and death must be disposed of upon its merits. \* \* \* In the beginning neither the administration nor the people foresaw the magnitude of this struggle.

#### JANUARY 15, 1862.

Mr. MORRILL. Unless we propose to ignominiously back down from the vigorous prosecution of the war, every man, I suppose, in this House will vote in favor of the resolution. This resolution is to assure the country, which has an impatience which is becoming chronic, that whatever the Army may be doing, the Committee of Ways and Means have not huddled nor gone into winter quarters.

Mr. WADSWORTH. There are two dangers which threaten the Union. One is a foreign war—the other dissensions among its friends. \* \* \* Foreign war would possibly secure the present position of the rebellious States. \* \* \* Its worst effect would be to fix their boundaries where they now stand. \* \* \*

Mr. CAMPBELL. How long will it be, in the judgment of this House, before a hostile foe will strike at the commerce of this country on the high seas? \* \* How long will it be before she attempts to drive our commerce from the ocean?

Mr. CRITTENDEN. We are guarding against a foreign war by these appropriations. \* \* We have a more formidable and more important war. \* \* It is waged in the heart of the country, and the life of the country depends upon it. \* \* We have not money enough to carry on the war \* \* which demands of us the defense of our country and our whole Government.

Mr. LOVEJOY. Nothing in the future, if we can prophecy that which will come to pass, and from indications of the present, than that we shall need protection against foreign powers.

JANUARY 20, 1862.

Mr. WRIGHT. There is one great abiding and powerful issue to-day, and that is the issue whether the country and the Constitution shall be saved, or whether it shall be utterly and entirely annihilated. With Pennsylvania it is a question of national existence, of life or death. \* \* The great heart of Pennsylvania is beating to-day for the cause of the Union; \* \* it is to decide the great question whether the liberty which has been handed down to us by our fathers shall be permitted to remain in the land, or whether chaos and desolation shall blot out the country and Government forever.

IN THE SENATE, January 22, 1862.

Mr. WADE. But, sir, though the war lies dormant, still there is war, and it is not intended that it shall remain in this quiescent state much longer. The committee to which I have the honor to belong are determined \* \* that it shall move, and move with energy. If Congress will not give us or give themselves power to act with efficiency in war, we must confide everything to the executive government, and let them usurp everything, if you would not fix your machinery so that you might advise with me and act with me. \* \* I would act independent of you, and you might call it what you please.

This is for the suppression of the rebellion, and the measures that we are to sit in secrecy upon look to that end and none other. No measure rises in importance above that connected with the suppression of this rebellion. \* \* We stand here for the people, and we act for them. \* \* There is no danger to be apprehended from any secrecy which, in the consideration of war measures, we may deem it proper to adopt. It is as proper for us as it is for the general in the field, as it is for your cabinet ministers, to discuss matters in secret when they pertain to war.

Mr. GARRETT DAVIS. Secession now has reduced your republic, its power, its character, and its moral influence to contempt all over the world. This Government is struggling for its existence—it is a life and death struggle, whether its laws be executed or not. \* \* The people will give their blood and their lives to carry on this war, longer than they will give their money, but will eventually become tired of both contributions. \* \* No man has been able to say whether to-morrow's sun would shine upon the re-establishment or the dissolution of the Union, and whether the Government would ever rally the energy and power and means and men enough to reconstruct it.

IN THE HOUSE, January 22, 1862.

Mr. THADDEUS STEVENS. The enemies of free government predicted with the utmost confidence the overthrow of this Union by internal dissensions. \* \* Eighty years of unexampled prosperity seemed to belie their predictions. We were establishing on a firm basis the great truths proclaimed by our fathers. \* \* If we meet and conquer in this dreadful issue, it will produce benefits which will compensate for all its costs. It will give to this nation centuries of peace, and constitutional freedom. \* \* They have a vast country to overrun. \* \* Every means in the power of nature must be exhausted before our sacred duty is abandoned. \* \* If the Government submits, it \* \* loses its character and ceases to be a power among the nations of the earth. \* \* If no other means were left to save the republic, I believe we have the power \* \* to declare a dictator, without confining our choice to any officer of the Government. Rather than the nation should perish, I would do it. Rather than see the Union dissolved—nay, rather than see one star stricken from its banner—I would say do it now. \* \* Remember that every day's delay costs the nation \$1,500,000 and hundreds of lives. \* \* What an awful responsibility rests upon those in authority. Their mistakes may bring mourning upon the land and sorrow to many a fireside. \* \* "If we cannot save our honor, save at least the lives and treasure of the nation."

IN THE SENATE, January 28, 1862.

Mr. WILSON, of Mass. We have assembled large armies. It is expected that these armies are to move. The public voice demands action. They have to move over large spaces of country: railways must be a great means of transportation for them. \* \* The object is to concentrate our forces \* \* without the knowledge or consent of anybody, or letting

these troops know where they are to go, or how many are to go. \* \* The purpose of the Government in wishing to have power over the railways of the country is, to be enabled to move the armies of the United States during the next few months, \* \* to move them by the will of the Government, in such numbers as it pleases and where it pleases.

Mr. WADE. The Secretary of War does not want to take possession of these railroads permanently, but for certain expeditions, to give energy to the Department, to give efficiency to the cause. \* \* One of our undoubted powers is to seize all the railroads in this nation, if the Government wants them for transportation of troops and munitions of war. \* \* All I want is to regulate by law that power the Executive already has. \* \* Look at the complaints against the President because he has undertaken to suspend the *habeas corpus*. \* \* I justify the President in all he has done, because he acted from an overruling necessity.

Mr. GARRETT DAVIS. I have in my imagination fancied this Union subsisting for a thousand years, extending through the centuries that numbered the history of Carthage, of Rome, and of the modern kingdoms of France and England. It was to me the most grievous disappointment \* \* that this Union in the first century after the foundation of the Government should be broken up. \* \* I still cherish the hope that we shall bring back this Union and place it upon the firm foundation it occupied before these Southern discontents rocked it to its base.

IN THE HOUSE, January 28, 1862.

Mr. SPALDING. We were never in greater peril than this moment. \* \* But, sir, I will not, I dare not, I hope none of us will shrink from the responsibility of performing every duty devolved on us in this great crisis of our national affairs. The bill before us is a war measure—a measure of necessity and not of choice \* \* to meet the most pressing demands upon the Treasury to sustain the Army and Navy until they can make a vigorous advance \* \* and crush the rebellion. \* \* Extraordinary means must be resorted to in order to save our Government and preserve our nationality. \* \* This bill is a Government measure. \* \* By the time the Secretary of the Treasury can get these notes engraved, printed, and signed ready for use, all other means at his command and in the Treasury will be exhausted. This measure, then, is presented under the highest prerogative of the Government.

The Army and Navy now in the service must be paid. They must be supplied with food, clothing, arms, ammunition, and all other material of war, to render them effective. \*

Having exhausted other means of sustaining the Government, this measure is brought as the best that can be devised in the present exigency to relieve the necessities of the Treasury. \* \* With the enormous expenditures of the Government, to pay the extraordinary expenses of the war. \* \* the Treasury must be supplied from some source or the Government must stop payment in a few days. \* \* A loan put upon the market in the present depressed state of the United States stocks, to be followed by other large loans, is not regarded as a favorable mode of maintaining the Government at the present time. \* \* The situation of the country is now different from what it was two months ago. The circumstances have changed, and the Secretary and Congress will find it necessary to conform their action to what can be done and not what they would like to do were it otherwise practicable. \* \* With a navy and an army of six hundred thousand men in the field, requiring with the other expenses of the Government an average daily expenditure of more than \$1,600,000, this new system of banking will not afford the relief in time to enable the Secretary to meet the most pressing demands made upon him. \* \* The tables from the Census Bureau show that the true value of the property, real and personal, within the United States is \$16,000,000,000. \* \* This is the capital on which your Treasury notes and bonds rest. \*

Congress is clothed with this mighty power to sustain the nation at this time. \* \* The exercise of the power is an imperative necessity in order to sustain the credit of the nation at this time. \* \* The life of the nation is in peril, and all that we have, and all that we hope for must be devoted to maintain its existence. \* \* An early and successful advance of our armies is of the utmost importance; we need such an advance to sustain the financial credit of the Government; we need it to prevent foreign intervention; we need it to rouse the flagging energies of the people, and, above all, we need it to vindicate the courage and invincibility of our brave soldiers.

Mr. SHEFFIELD. It requires our coolest, ripest judgment to consider the means to put down this rebellion. \* \* Popular government is now on trial, and in its success is involved the maintenance of the Union. It would be better, far better, that every loyal man at the North should be slain than that this rebellion should not be suppressed. The generations of future centuries will look back to this period of our history and calculate the effect of our conduct upon human civilization. \* \* It is a matter of consequence to the civilized world, not only the men of this generation but to the men of all future times, that this Government should not be overthrown. Our people desire it to be put down. They would sooner have all their property consumed and every man slain on the battle-field, \* \* than submit to this lawless power of rebel hosts.

JANUARY 29, 1862.

Mr. GURLEY. When a few more months have gone by it would be no strange thing if the southern confederacy should be acknowledged by foreign powers, and when that takes place,

if ever, our Government will stand before the civilized world, not only humiliated, but utterly disgraced. \* \* \* If we would have the moral support of this world, we must strike boldly for victory. \* \* \* Remember this contest must close, either in the ruin of a republic that has filled the eyes of the best men of the world with admiration, and possibly the destruction of civil and religious liberty in America, \* \* \* or in the renewed stability of our cherished institutions. \* \* \* Our army has been five months getting ready for its realization. \* \* \* The people everywhere are imploring for and demanding active movements against the rebels in the South. \* \* \* Sir, it is a serious question with many honest minds, whether this Congress and Government and this great nation are not to-day sleeping upon a volcano. Murmurs deep and strong are everywhere coming up from the people against the inaction of our army.

\* \* \* Meanwhile the public Treasury is being drained for their support: the fleets of three powerful nations are nearing our shores, and if our military do not rouse themselves to speedy action, \* \* \* these fleets may make a visit to our southern coasts \* \* \* and announce to us that cotton is an absolute necessity in Europe, and the blockade must continue no longer.

\* \* \* All this is not only possible, but in the contingency of continued inactivity \* \* \* highly probable. But \* \* \* the new Secretary of War, a man who, if report speak truly, is like brave Ben. Wade of Ohio, a good combination of Old Hickory and Zack Taylor, \* \* \* will push on the war with all the vigor that characterized the people in raising so vast, so mighty an army.

JANUARY 30, 1862.

Mr. S. S. COX. General McClellan intended first to have General Buell get the Tennessee Railroad; that for this end he has given all his energies to aid him \* \* \* When General Buell took command he found his troops straggling and scattered. He had to gather them and concentrate and form them into regiments. \* \* \* I speak knowingly when I declare to this Congress and the people that no delay of General Buell's movements is attributable to any orders from General McClellan; on the contrary, he has ordered him \* \* \* not to lose a day or an hour in the accomplishment of the design to seize the Tennessee Railroad, to the end that not only shall Eastern Tennessee be opened to the Army and Union, \* \* \* but to the grand aim to cut off this rebel army of the Potomac, not alone from the line of their supplies, but from the line of their retreat. \* \* \* In fear for the fate of Memphis, General Beauregard is hurried out to Columbus, Ky., to avert the northern avalanche which impends there, while Buell is drawing with consummate skill his fatal line around the confederates, as the lines have been drawn in Virginia. \* \* \* Thousands of our people now regard with dampened spirit and sad silence the condition of our country, and they are almost dismayed by our terrible present and still more unpropitious future. But what \* \* \* if the masses of the Union are to be quenched? We shall lose our place among the nations, our relative importance on the globe, our physical independence, our weight in the equilibrium of powers, our frontiers, alliances, and geography. \* \* \* These make up the immortality of a nation. \* \* \* He who remains silent when such interests are at stake is treacherous to his land and to his God.

JANUARY 31, 1862.

Mr. SARGENT. Had not the Trent embargo admitted of a peaceful solution, \* \* \* this day, as we sit here, the first blow would have been struck (by Great Britain) and the harbor of San Francisco sealed. \* \* \* To-day we are trying to provide means to pay, or secure to be paid, a debt of \$1,000,000,000 on account of this war, of which we have but just commenced the first campaign. \* \* \* The hostile feeling toward this country which seized upon the late trivial affair still exists, and I say here that there is danger of a war until \* \* \* England is incapable of giving or we of receiving an insult.

FEBRUARY 3, 1862.

Mr. WICKLIFFE. Look, sir, at the condition of Kentucky at the beginning of this session. \* \* \* Do we know how soon General Thomas will make an assault upon Bowling Green? He will be obliged to leave a part of his army at every gap upon his line to prevent his rear being annoyed or cut off from communications. We want men from our own State. They know the fastnesses of the mountains. They know all the country, and will be better guards there than any others. \* \* \* We have information that General Beauregard and fifteen thousand of his trained bands have gone to Kentucky to unite with the forces now there, against us.

FEBRUARY 4, 1862.

Mr. BINGHAM. Unless the people can and will stand by the national credit and sustain it by such overwhelming majorities as to silence opposition, then the experiment of free representative government must melt in the thin air. \* \* \* The nation's credit cannot be maintained by force unless the majority of the people, with whom are the issues of the nation's life, voluntarily acquiesce in any and all needful legislation.

Mr. ROSCOE CONKLING. I was saying what the people must know about the use of their money. \* \* They simply want to know that the people's servants are using the people's money and the nation's army to hurl swift destruction upon the nation's foes. \* \* Unless we appeal to the moneyed interest of the country with an adequate policy we can get no money, we ought not get it, we shall not deserve it.

Debts funded or liquidated up to January, 1862.....	\$306,000,000
The floating debt.....	200,000,000
The required ordinary and extraordinary, to July 1.....	300,000,000
	<hr/> 806,000,000

This last item is at the rate of \$2,000,000 per day for one hundred and fifty days. If \$45,000,000 a month is taken as a estimate, it will be \$225,000,000. \* \* The Secretary of War says, that 718,512 men have taken the field. \* \* Every one of this multitude of soldiers is entitled to at least thirteen dollars, besides subsistence and bounties. \* \* There has been no such occasion presented, no such demand made upon a nation during the life-time of the human race. The history of free government, the history of America, the history of constitutional liberty, begins or ends now. \* \* Our destiny is, without an ally in the world, with the nations banded against us, to hold fast a continent in the midst of the greatest, guiltiest revolution the world has ever seen.

Mr. PIKE. Who knows what course this business shall take in the next ninety days? With us here it is a matter of guess-work. We are the money-partners in this Government concern; \* \* still nobody is allowed to know anything about it. \* \* If the plan shadowed forth by the gentleman from Ohio, [Mr. Cox.] who spoke \* \* for the commanding general, is really to be adopted, the sooner we supply ourselves with the money we want the better for the Treasury. \* \* The anaconda scheme \* \* is to surround, cut off communications with the world, and wait the result. In the mean time disease is wasting our noble Army, and uneasiness is increasing in every portion of the loyal States. \* \* The Secretary of War, on whom the country now leans with entire confidence, I trustingly believe that his strong will and clear head shall prove sufficient \* \* in this time of great distress. \* \* The Army will respond with enthusiasm, and victories, which are the best financiers in these days, will be the happy result. \* \* The next sixty days are to be the nation's opportunity to re-assert itself.

Mr. WRIGHT. What is humiliating to me is that the credit of the nation is not able to make loans of money from foreign countries. It cannot be done. \* \* I do not think there is any government in Europe that we can expect to make any advance to us in a loan to carry on the war. \* \* We must rely solely upon our own element of strength and power. \* \* The question of liberty itself is at stake. \* \* When the people see that something is to be done they will furnish their money to the Government as readily as they have their men. \* \* I think the indications are, especially at the War Department, that something will be done. \* \* I am sorry to say it, but there has been a gradual weakening of the faith of the people. \* \* I want something done to convince the people that the Administration is in earnest, and has a definite plan which it has to work out. \* \* The time for mysterious utterances about a movement that is in the wind, or seen, or heard, or whispered, and gave a little hope at the time, is passed by. \* \* I do not think the Secretary of the Treasury, when he goes to New York, will say \* \* there is to be a great movement within such a time, and inspire the bankers with the hope that the good time is coming within fifteen days. \* \* but the people want action in the administration in the military department of the Government. \* \* How, and when, and the mode I say nothing about, but there must be action everywhere. \* \* The people will then become inspired with the belief that the rebellion will be put down before harvest, and they will pour out their money like water.

IN THE SENATE, February 4, 1862.

Mr. MORRILL. Well, sir, is the Senate prepared to-day to say that it will enter upon an enterprise—enter upon the construction of mail-clad steamers designed for the prosecution of this war to have a bearing simply upon this rebellion, which are not to be completed for the next twelve months? Sir, if this whole thing is not brought to an end in the next six months, the nation will be beyond the hope of relief.

Mr. GRIMES. You all know that Great Britain has now the Warrior and Hero ready for use. We were told a little while ago that the Warrior was coming to our coast—a large, immense frigate, which, according to naval authorities, is a complete success, and preparations have been made for building a great many more.

FEBRUARY 5, 1862.

Mr. SHERMAN. It is manifest that the people of this country will be called upon to bear an amount of not less than \$700,000,000. \* \* This is more than four times the aggregate currency of the country; it is more than the government of Great Britain bore in her strug-

gle with Napoleon. \* \* It is more than any country in ancient or modern times has attempted to carry. There is nothing like it in history. \* \* No nation ever attempted it or approached it, never for any length of time.

FEBRUARY 6, 1862.

Mr. SHERMAN. That this condition of affairs is exciting attention abroad and at home is true. I have here an extract from a recent English paper, in which they speak of this very condition of affairs. Our friends across the water are now looking into all our deficiencies and all our difficulties. Here is a remarkable statement from the government organ, said to be owned by Lord Palmerston:

"The monetary intelligence from America is of the most important kind; national bankruptcy is not an agreeable prospect, but it is the only one presented by the existing state of American finance.

"What a strange tale does the history of the United States in the past twelve months unfold! What a striking moral does it not point. Never before was the world dazzled by a career of more reckless extravagance. Never before did a flourishing and prosperous state make such gigantic strides toward effecting its own ruin."—(London Post, January 15, 1862.)

And you all have probably read the recent extract in the London Times, in which our country is denounced in the most unmitigated language that is too offensive to be read in the Senate.

I merely quote these matters to show you that our financial condition has attracted the attention of foreign governments. It is an element of weakness, and they count upon it in all the political questions that will arise in the next sixty or ninety days, or the next year. They look at this vast expenditure as a dangerous element, as a reason why we cannot succeed in this contest, and as a reason why they should interfere in it. \* \* \* I do not show these facts, which are plain and palpable on their face, in order to impair our public credit. What I state is known to every money-lender in this land. There is not a bank or a broker who does not know these facts as well as I do. I do not do it for the purpose of stopping the prosecution of the war. \* \* \* Indeed, I cannot contemplate the condition of my country, if it shall be discovered and divided. Take the loyal States as they now stand, and look at the map of the United States, and regard two hostile confederacies stretching along for two thousand miles across the continent. \* \* \*

Do you not know the normal condition of affairs would be eternal war, everlasting war. Two nations of the same blood, of the same lineage, of the same spirit, cannot occupy the same continent, much less stand side by side as rival nations, dividing rivers and mountains for their boundaries. \* \* \* Rather than yield to traitors or the intervention of foreign powers, rather than bequeath to the next generation a broken Union, and an interminable civil war, I would light the torch of fanaticism and destroy all that the labor of the two generations has accumulated. \* \* \* If you can show me the reason by which the present expenditures can be maintained by our national Government, you show the means to success, to honor, to glory, to the preservation of the Union, and of our Government.

Mr. WILSON, of Massachusetts. The credit of this Government is sinking daily under our feet. \* \* \* Why, Mr. President, there was a time, and not far back, when the credit of this Government stood high, when it would command its millions; but to-day, with \$40,000,000 due the people, of which the Government is unable to pay one red cent, we propose to issue one hundred or one hundred and fifty millions of dollars of paper money, and make that paper money a legal tender. We are going to spend five or six hundred millions of dollars a year and no one has yet pointed out the way to obtain that money, and it will take a long process to reach it. It is in vain to cry up the credit of this Government, to boast of it, or talk of it, unless we perform the acts necessary to sustain and uphold it. If there is one thing, more than another, that we need to show the people of this country, it is, that we are ready to make some sacrifices.

Mr. DAVIS. I understood the chairman of the Military Committee, Mr. Wilson, to state that the Government is now indebted \$40,000,000, and has no means of paying it. I presume the Government will need in the next six months \$300,000,000. The question is, how is the Government to raise this amount of money? Sir, you cannot raise \$300,000,000 by taxation, and the Government cannot get along without it.

IN THE HOUSE, February 6, 1862.

Mr. THADDEUS STEVENS. Congress at the extra session authorized the loan of \$250,000,000; \$100,000,000 of this was taken at 7½ per cent., and \$50,000,000 of 6 per cent. bonds at a discount of over \$5,000,000; \$50,000,000 were used in demand-notes payable in coin, leaving \$50,000,000 undisposed of. Before the banks had paid much of this last loan they broke down under it and suspended specie payments. They have continued to pay the loan, not in coin, but in demand-notes of the Government. \* \* \* But the last was paid yesterday, and on the same day the banks refused to receive them. They must now sink to depreciated currency. The remaining \$50,000,000 the Secretary has been unable to negotiate, \* \* \* and there is now a floating debt of at least \$180,000,000. The Secretary intended to use the balance of this authorized loan in paying it out to creditors in

notes of 7 $\frac{1}{2}$ ; that becoming known, they immediately sunk 4 per cent., and had he persevered, it is believed they would have been down to 10 per cent. discount. But even if this could be used, (about \$40,000,000,) there would remain due about \$90,000,000, the payment of which is urgently demanded. The daily expenses of the Government are now about \$2,000,000. To carry us on to the next meeting of Congress would take \$600,000,000 more, making, before legislation could be had next session, about \$700,000,000 to be provided for. We have already appropriated \$350,000,000, making our entire debt \$1,050,000,000.

The grave question now is, how can this large amount be raised? The Secretary of the Treasury has used his best efforts to negotiate a loan of but \$50,000,000, and has failed.

IN THE SENATE, February 6, 1862.

Mr. TRUMBULL. I will tell you what the people are clamoring for. They are clamoring for action on the part of your armies. The Senator from Rhode Island wants to know how to raise money. Give us victories; tell your generals to advance.

Gentlemen tell us there is no money and the fault is with Congress. Has not the Government had money? Did we not raise it by the hundreds of millions in July? Have you not had men, hundreds of thousands of them, and has not God Almighty given you a season for operations in the field, such as was never vouchsafed to a people before? Taxation will never save your country; but it is the strong arms and stout hearts that you want to put down this rebellion, and, as my friend Mr. Wade says, somebody to lead them.

FEBRUARY 11, 1862.

Mr. FOSTER. I believe, sir, \* \* \* that our whole coast, our Atlantic coast, our Lake coast, our Pacific coast would be much better fortified and protected by moving down the columns of our Army, now lying near the Upper Mississippi and along the Ohio Rivers, through the States of Kentucky and Tennessee, and the States south, victoriously and triumphantly to the Gulf of Mexico. \* \* \* But, sir, if these points are not very soon in possession of the United States forces, \* \* \* if we do not take possession of our southern ports within thirty or forty days, we shall need much more than the amount recommended by the Finance Committee to fortify all the exposed portions of our coasts. \* \* \* I doubt whether very much more will protect them from foreign attack. \* \* \* Let us move our armies \* \* \* at the earliest moment we can, and move them energetically and successfully, and these appropriations will not be needed. \* \* \* I think it is demonstrable that Maine is to be better fortified at New Orleans than at Portland; Chicago better at Charleston than on Lake Michigan, and Newport better at Savannah and Mobile than at the mouth of the Narraganset Bay. Let us place our armies and unfurl our flag in these southern cities, and all these points we are solicitous to protect will be as safe as it is possible for human fortifications to make them. Without these we have not men enough nor money enough to defend them against the forces which will speedily threaten them.

Mr. HOWE. If it is not safe to publish to the country our own calculations as to the importance of different points on our coast, it may not be dangerous to lay before the country the calculations of other powers and other governments, and I should therefore like to have the Secretary read from the London Times, which I send to the desk:

*Extract from the London Times of January 7, 1862.*

"In the event of a renewal of hostilities which were terminated at the treaty of Ghent, \* \* \* the command of the water which separates Upper Canada from the Federal territories would be equivalent to a command in the field. \* \* \* It will be seen that the matter divides into two periods, of which the first would be the most critical for England. It becomes a question, therefore, of the greatest importance how this superiority is likely to be determined. \* \* \* Up to the month of April next the lakes may be regarded as inaccessible to the sea, and therefore whatever force is created must be created on the spot. \* \* \* As soon, however, as the Saint Lawrence is opened there will be an end of our difficulty. We can then pour into the lakes such a fleet of gunboats and other craft as will give us the complete and immediate command of these waters. Directly the navigation is opened we can send up vessel after vessel without any restriction. \* \* \* The Americans would have no such resource. They would have no access to the lakes from the sea, and it would be impossible that they could construct vessels of any considerable power in the interval that would elapse before the ice is broken up. With the opening of spring the lakes would be ours, and if the mastery of these waters is indeed the mastery of all, we may expect the result with perfect satisfaction. \* \* \* On the whole, therefore, the conclusion seems clear that three months hence the field will be all our own, and in the mean time the Americans, if judiciously encountered, would not be able to do us much harm."

Mr. HOWE. The fact is apparent from this communication that in case of a war with a maritime power, and especially a war with England, the Northwest is that portion of the country which they design as the theater of military operations. \* \* \* Inasmuch as I had just received this extract from an English paper, I deemed it proper to bring the matter to the attention of the Senate, for I deemed that one of the most important points to be forti-

fied in the whole country. It defends a portion of the country which is not only the granary of the nation but almost of the world.

Mr. GRIMES. I do not believe they could get through the Welland Canal before some time in the middle of May, even if the vessels were all sent before that time. \* \* But what are we going to do in the mean time if hostilities actually commenced, or if they were imminent? \* \* Are we going to stand by and fold our arms and not take possession of the Welland Canal? \* \* The British government has sent over into all the British colonies of North America some thirty thousand men. \* \* The Welland Canal is only a few miles from our frontier. \* \* Is it expected that we will not render it impassable for the British gunboats?

Mr. FESSENDEN. \* \* Does not every one see the position in which we stand toward foreign nations? \* \* It is obvious to every man's mind that we are engaged at present in a war which, in spite of all our endeavors to preserve peace, may bring about a collision with foreign powers. If we speak of things at all we must speak of them as they are. \* \* It is not necessarily a threat to anybody \* \* because we see that position and recognize it ourselves. \* \* Sir, while there is no man in the Senate or the country who more strongly desires peace with all nations than I do, \* \* I cannot shut my eyes to the fact \* \* that such things may happen, \* \* especially when the Executive itself has recommended this bill. \* \* My honorable friend from Illinois says \* \* our armies ought to do something; that would be the way to raise finances, and that would be the way to fortify the country. We all know it. \* \* Sir, it has been said, and it is well to remember, that there never was such a war as this in the history of the world—there never was one so difficult to carry on—there never was one which extended over so great a territory, upon which so many points were to be defended and so many attacked. \* \* I look for and believe that the results which are to be accomplished, even before many days, will be such as not only to gratify all our hopes, but to astound the world. \* \* Let us wait for them calmly.

Mr. TRUMBULL. I thought it might be necessary to repeat \* \* the necessity of more active operations on the part of our army, and I am gratified to know from the Senator that we are to have more active operations, and that we are to have movements which will astonish the country and the world. I rejoice at it, but I believe we may learn something from the past. \* \* That we have suffered one summer to pass away, and one fall to pass away, and one winter to pass away, at an expense of \$500,000,000 to the country, without doing anything. I think it is our duty to see that no more seasons shall come and go without more efficient action.

FEBRUARY 12, 1862.

Mr. HOWE. Either the Treasury must be replenished or the war must be abandoned. The war cannot be abandoned. \* \* The Government is not gambling for empire, it is defending its own existence. \* \* Sir, if this Government lives, if the nation survives the perils which now beset it, every man knows that the stocks of the United States \* \* will in a few years command a large premium. \* \*

I have said that no one can suffer if the nation survives the struggle in which it is now engaged. But the statement suggests the possibility that the Government may not survive. What then, it may be asked, will become of the money loaned and the notes outstanding? I confess my apprehension that they will all be lost. That, I apprehend, will be the case, too, with notes and money generally, let whoever will be the maker, let whoever will be the borrower.

Mr. FESSENDEN. We have suffered ourselves, in a measure, to be cast down. Time has come around. \* \* and everything looks as favorable to our cause as the heart of man could desire.

Mr. CHANDLER. From this day forth we can close the war in sixty days by an advance of our armies; and I believe the time has now arrived when we will advance our armies, and when the war will be brought to a close within sixty days. \* \* The time has arrived when this rebellion is within our grasp.

IN THE HOUSE, February 19, 1862.

Mr. POMEROY. Our Army, concerning whose seeming inactivity so many unkind words have been spoken on this floor the past few months, has practically ended the war.

Mr. DIVEN. The times are auspicious. \* \* One good reason urged in favor of that policy was that the people were discouraged from want of success in our Army. We have now the encouragement of success. Only let the moneyed men of the country know that the Government is to succeed in putting down the rebellion, and we will not have to plead for credit. It is not gold and silver that we want. It is not things that are to be taken for gold and silver that we want. It is credit, it is confidence on the part of men who have money to lend, and who can lend it to the Government with the assurance that it will be returned to them. This is all that is wanted. And now, in view of the brilliant prospect before us for a speedy termination of the rebellion, in Heaven's name let us leave no national dishonor to remain a stain upon the country.

Mr. GOOCH. The relations of this committee (Conduct of the War) with the President,

Secretary of War, and all the officers of the Cabinet, are of the most cordial nature. \* \* \* Bowling Green, Fort Henry, and Fort Donelson are only the beginning of the chapter which is to be the last in the history of this rebellion. \* \* \* If there is any department in which this committee have felt a deeper interest than any other, it is the department in which the gentleman from Kentucky is specially interested.

Mr. ROSCOE CONKLING. I believe the creation of this committee has been instrumental, with other kindred agencies, in bringing about valuable reforms, which have inaugurated beneficial changes and a vitalizing policy, without which we might not have had the victories which millions to-day applaud.

IN THE SENATE, *February 24, 1862.*

Mr. DOOLITTLE. We go into this struggle with all the energy which God Almighty has given us. The recent victories give earnest of speedy results; but let us rejoice with trembling. The results of battle none but God can foresee. While we have reason to hope that our flag will soon wave at Savannah, at Memphis, at Nashville, and at New Orleans, let us remember we have met reverses before, and let that remembrance chasten our rejoicing.

APRIL 18, 1862.

Mr. HOWARD. Our campaigns have been planned and carried out by the President, aided by his ordinary advisers and his subordinate military officers. \* \* \* The Government of the United States has witnessed what no monarchy ever witnessed. It has coped with the most formidable rebellion in the history of the world, one which no monarchical government since the dawn of history could have stood six weeks.

APRIL 21, 1862.

Mr. COLLAMER. For myself, without any prophetic vision, and I do not think now it needs any, I believe I can see the coming result, and its developments may be seen in the progress of our armies, and the necessary consequences which follow them. I see the masters dispersed, I see the slaves scattered, I see that in all probability they will never be reclaimed, no matter what laws we may make. I see the further that progress goes, the more extended will be its effect.

IN THE HOUSE, *May 2, 1862.*

Mr. WASHBURNE. But to the battle of Pittsburgh Landing. \* \* \* That battle has laid the foundation for finally driving the rebels from the Southwest. \* \* \* History will record it as one of the most glorious victories that has ever illustrated the annals of a great nation.

MAY 26, 1862.

Mr. GURLEY. That the idea of intervention in our affairs has been seriously entertained by the English and French governments there can be no reasonable doubt. \* \* \* Thanks to our sagacious President for dividing the Army at the critical moment, and ordering all the commanders to advance on the enemy. This defeated southern recognition, for the result was a succession of victories in the West which saved our Government from so great a humiliation. \* \* \* As I have said, the signal success of our arms in the West, that immediately followed the action of the President, made recognition impossible.

IN THE SENATE, *July 15, 1862.*

Mr. HENDERSON. The object of the rebels in the beginning was to build up a confederacy of the cotton States. \* \* \* Why did they pretend that they desired the border States to go with them? To make us, in the language of Mr. Yancey, fortifications for them; \* \* \* to keep armies \* \* \* in the border States; \* \* \* and by the time their armies were conquered \* \* \* our financial condition would be such that we would be compelled to acknowledge their independence. They hoped that by the destruction of their own cotton, which they thought would regulate matters in Europe, and by keeping our armies at bay in the border States, \* \* \* they could build up a confederacy commanding the mouth of the Mississippi, \* \* \* the Gulf of Mexico, the Southern Atlantic, and the great rivers of the West.

Mr. DOOLITTLE. \* \* \* We have recovered our rightful supremacy over territories larger than the kingdoms that talk about intervention from Europe—larger than the kingdom of France, three times as large as Great Britain—during which we have opened the great valley of the Mississippi, that river which more than all things binds this Union together. As long as we hold the Mississippi from its source to its mouth, this Union cannot be dissolved. New England may regard Southeastern Virginia, this side of the Alleghany Mountains, and North and South Carolina as of very great importance. Why, sir, if we were ten years in subjugating that country to the supremacy of the Constitution, it would be as nothing compared to the holding of the valley of the Mississippi to the Gulf of Mexico, thus binding the Union together from North to South. \* \* \* The history of the world has never shown such a parallel.

JULY 16, 1862.

MR. CHANDLER. On the 1st day of January, and for months previous to that date, the armies of the republic were occupying a purely defensive position upon the whole line from Missouri to the Atlantic until or about the 27th of January, when the President and Secretary of War issued the order, "Forward." Then the brave Foote took the initiative, soliciting two thousand men from Halleck to hold Fort Henry after he had captured it with his gunboats.

## WHAT PRESIDENT LINCOLN AND MR. SEWARD THOUGHT OF THE CAMPAIGN.

[From the New York Evening Post, February 9, 1862.]

"The President stated yesterday that the recent victory of Fort Henry was of the utmost importance, and was intended to be followed up immediately with a blow on the railway connection fifteen miles from the captured fort; \* \* that hot work was expected in that region at once; \* \* the victories the Government expected to win over the rebels in the next two months would put to flight all thoughts of (England and France) meddling in our affairs."

President Lincoln on the 10th of April, 1862, issued the following proclamation: "It has pleased Almighty God to vouchsafe signal victories to the land and naval forces engaged in suppressing an internal rebellion, and at the same time to avert from our country the dangers of foreign intervention and invasion."

Mr. Seward, March 6, 1862, to Mr. Dayton, said:

"It is now apparent that we are at the beginning of the end of the attempted revolution. Cities, districts, and States are coming back under Federal authority."

Again, May 7, 1862:

"The proclamation of commerce which is made may be regarded by the maritime powers as an announcement that the republic has passed the dangers of disunion."

## APPENDIX II.

## DEBATE ON THE ORIGIN OF THE PLAN OF THE TENNESSEE CAMPAIGN.

## IN THE HOUSE OF REPRESENTATIVES,

February 24, 1862.

MR. ROSCOE CONKLING. I beg leave to offer a resolution, not for action at present, but that it may lie on the table, as follows: "That the thanks of Congress are due and are hereby presented to Generals Halleck and Grant for planning the recent movements in their respective divisions, and to both those generals, as well as the officers and soldiers under their command, for achieving the glorious victories in which those movements have resulted."

MR. ROSCOE CONKLING. My purpose in offering the resolution, and asking that it may lie over without action now, is this: I desire that those who earn military honors shall wear them, and wear all that honor to which they are entitled. I believe the officers named in this resolution are entitled to certain credit, and I desire the resolution to await future action, perhaps amendment, and I care not what particular disposition is made of it for the present. I would like to call up this subject when the House and the country shall be in full possession of all the facts in the case, including reports to be made by different generals, and when we shall know whether these victories were organized or directed at a distance from the fields where they were won, and if so, by whom organized, or whether they were the conceptions of those who executed them.

MR. COX. I should have no objection to this resolution, but I think that it should be a little more extensive. It seems to be a matter of opinion with gentlemen as to who designed these victories. I understood the gentleman from New York, the other day, to give a great deal of the credit to the "Committee on the Conduct of the War." Perhaps the gentleman will include that in his resolution. One thing is certain, Mr. Speaker, that these resolutions of thanks to our officers ought to be very carefully drawn and very carefully considered, to the end that no one entitled to credit should be excluded from them. I hope, therefore, the gentleman will do no injustice to any of those who may be entitled on further examination to the credit for these victories.

MR. ROSCOE CONKLING. I am very glad the gentleman from Ohio has referred to a remark which fell from me the other day. The remark I made then, and am very glad to repeat now, was this: that that committee, along with other kindred agencies, in which I include the action of the President of the United States and of the present Secretary of War as well as of Congress, were due most vitalizing and important reforms, without which the recent victories might not have been achieved. I will take occasion to say now that I ven-

ture to predict the truthful history of these victories will demonstrate that not alone to the mode of doing things, nor to the sources of movements which until recently prevailed in military affairs, not alone to the agencies which were at work when Congress met, not by any means to these alone are to be attributed the brilliant successes in the West. I will hazard the opinion that time will show the value of more recent causes, with a vigorous exercise of power which long lay dormant, itself in harmony with a longing for results and for action, and which has shown itself in debates and proceedings here, and in anxious expression of the people and the press, in every loyal portion of the country. The great necessity of the occasion, the need and the fitness of something more than vague assurances for the future, has inaugurated action—resolute onward action—and to this inspired policy is due movements which have culminated in glorious success. I do not believe the recent movements in the West are a part of any long-existing plan conceived elsewhere, and only now unfolding itself. I do not believe these victories were arranged or won by men sitting at a distance engaged in what is termed "organizing victory." My belief is that they have been achieved by bold and resolute men left free to act and to conquer.

Like him, I should be very unwilling to withhold from a single general or officer, be he high or low, a morsel of the credit he deserves, and my purpose in offering the resolution, and asking that it lie over until a future day, is, that Congress and the country may discriminate and award just praise by awarding it to those who have earned it. I want to crown with heroic honors the real heroes of this war, and I should be very glad to have the resolution embrace every general and every officer and private who should be included; and my object will be accomplished if the great honor belonging to the blows lately struck on the western rivers and their banks shall be conferred where it belongs and shall not be appropriated or absorbed by any person whatever who has not earned it.

Mr. FENTON. I have drawn very hastily an amendment to the resolution now before the House, which I think embraces the idea which my colleague has just suggested. I offer it: "That the thanks of Congress be tendered to the officers and soldiers who have rushed to arms to sustain the fabric which our fathers erected, and whose devotion has been alike conspicuous, whether in the camp or in the field, whether by their cheerful patriotism and unwearied ardor to be led to the face of the enemies of our country, or their matchless valor in contest."

Mr. ROSCOE CONKLING. I should be very unwilling to thwart, if I could, any desire my colleague may have, but I submit to him, and I think he will agree with me, that the amendment he proposes is an entire transformation of my resolution and destructive of its object. I mean by the resolution to secure the action of the House, if possible, at the proper time, in awarding the meed of praise and credit due to the men entitled, not only to the achievement of these victories, but for the planning and conception of the movement which led to them.

Mr. WASHBURN, of Illinois. There is certainly no man here who would withhold his thanks from the two distinguished officers named in that resolution. I feel a peculiar interest in one of them, General Grant, a man, I may say here, who is as brave as he is modest and incorruptible. But there are other generals who were upon the field and whom we may wish to thank in the same connection. There is a gentleman who served with us in the last Congress and in a portion of the present Congress who was upon that battle-field, nobly doing his duty, General John A. McClernand. There is another gentleman, a member of the House, I mean Colonel Logan, who distinguished himself gloriously and fell wounded upon that field. And yet there are still other brave officers who were there who should not be forgotten.

Mr. ROSCOE CONKLING. I took pains in draughting the resolution, though I did it hastily, to so restrict its terms that it could not be at all open to the criticism suggested by the gentleman from Illinois. The resolution declares the thanks of Congress due to those two generals for the movements planned in their respective divisions, not departments. The expression is a departure from strict military phraseology, I believe, and employed to confine the resolution to the acts actually done by those named. It was far from my intention to exclude from the thanks to be presented any person who was participant in these movements and who may properly be included in the resolution.

Mr. COX. This resolution selects only two of the generals engaged in the recent conflict at Fort Donelson—Generals Halleck and Grant. If, sir, there are any generals entitled to credit for success in that great conflict, General Smith, of Pennsylvania, and our recent associate, General McClernand, of Illinois, than whom no braver or truer soldier adorns the Army of the West, are entitled to an equal degree of the glory and an equal consideration in the thanks of Congress.

Mr. HOLMAN. I do not want General Wallace to be deprived of his just share of the credit.

Mr. MALLORY. Nor should General Buell be forgotten.

Mr. COX. A splendid list could be made of officers of the Army and Navy who are entitled to credit for our recent victories. \* \* The gentleman says he does not believe in organizing victory at a distance. It may turn out when the matter comes to be examined and fire shall have burned through the smoke, that other generals beside those mentioned—that the General-in-Chief in this city is entitled to some credit, at least for his foresight, design, and strategy, which have so signally contributed to the recent gallant achievements of our

Army and Navy. It is significant of one directing head and design in these recent victories that both flanks of the enemy—West and East—have been stricken and paralyzed at the same time. \* \* Let us not, by prejudging this matter, do injustice to any officer of the Army and Navy. Let the Committee on Military Affairs have this resolution as they have other resolutions, and let them report a proposition to the House which will discriminate fairly and justly between the different officers, giving to those who are entitled, not inconsiderately, but with deliberation and care, the merited thanks of the national legislature.

Mr. KELLOGG, of Illinois. I profess to be as justly proud of the victories secured by western generals and western soldiers as any man on this floor, but in our exultation of great joy over these victories we should be very careful to prevent any injury being done through our action to any portion of the Army or to any general engaged in fighting the battles of the Union. \* \* We have soldiers in the ranks fit to be generals. Many such have sacrificed their lives to purchase the victories we have obtained. \* \* But, sir, we should not forget to do justice to all—in other words, we should refrain from even indirectly doing injustice to the Commanding General of the American Army.

Mr. OLIN. Those who oppose the resolution offered by my colleague seem entirely to misapprehend the object with which that resolution was offered. \* \* Its object seems to be to ascertain who it was that planned and directed the military movements which resulted recently in glorious victories in Kentucky and Tennessee.

If it be the object of the House before passing a vote of thanks to ascertain who was the person who planned and organized these victories, then it would be eminently proper, in my opinion, to request the Secretary of War to give us that information. That would satisfy the gentleman and the House directly as to who was the party who planned these military movements. \* \* It is sufficient for the country for the present that somebody has planned and executed these military movements; \* \* still, if the gentleman has any desire to know who originated these movements, he can ascertain that fact by inquiring at the proper office, for certainly some one at the War Department must be informed on the subject. The Secretary of War knows whether he had anything to do with them or not; the Commanding General knows whether he had anything to do with them or not. If neither of them had anything to do with them they will cheerfully say so.

Mr. KELLOGG, of Illinois. In my judgment, this resolution, whether so designed or not, is an attack upon the Commanding General of the United States Army. It is declared in express terms by this resolution that the achievements by our arms in the western department were the result of movements planned, organized, and carried out by a subordinate officer of the General Government. It will be remembered that subordinate officers by law are under the control and command of the Commander-in-Chief of the American Army, and that if there is no general plan, that there ought to be a general plan and system of campaign calculated and designed to put down this rebellion. I believe there is emanating from the Commander-in-Chief of the American forces, through his first subordinates, and by them to the next, and so continuously down to the soldiers who fight upon the battle-field, a well-digested, clear, and definite policy of campaign, that is to be put in motion—that is in motion—to put down this rebellion; and when a resolution, directly or indirectly, intimates while this should be the case, that it is not the case, and that a subordinate officer has sprung into life and conceived, independently of the military organization of the Government, a campaign and a movement, although resulting gloriously—I say that that is asserted in a declaration, it is a direct charge—I do not say it was intended—that these proper campaigns and necessary movements were not and have not been conceived and put in execution by the Commander-in-Chief of our armies. It is detracting from the general in command of the whole force that which should be meted out to him if in fact he has planned and organized these movements; and I believe here, and I here declare that I believe, that the system of movements that has culminated in glorious victories, and which will soon put down this rebellion, finds root, brain, and execution in the Commanding General of the American Army and the Chief Executive of the American people; and I would not, by passing this resolution, detract one iota from what he has fairly earned, if this be true, which I believe is true.

Therefore I am opposed to the resolution, not from any disrespect to Generals Halleck and Grant, for they have been thanked by the Commander-in-Chief, by the Secretary of War, and, more than that, by the heartfelt thanks of the American people—a higher tribute than can emanate from any men in position, however high that may be.

FEBRUARY 25, 1862.

Mr. THADDEUS STEVENS. I rise to a privileged question. I desire to have entered a motion to reconsider the vote by which the joint resolution tendering the thanks of Congress to Generals Halleck and Grant was referred to the Committee on Military Affairs.

The motion was entered.

MAY 2, 1862.

Mr. WASHBURNE. In time came the operations up the Cumberland and Tennessee Rivers, and I state what I know. By a singular coincidence, on the 29th day of January last, with-

out any suggestion from any source, General Grant and Commodore Foote, always acting in entire harmony, applied for permission to move up these rivers, which was granted. The gunboats and land forces moved up to Fort Henry. After that fort was taken it was determined to attack Fort Donelson. The gunboats were to go round and up the Cumberland River, while the Army was to move overland from Fort Henry to Fort Donelson.

IN THE SENATE, *March 13, 1862.*

THANKS TO CAPTAIN FOOTE.

"*Be it resolved,* \* \* \* \* \* That the thanks of Congress and of the American people are due and are hereby tendered to Captain A. H. Foote, of the United States Navy, and to the officers and men of the western flotilla under his command, for the great gallantry exhibited by them in the attacks upon Forts Henry and Donelson, for their efficiency in opening the Tennessee, Cumberland, and Mississippi Rivers to the pursuits of lawful commerce, and for their unwavering devotion to the cause of the country amidst the greatest difficulties and dangers."

Mr. GRIMES. A great deal has been said of the origin of the proposition to take possession of the Tennessee River. The credit of originating the idea of a military campaign in that direction has been claimed first for one and then for another military commander. I desire that impartial justice should be done to every man. \* \* So far as I can learn, the project of turning the enemy's flank's by penetrating the Tennessee and Cumberland Rivers originated with Commodore Foote. The great rise of water on those rivers was providential, and with the quick eye of military genius he saw the advantage it might secure to our arms. Accordingly, he sent to General Halleck at Saint Louis the following dispatch:

"CAIRO, *January 28, 1862.*

"General Grant and myself are of opinion that Fort Henry, on the Tennessee River, can be carried with four iron-clad gunboats and troops, and be permanently occupied. Have we your authority to move for that purpose when ready?"

"A. H. FOOTE."

To this dispatch no reply was vouchsafed, but an order was subsequently sent to General Grant to proceed up the Tennessee River, under convoy of the armed flotilla, and attack Fort Henry, directing General Grant to show Commodore Foote his orders to this effect.

Commodore Foote was at once ready for the expedition, and advised the Department to that effect in the following dispatch:

"PADUCAH, *February 3, 1862.*

"To-day I propose ascending the Tennessee River with the four new armored boats and the old gunboats \* \* in convoy of the troops under General Grant, for the purpose of conjointly attacking and occupying Fort Henry and the railroad-bridge connecting Bowling Green and Columbus.

"A. H. FOOTE."

After reducing Fort Henry and sweeping the Tennessee River as far up as Florence, Ala., Commodore Foote returned to Cairo to prepare \* \* for operations against Donelson. \* \* He desired a delay of a few days to complete the mortar-boats, \* \* but General Halleck believed an immediate attack to be a military necessity. Although wounded himself and his gunboats crippled, \* \* he indulged in no repinings for his personal misfortune. In a letter written the morning after the battle, to a friend, he said: \* \* "I feel sadly at the result of our attack on Fort Donelson. To see the brave officers and men \* \* fall by my side makes me feel sad to lead them to almost certain death."

The next movement of his flotilla was to take Clarksville on the 19th of February. \* \* On the 21st of February he telegraphed General Cullum, chief of Halleck's staff, as follows:

"PADUCAH, *February 21, 1862.*

"General Grant and myself consider this a good time to move on Nashville. We were about moving for this purpose when General Grant, to my astonishment, received a telegram from General Halleck, 'not to let the gunboats go higher than Clarksville.' No telegram sent to me. The Cumberland is in a good stage of water, and General Grant and I believe we can take Nashville. Please ask General Halleck if we shall do it.

"A. H. FOOTE."

It may be that there was some great military reason why General Grant was directed "not to let the gunboats go higher than Clarksville," but up to this time it is wholly unappreciable by the public.

The next fact of importance in the campaign at the West, and indeed the most important of all, was the evacuation of Columbus. Why was this stronghold, which cost so much labor and expense, abandoned without firing a shot? It is well understood that Commodore Foote was opposed to giving the rebels an opportunity to leave Columbus. He felt sure of his ability with his gun and mortar boats to shell them into a speedy surrender, but was compelled to give way to counsels of military commanders. \* \* \* The two arms of the public service are equally entitled to the credit of frightening the rebels from their strongest position on the Mississippi River, if not the strongest in their whole military jurisdiction.

N. B.—At the time Congress was considering the question—who originated the idea of a military campaign on the line of the Tennessee River—there were present on the floor a few Senators and Representatives who were aware that Miss Carroll, as early as the last of November, 1861, devised and recommended to the Government the adoption of that line of attack upon the confederacy—they having seen and read her plan, but who, from prudential considerations, gave no publicity to their information.



## EXTENSION OF PATENT TO DEWITT C. CUMINGS.

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JULY 10, 1876.—Referred to the Committee on Patents and ordered to be printed,  
to accompany bill H. R. 3860.

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### *To the Congress of the United States :*

The petition of DeWitt C. Cumings, of the city of Watertown, in the county of Jefferson, in the State of New York, formerly of the town of Fulton, in the county of Oswego, in said State, respectfully shows and represents :

That he, your petitioner, was the original and first inventor of certain new and useful improvements in straw-cutters.

That on the 7th of August, 1855, a patent was duly granted and issued to your petitioner, which, as your petitioner supposed at the time, would secure to him, your petitioner, the exclusive right to make, use, and vend to others to be used, the said improvements.

That, as your petitioner was afterward advised, and as he became convinced, said patent did not secure to him, your petitioner, his said invention, whereupon the said patent was surrendered, and on the 8th day of November, 1857, another patent was granted and issued to your petitioner by way of re-issue, which, as your petitioner then supposed and believed, would secure to your petitioner the right to make, use, and vend to others to be used, his said invention. But afterward your petitioner was advised by counsel, and became convinced, that said last-mentioned patent did not fully secure to your petitioner his said invention, whereupon your petitioner surrendered the said re-issued patent and applied for a re-issue thereof, so as to be more fully secured in his said invention, and thereupon another patent was granted and issued to your petitioner by way of re-issue, a copy whereof is herewith submitted, and which bears date the 28th day of March, 1865.

That afterward, and before the expiration of said last-mentioned re-issued patent, an application was made by your petitioner to the then Commissioner of Patents for an extension of his said last-mentioned re-issued patent, and such proceedings were thereupon had before said Commissioner of Patents that afterward the said Commissioner of Patents, under his hand and the seal of the Patent-Office, duly made and executed, extended said last-mentioned re-issued patent for the term of seven years from the time when the same would, by the terms thereof, expire; that is to say, for seven years from the 7th day of August, 1869.

And your petitioner further shows and represents, that upon filing his application for such extension he did, as he was by the rules and practice of the Patent-Office required, submit to the said Commissioner a written statement, duly verified by the oath of your petitioner, stating the reason why he claimed such extension should be granted, and also stating the receipts and disbursements of your petitioner in regard to said patent, a copy whereof is hereto annexed, marked Schedule A, and your petitioner now states that the said statement was

true in substance and matters of fact, as your petitioner then believed, and as he now believes.

And your petitioner further shows and represents that the statement hereto annexed, marked Schedule B, contains a true statement in regard to the receipts and disbursements in regard to said extended patent, so far as he is now able to make the same, and, as he verily believes, all things stated in said statement are true in substance and matter of fact.

And your petitioner further shows that said invention is of great value to the public, and that the same will, as he verily believes, come into general use throughout the United States.

And your petitioner, therefore, submits: That he is in justice and equity entitled to a reasonable compensation therefor, before the same shall be taken from him and given to the public.

Your petitioner, therefore, prays that a law may be passed renewing and continuing your petitioner's said re-issued patent, as extended, for seven years, or for such other term of time as shall be deemed just and proper; and for such other, or further, or different relief in the premises as shall by the Congress of the United States be in accordance with his just rights.

And your petitioner ever prays, &c.

D. C. CUMINGS.

STATE OF NEW YORK,

*Cayuga County, ss :*

DeWitt C. Cumings, being first duly sworn, says that he has read the foregoing petition, which is signed by him, and that he knows the contents thereof, and that the same is true in substance and matter of fact, according to his best knowledge, information, and belief.

D. C. CUMINGS.

Sworn before me this 2d day of June, 1876.

F. T. DAY,

*Justice of the Peace of said County.*

#### SCHEDULE A, REFERRED TO IN THE FOREGOING PETITION.

##### *Statement.*

In the matter of my application for the extension of the patent granted to me on the 7th day of August, 1855, re-issued November 8, 1859, and again re-issued March 28, 1865, I have the honor of making the following statement as to the receipts and expenditures arising from said patent.

For some two years previous to my obtaining my patent I was engaged, more or less of my time, in making experiments for perfecting my invention—made several sets of patterns, and incurred other expenses. I made a very handsome model, which cost me at least \$200. The agent's fees in obtaining the patent were about \$70; the office-fees, \$30; making one hundred dollars. In obtaining the patent, I found it necessary to visit Washington twice, which cost me at least \$200, making the entire cost of patent \$500. I was, at the time of obtaining my patent, a partner in the firm of Dutton & Co., and we made a large number of my straw-cutters, in connection with our other business, and built up a fine establishment from the profit of manufacturing my straw-cutter and various kinds of agricultural implements and other machin-

ery, until about the first of September, 1862, when our entire establishment was destroyed by fire. We had, at the time of the fire, some 1,300 machines ready for the market. This fire was so destructive to my interest that I was worth less money when it occurred than I was in 1855, the date of my patent.

After the fire, the means of the company, Dutton & Co., were so limited that we organized a new company and erected an extensive machine-shop, but the high price of material and labor, and the general stagnation of business incident to the war, embarrassed this new company so that, in 1866, I was compelled to dispose of my interest in the company, at a sacrifice of not less than \$1,000 and a cost of living for nearly four years, not having drawn anything of importance from the concern for that purpose.

Messrs. Sanford & Wasson became the successors of Dutton & Co., and I was engaged by them, at the regular wages of a machinist, until December last, and without any compensation, however, for the use of my patent. This establishment and these companies were at Fulton, N. Y., where I then resided. In February last I removed to Smithville, N. J., where I at present reside, and am not at present, nor can I receive, any further compensation for my patent unless it should be extended, having, by an article of agreement, authorized the aforesaid firm of Sanford & Wasson to manufacture my straw-cutter until the end of my patent, in consideration of their releasing me from responsibilities incurred in the company of Dutton & Co.

I received for the sale of my patent, in Michigan, \$500; for the State of Massachusetts, \$600; and for all the balance of the territory, except the State of New York and certain counties in other States, and other unimportant reservations, \$4,500; making, in the aggregate, \$6,500.

While I received this amount of \$6,500 for rights, the fire of 1862, and the embarrassments in manufacturing, I have lost all the \$6,500 thus received, and a considerable sum besides.

It will thus be seen that I have not realized anything for the time, labor, and expense of inventing and maturing my invention.

I therefore ask that it may be extended for the term of seven years.

D. C. CUMINGS.

Subscribed and sworn to before me this 4th day of June, 1869.

T. O. CONNOLLY,

*Justice of the Peace.*

CITY OF WASHINGTON,  
*District of Columbia.*

This statement is the Schedule B referred to in the foregoing petition :

I, DeWitt C. Cumings, the petitioner in the annexed petition named, hereby make the following statements, to be annexed to said petition referred to : I hereby state that the extended patent in said petition referred to was, on or about the time of the extension thereof, assigned by me to George R. Pierce, my son-in-law, for the benefit of his wife, who was my daughter, and that I have not received any pecuniary benefit whatever therefrom since.

That at that time the Fulton Manufacturing Company, a corporation doing business in the village of Fulton, in the county of Oswego, was manufacturing "straw-cutters" under my said patent, and continued so to manufacture until said corporation ceased business, which, as nearly as this petitioner can now state, was about three or four years since.

That the firm of E. W. Ross & Co. became the successors in manu-

facturing various machinery, and the said "straw-cutter" amongst others, of the Fulton Manufacturing Company; and said firm has continued to manufacture and sell "straw-cutters" under said extended patent.

That, as this petitioner has been advised by his said son-in-law, and as he verily believes, the said The Fulton Manufacturing Company never in fact paid anything whatever, by way of royalty or otherwise, for the right to manufacture and sell said "straw-cutters," said corporation having failed and become insolvent.

That the only money ever realized by your petitioner's said son-in-law, by way of royalty or otherwise, through his ownership of said extended patent, was the sum of four hundred and seventeen dollars and sixty-nine cents, received by him from A. S. Hamilton & Co., of the city of Rochester, in the State of New York, and the sum of eight hundred and forty-nine dollars, being the aggregate of the several sums paid to him from time to time, by way of royalty, by the said firm of E. W. Ross & Co.; and there yet remains due from said E. W. Ross & Co., for royalties, the further sum of three hundred and twenty-five dollars, or thereabouts.

And the petitioner would further state that, as he verily believes; in case said re-issued patent shall be extended, he will be able to realize considerable benefits therefrom, inasmuch as the "straw-cutters" containing his said patented improvements have been largely introduced, and many of them are now in public use throughout the United States, and the petitioner now has a fair prospect of receiving a reasonable remuneration for his time, expense, and invention, if his patent shall be extended for the term of seven years.

D. C. CUMINGS.

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*DeWitt C. Cumings, of Fulton, N. Y.—Letters-patent No. 13385, dated August 7, 1855.*

*To all whom it may concern :*

Be it known that I, DeWitt C. Cumings, of Fulton, in the county of Oswego and State of New York, have invented certain new and useful improvements in straw-cutters, and I do hereby declare that the following is a full, clear, and exact description thereof, reference being had to accompanying drawing, which forms part of this specification, and in which—

Figure A represents a side view of the straw-cutter, partly in elevation and partly in section. Fig. B is an end view of the same. Fig. C is an end view of the feed-rollers and spring detached. Fig. D is a detached view of the gearing for operating the feed-rollers. Fig. E is a front view of the feed-rollers with all the gearing to operate them. Fig. F is a plan of the lower gear-wheel, through which motion is communicated to the lower roller, showing the compensating method of hanging it.

My invention has reference to that class of straw-cutters in which the rotary cylinder-knives are used, and consist in an improved mode of operating the knives, also in the manner of hanging and operating the feed-rollers; in the method of regulating, or varying, the length into which the material is to be cut; also in the application of the universal joint and compensating method of hanging the driving-wheel of the

movable roller, to admit of its varying in position to accommodate a greater or less amount of feed; and in so operating the feed-rollers as to produce uniformity in length in the material cut.

For the better understanding of the construction and operation of my machine, I will describe it by referring to the drawings. I construct the framing and shoe, or feed-box, similar to that of the ordinary straw-cutter heretofore used, and at or near the end of the horizontal framing is hung a shaft, 13, with a series of radial arms, usually four in number, at equal distance apart, at each end within the side plates 15, and to the extremities of these arms, obliquely, at an angle of about twenty-five degrees from a line parallel with the shaft, are attached the knives 7, extending from end to end; their edges at every point in their length being equidistant from the center on which they revolve, are consequently the arcs of segments of a circle whose radius is equal to their distance from the center of motion, and their chord equal to about one-eighth of its circumference. Thus far my rotary-cylindrical cutter is similar to those heretofore in use; but it differs from them in the edges of the knives being set upward instead of downward, revolving in the direction indicated by the arrow; and by their oblique position effect a shearing cut, on the straw or other material, against the *under* side of the mouth-piece, or cutting-plate, 6, which is fixed horizontally across the frame, and parallel to the axis of the cylindrical knives, in close proximity to them. The reasons for and advantages to be derived from this mode of cutting are, that all dry produce which is usually cut up to feed stock contains more or less dust and dirt, and by the variety of methods cutting downward in feeding it to the cutters the dirt, &c., is separated from the vegetable matter, and collects on the bottom of the feed-box, and is carried forward in mass under the knives and dulls them very quickly, and, although once separated, it is again mixed with the feed, by discharging into the same receiver, and must be very injurious to the cattle; while by my invention the feed-rollers, in pressing the material between them, loosen the dirt, and on its passage from said rollers to the cutting-edges is allowed to spread, when it (the dirt) is liberated and falls beneath the machine; and by cutting upward no portion of it can collect on the mouth-piece, or cutting-plate, to come in contact with the edges of the knives, and nothing but clean-cut feed is discharged into the receiver.

The feed-arrangement consists of a roller, 5, hung in permanent journals in the frame 10, with a spur-wheel, 23, on one end of its axis, and another spur-wheel, 5", on the other end. The wheel 23 is constructed with both internal and external gear, and through which motion is communicated to the roller, either directly, by gearing into the pinion 20, on the axis of the cutters, or through the counter-wheel 22, and pinion 21, the counter-wheel gearing into the pinion 20, on the cutter-shaft, to which said pinion is attached by a set-screw, so that it may be readily moved on the shaft to gear into the wheel 23 or the counter-wheel 22; the pinion 21, on the same axis as the counter-wheels, gears into the internal teeth of the wheel 23, and thus transmits its motion to the roller in the same direction as if the pinion 20 were directly in gear with the wheel 23, whereas if the pinion 21 on the counter-shaft geared into the external teeth of the wheel 23, it would move it in the contrary direction and require another intermediate wheel to turn it the right way. The stud 24, or axis of the counter-wheel and pinion, is fitted in a curvilinear slot, 17, in the side plate 15, so that its position may be changed to admit of different-sized pinions being

used, to vary the speed of the feed-rollers, and consequently varying the length of the fragment cut.

Beneath the roller 5 and parallel with it is a fluted or ribbed roller, 5', of similar length and diameter, having its axis in pillar-boxes, supported on springs 1, by which it is borne up against the fixed roller, one spring on either side independent of each other, so that it may accommodate itself to the varying quantity of feed from side to side of the box. The wheel 5'', gearing into that on the axis of the upper feed-roller, is hung in a yoke, 8, pivoted at each end in the framing 10. The axis of this wheel is connected with the axis of the lower feed-roller by a universal joint, 4, which admits of the various change of position of said roller, while the wheel 5'', being hung in the yoke, accommodates itself to such change of position.

With the ordinary feed-apparatus, where the rollers are of equal diameter, the upper portion of the material to be cut, or that portion in contact with the smooth roller, has a tendency to slip; consequently there is no uniformity in the length of the material cut. To remedy this difficulty I cause the periphery of the smooth roller to travel at a greater velocity, either by fixing a smaller wheel on its axis than that on the axis of the ribbed roller, or by making the smooth roller of greater diameter, with their axis revolving at uniform speed.

The springs 1 at their thicker ends bear against the under side of a cross-piece in the framing of the feed-box, and are supported by bolts, 2, through them with nuts on their under side, their thin ends bearing the pillar-boxes of the lower roller before described; when they become weak, or set by long use in one position, by taking off the nuts that support them they may be turned the other side up, when they will be fully as stiff as at first.

When this machine is operated by hand the man should stand with his left side to the feed-box, turning the balance-wheel 12 by the handle with his right hand, in the direction of the arrow, and feeding the material to the rollers with his left; or it may be worked by horse or any other power by a band over the pulley 18.

This machine is equally applicable for cutting corn-stalks or other fodder.

Having thus described my invention, I wish to be understood that I do not claim the upward cut in itself, as that has been done before, but what I claim as new, and desire to secure by letters-patent, is—

1. The upward cut when the material is fed in by a distinct device for that purpose, by which the dirt is separated from the straw or other material to be cut, passing out beneath the feed-rollers instead of collecting on the stationary guard or cutting-plate, substantially as and for the purposes specified.

2. Operating the movable feed-roller by means of a spur-wheel hung in a vibrating frame or yoke, with a universal coupling for connecting its axis with that of the roller when said roller is supported on spring-bearings independent of each other, substantially as and for the purposes specified.

In testimony whereof I have hereunto subscribed my name.

DEWITT C. CUMINGS.

Witnesses:

A. L. VAN WAGENER.

I. MAYNARD PORTER.

## DISTRIBUTION OF UNITED STATES TROOPS.

JULY 10, 1876.—Ordered to be printed.

Mr. BANNING, from the Committee on Military Affairs, submitted the following statement:

### DISTRIBUTION OF UNITED STATES TROOPS.

#### MILITARY DIVISION OF THE ATLANTIC.

Posts.	Number of troops.	Remarks.
Fort Preble, Me .....	42	Artillery.
Fort Independence, Mass .....	51	Do.
Fort Warren, Mass .....	87	Do.
Fort Adams, R. I. ....	251	Do.
Fort Trumbull, Conn .....	100	Do.
Fort Porter, N. Y. ....	85	Infantry.
Fort Niagara, N. Y. ....	46	Artillery.
Fort Ontario, N. Y. ....	46	Do.
Fort Hamilton, N. Y. ....	230	Do.
Fort Wadsworth, N. Y. ....	83	Do.
Fort Wood, N. Y. ....	46	Do.
Madison Barracks, N. Y. ....	85	Do.
Plattsburgh Barracks, N. Y. ....	45	Do.
Willet's Point, N. Y. ....	211	Engineers.
Fort McHenry, Md .....	197	Artillery.
Fort Foote, Md .....	50	Do.
Fort Wayne, Mich. ....	146	Infantry.
Fort Gratiot, Mich. ....	39	Do.
Fort Brady, Mich. ....	81	Do.
Fort Mackinac, Mich. ....	81	Do.
Fort Monroe, Va. ....	400	Artillery.
Fort Johnston, N. C. ....	40	Do.
Fort Macon, N. C. ....	79	Do.
Raleigh, N. C. ....	73	Do.
Morganton, N. C. ....	44	Do.
Charleston, S. C. ....	187	Do.
Columbia, S. C. ....	266	Infantry.
Greenville, S. C. ....	42	Do.
Yorkville, S. C. ....	43	Do.
Atlanta, Ga. ....	255	Do.
Savannah, Ga. ....	48	Artillery.
Fort Barrancas, Fla. ....	114	Do.
Fort Brooke, Fla. ....	82	Do.
Saint Augustine, Fla. ....	84	Do.
Lebanon, Ky. ....	37	Infantry.
Newport Barracks, Ky. ....	82	Do.
Nashville, Tenn. ....	158	Do.
Chattanooga, Tenn. ....	42	Do.
Total .....	4,077	

#### MILITARY DIVISION OF THE MISSOURI.

Fort Leavenworth, Kans. ....	331	Infantry.
Fort Riley, Kans. ....	42	Do.
Fort Dodge, Kans. ....	153	Cavalry and infantry.
Fort Hays, Kans. ....	96	Do.
Fort Larned, Kans. ....	37	Infantry.
Fort Wallace, Kans. ....	156	Cavalry and infantry.
Fort Lyon, Colo. ....	157	Do.
Fort Garland, Colo. ....	114	Do.

## DISTRIBUTION OF UNITED STATES TROOPS.

*Military division of the Missouri—Continued.*

Posts.	Number of troops.	Remarks.
Fort Gibson, Ind. T.	40	Infantry.
Fort Sill, Ind. T.	552	Cavalry.
Fort Reno, Ind. T.	190	Cavalry and infantry.
Camp Supply, Ind. T.	68	Do.
Fort Elliott, Tex.	199	Do.
Fort Marcy, N. Mex.	76	Infantry.
Fort Union, N. Mex.	277	Cavalry and infantry.
Fort Wingate, N. Mex.	229	Do.
Fort Craig, N. Mex.	59	Infantry.
Fort Stanton, N. Mex.	184	Cavalry and infantry.
Fort McRae, N. Mex.	64	Cavalry.
Fort Bayard, N. Mex.	189	Cavalry and infantry.
Fort Selden, N. Mex.	103	Do.
Omaha Barracks, Nebr.	117	Infantry.
Fort McPherson, Nebr.	105	Cavalry and infantry.
Sidney Barracks, Nebr.	105	Infantry.
North Platte, Nebr.	45	Do.
Camp Robinson, Nebr.	190	Cavalry and infantry.
Camp Sheridan, Nebr.	115	Infantry.
Fort Hartau, Nebr.	43	Do.
Fort D. A. Russell, Wyo.	100	Do.
Fort Sanders, Wyo.	85	Do.
Fort Fred. Steele, Wyo.	61	Do.
Fort Bridger, Wyo.	183	Do.
Camp Brown, Wyo.	123	Cavalry and infantry.
Camp Stambaugh, Wyo.	74	Do.
Fort Laramie, Wyo.	95	Infantry.
Fort Fetterman, Wyo.	101	Do.
Cheyenne Depot, Wyo.	51	Do.
Camp Douglas, Utah.	321	Do.
Fort Cameron, Utah.	146	Do.
Fort Hall, Idaho.	51	Do.
Fort Snelling, Minn.	111	Do.
Fort Ripley, Minn.	40	Do.
Fort Abercrombie, Dak.	112	Do.
Fort Wadsworth, Dak.	60	Do.
Fort Totten, Dak.	85	Do.
Fort Pembina, Dak.	86	Do.
Fort Randall, Dak.	281	Do.
Fort Sully, Dak.	206	Do.
Fort Rice, Dak.	88	Do.
Fort Stevenson, Dak.	65	Do.
Fort Buford, Dak.	168	Do.
Fort Seward, Dak.	42	Do.
Fort A. Lincoln, Dak.	155	Do.
Lower Brulé Agency, Dak.	53	Do.
Cheyenne Agency, Dak.	76	Do.
Standing Rock Agency, Dak.	69	Do.
Fort Shaw, Mont.	153	Do.
Fort Ellis, Mont.	68	Do.
Fort Benton, Mont.	45	Do.
Camp Baker, Mont.	49	Do.
Fort Bliss, Tex.	52	Do.
Fort Brown, Tex.	601	Cavalry and infantry.
Fort Clark, Tex.	303	Do.
Fort Concho, Tex.	490	Do.
Fort Davis, Tex.	313	Do.
Fort Duncan, Tex.	239	Do.
Fort Griffin, Tex.	271	Do.
Fort McIntosh, Tex.	54	Infantry.
Fort McKavett, Tex.	406	Cavalry and infantry.
Fort Quitman, Tex.	50	Infantry.
Fort Richardson, Tex.	182	Cavalry and infantry.
Ringgold Barracks, Tex.	304	Do.
San Antonio, Tex.	55	Infantry.
Fort Stockton, Tex.	199	Cavalry and infantry.
Baton Rouge, La.	103	Infantry.
Bayou Sara, La.	50	Do.
Coushatta, La.	39	Do.
New Orleans, La.	123	Do.
Natchitoches, La.	40	Do.
Pineville, La.	76	Do.
Shreveport, La.	37	Do.
Saint Martinsville, La.	38	Do.
Holly Springs, Miss.	200	Do.
Jackson, Miss.	78	Do.
McComb City, Miss.	41	Do.
Port Gibson, Miss.	44	Do.
Vicksburgh, Miss.	98	Do.
Little Rock, Ark.	78	Do.
Mount Vernon Barracks, Ala.	88	Do.

*Military division of the Missouri—Continued.*

Posts.	Number of troops.	Remarks.
Livingston, Ala. ....	40	Infantry.
Mobile, Ala. ....	48	Do.
Huntsville, Ala. ....	38	Do.
In the field with General Terry. ....	1,123	Cavalry and infantry.
In the field with General Crook. ....	1,790	Do.
Total military division of the Missouri. ....	15,110	

## MILITARY DIVISION OF THE PACIFIC.

Alcatraz Island, Cal. ....	118	Artillery and infantry.
Angel Island, Cal. ....	109	Infantry.
Benicia Barracks, Cal. ....	89	Cavalry.
Presidio of San Francisco, Cal. ....	294	Cavalry and artillery.
San Diego, Cal. ....	49	Cavalry.
Point San José, Cal. ....	47	Artillery.
Camp Bidwell, Cal. ....	112	Cavalry and infantry.
Camp Gaston, Cal. ....	36	Infantry.
Camp Halleck, Nev. ....	91	Cavalry and infantry.
Camp Independence, Cal. ....	50	Infantry.
Camp McDermitt, Nev. ....	59	Cavalry.
Fort Yuma, Cal. ....	90	Infantry.
Camp Apache, Ariz. ....	280	Cavalry and infantry.
Camp Bowie, Ariz. ....	132	Do.
Camp Grant, Ariz. ....	255	Do.
Camp Lowell, Ariz. ....	196	Do.
Camp McDowell, Ariz. ....	123	Do.
Camp Mojave, Ariz. ....	66	Infantry.
Camp Verde, Ariz. ....	280	Cavalry and infantry.
Fort Whipple, Ariz. ....	126	Do.
Prescott, Ariz. ....	26	Infantry.
Fort Boise, Idaho ....	34	Do.
Fort Lapwai, Idaho ....	91	Do.
Fort Canby, Wash. ....	36	Artillery.
Fort Colville, Wash. ....	68	Cavalry.
Fort Townsend, Wash. ....	39	Infantry.
Fort Vancouver, Wash. ....	180	Do.
Fort Walla Walla, Wash. ....	187	Cavalry and infantry.
Camp Harney, Oreg. ....	97	Do.
Fort Klamath, Oreg. ....	107	Do.
Fort Stevens, Oreg. ....	38	Artillery.
Fort Wrangel, Alaska ....	33	Infantry.
Sitka, Alaska. ....	98	Artillery.
Total. ....	3,576	

*Recapitulation by military divisions.*

Atlantic. ....	4,077
Missouri. ....	15,110
Pacific. ....	3,576
Aggregate. ....	22,763

NOTE.—The foregoing statement exhibits only the number of officers and enlisted men serving at regular garrisoned posts or operating in the field against Indians, making a total of 22,763. Adding to this 4,216 belonging to the detachments at West Point, ordnance corps, non-commissioned staff of the Army, recruits at depots, in rendezvous, and *en route*, and all other officers and men not serving at garrisoned posts, would swell the force now in service to 26,979.

The foregoing distribution will be changed by sending six companies of the Twenty-second Infantry from the Lake posts, and six companies of the Fifth Infantry from Kansas to General Terry, and five companies of the Fourteenth Infantry from Utah to General Crook.

## DISTRIBUTION OF UNITED STATES TROOPS.

*Recapitulation by States and Territories.*

Maine.....	42	Kansas.....	815
Massachusetts.....	138	Colorado.....	271
Rhode Island.....	251	Indian Territory.....	850
Connecticut.....	100	New Mexico.....	1,161
New York.....	877	Nebraska.....	720
Maryland.....	247	Wyoming.....	873
Virginia.....	400	Utah.....	467
North Carolina.....	235	Idaho.....	176
South Carolina.....	538	Minnesota.....	151
Georgia.....	303	Dakota.....	1,546
Florida.....	280	Montana.....	315
Alabama.....	214	California.....	934
Mississippi.....	461	Nevada.....	150
Louisiana.....	506	Oregon.....	242
Tennessee.....	200	Arizona.....	1,484
Kentucky.....	119	Washington.....	510
Arkansas.....	78	Alaska.....	131
Texas.....	3,718	In the field under General Terry..	1,123
Michigan.....	347	In the field under General Crook..	1,790
Total.....			22,763

*Number of troops in Southern States, exclusive of Texas.*

Virginia.....	400
North Carolina.....	235
South Carolina.....	538
Georgia.....	303
Florida.....	280
Alabama.....	214
Mississippi.....	461
Louisiana.....	506
Tennessee.....	200
Kentucky.....	119
Arkansas.....	78
Total.....	3,334

THOMAS M. VINCENT,  
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, July 8, 1876.

CHICAGO PENSION-AGENCY.

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TESTIMONY

TAKEN BY

THE COMMITTEE ON REFORM IN THE CIVIL SERVICE,

IN RELATION TO

THE CHICAGO PENSION-AGENCY.

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JULY 14, 1876.—Recommitted to the Committee on Reform in the Civil Service and ordered to be printed.

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WASHINGTON, D. C., *May 8, 1876.*

ADA C. SWEET sworn and examined.

By Mr. HURLBUT:

Question. What is your residence and present occupation?—Answer. My residence is Lombard, Ill., and my occupation is United States agent for paying pensions at Chicago.

Q. At what time were you appointed pension-agent at Chicago?—A. April 1, 1874.

Q. Who was your predecessor in that office?—A. David Blakely.

Q. State whether, either before or after you were appointed pension-agent, you were required to pay any sums of money to any person; and, if so, to whom?—A. What do you mean by "required?"

Q. I mean whether you were asked and did agree to enter into any engagement to pay money?—A. Yes.

Q. State, then, all that you recollect about the matter, as briefly as you can, consistently with the facts.—A. In March, 1874, I was an applicant for the position of pension-agent, and had several indorsers in Washington and Chicago. Mr. David Blakely, who was then the pension-agent, came to me, or rather sent for me, and told me that he had just returned from Washington. I had previously told him that I had made an application for his place in case of a vacancy. He told me that he was certain that he could keep the place himself until his commission expired. His commission would expire April 1, 1875, and he discouraged me from making any more effort to secure the place, because, he said, there would be no vacancy, he was certain, unless he resigned. He said, too, that, so far as he was concerned, he would be glad to resign; that he was very much in debt; that he had failed in Chicago, and he wanted to get away. He also said that he had the offer of a very fine position in Saint Paul, on the staff of a newspaper there, and that he

would resign in a moment if he could. In a few days after that he came to see me again. It was two or three days after, I cannot remember which. This was in the first part of March. He made then this proposition to me: that he should resign, and that my friends, knowing of his resignation, and his friends should combine for my appointment; and that the first year I was in office, that is until April, 1875, and until his commission had expired, I should give him all the money I earned over and above expenses, saving a salary for myself which we should agree upon. I asked him if he would require any of this money to be paid before it was earned or before it became due. He said no; that we would agree upon the payments at stated periods, and that I should send him the money. I agreed to this proposition, and agreed upon a salary of \$1,500 a year for me for that first year. I was then earning \$1,200. I had great need of the money. Fifteen hundred dollars was enough for me to live comfortably upon and help my family that first year. He prepared to come to Washington. My application and indorsements by the people in Chicago had all been sent in. Just before he started to come to Washington he came to me and said he had concluded, instead of having me make these payments directly to him, that I should make them to the party he was indebted to. He said a gentleman in Chicago had loaned him some money at one time without security. It was a debt of honor, and he felt that he must pay that if he did not pay anything else. He wanted to know if I was willing to pay this money directly to this man. I said I was. He said the man was B. H. Campbell, United States marshal there. He said also that he had seen Mr. Campbell, and Mr. Campbell wished to see me and wished me to say that I had assumed that indebtedness for a year. They sent for me, and I went into Mr. Campbell's office, and Mr. Campbell asked me about it. He said he understood from Mr. Blakely that I assumed his indebtedness, and we had already agreed what the payments should be, \$600 in April, 1874, and \$250 on the 10th of every second month, that is, in June, August, October, December, February, and April. I do not remember whether anything was said about when those payments should end or not.

Q. State what the gross amount of payments you made to Mr. Campbell was.—A. Twenty-one hundred dollars. Mr. Blakely came on to Washington, and the next thing I knew I was appointed. I took possession of the office the 1st of April, 1874. Mr. Campbell came to me on the 10th and I paid him \$600, and I continued paying him until April, 1875. I have his receipts here.

Q. Then the whole amount of \$2,100 has been paid up to Mr. Campbell?—A. Yes, sir.

Q. State whether or not Mr. Campbell claimed, at the expiration of this time, that there was another amount still due.—A. Yes, sir; when he came to receive his last payment, on the 10th of April, I remarked that our business relations ceased now, and I should not have any more payments to make. He said that he did not understand it that way; that the note was for \$5,000, and that he had understood Mr. Blakely that I was to pay the \$5,000; that I should continue these payments until the whole was paid out. I told him he had misunderstood or I had. I asked him how we should settle it. I told him I could not pay any more, I did not have any more money, but I wished him to know that I stood by my agreement. He said he would stand by what Mr. Blakely said; so we both wrote to Mr. Blakely. I have a copy of the letter I wrote at that time to Mr. Blakely giving the agreement; and about a week after Mr. Campbell came to me and said that was all right;

he had received word from Mr. Blakely, and Mr. Blakely said my statement of it was correct, that my liabilities were to cease the 10th of April, and in the mean time I had been here to Washington and seen the President. I do not know whether that had anything to do with the matter or not.

Q. You say you came to Washington and saw the President about the matter?—A. I did not tell him about the matter, but I was afraid that they would take steps against me; indeed, I heard that they were doing so.

Q. Taking steps to remove you?—A. Yes, to remove me; and I came here and I told the President that I wished to be heard before any change took place; but I did not tell him any of the circumstances.

Q. Did you at any time tell the President, and, if so, when, that you had been paying money to Mr. Campbell?—A. Yes; in January, 1876; about the 3d of January, I should think.

Q. What was his advice to you?—A. He said if I made any more payments he would consider it ground for my removal.

Q. During the time that you were having these transactions with those parties, with Mr. Blakely and Mr. Campbell, was anything said by them to you as to communicating with any of your friends about the matter?—A. Yes; Mr. Blakely insisted upon my keeping the whole matter entirely secret. I asked him in the first place if he would allow me to consult one friend, one gentleman, and he said it would not do, under any circumstances, to say a word about it, and I promised him that I would not.

Q. When did you first communicate these facts, then, to your personal friends, or persons in whom you had confidence?—A. April, 1875.

Q. To whom was the communication made?—A. To J. F. Claffin, of Chicago, and Mr. Josiah Lombard, one of my bondsmen.

Q. Did you pay, or were you called upon to pay, any other sums of money by Mr. Blakely, or on Mr. Blakely's account?—A. I became responsible for a sum of money, and I had to pay it, on his account. Mr. Blakely received an order to turn over all funds on hand to me on the first of April, but he was not ready. He gave me \$20,000 to commence payments with. He was all that month making that account. He had paid out some \$200,000 in March previously. About the first of May he made up an account and sent it to Washington. On this account he claimed something over \$3,000, I think it was \$3,200, on a fire-account; that is, for losses sustained in the Chicago fire; making a balance due me of about \$37,000.

Q. That is, if that \$3,000 had been credited?—A. Yes; if that had been credited. He turned over to me \$37,000 and went to Saint Paul to take his place there. The \$3,000 in that account was disallowed. The account was sent back to him and he was ordered to deposit that amount immediately to my credit. He came to me and said he was a ruined man. He said he could not raise that money; he didn't have it. He presented a very pitiable appearance, and at that time I supposed I was under great obligations to Mr. Blakely, and I was willing and anxious to do anything for him. I thought he had been the best friend I had had, and I was very sorry for him. He asked me if I could raise the \$3,000. He said the matter would come out and he would be ruined. He said, also, if he could have a few weeks he thought he could raise the money. He thought he had some property he could sell. I could not raise the money for him. I told him I had not the money, and could not get it. Finally he asked me if I would sign receipts for that \$3,000 and carry the amount on my account, as if I had received it, for a few

weeks. I told him I would. He said he would pay it certainly by the beginning of June. By that time he would have the money, and he would send the money to me directly. I had actually received \$37,000, but I signed receipts for \$40,000. Those are not the exact figures, but the accounts are all here. This made me a defaulter for \$3,000 in the commencement. I kept writing to him after the last of July, asking him if he had got that money, and asking him to send it to me, but he didn't send it.

Q. Did he come down to see you about it?—A. No, sir; he did not. He never came until November. I kept writing to him. In October, Joseph Lockey, Acting Commissioner of Pensions, came to Chicago on his way West, and came to my office. He was explaining to me some new method of keeping accounts, which several pension-agents had adopted, and he said to me, in explaining the matter, "Bring your August account." I brought my August account, and, as quick as he figured, he saw there was a deficiency. He asked what was the matter. I told him I could not explain. He said there was probably some mistake I could fix up. By this time I was out \$4,000, \$1,000 being the \$600 I paid Campbell, and \$400 that I lent Mr. Blakely, and \$3,000 the amount of money I had receipted to him for, extra. I had to pay the expenses of the office all the time, and they were very heavy, and my postage, and I had drawn this money, so that I was really in default \$4,000, and it showed perfectly plain on my account-book.

Q. The books showed that?—A. The books showed that. Mr. Lockey said that he would be back in a week; that he had to leave that day, and he could not attend to it, but that I must have it all fixed up when he returned, in a week; that he would make an examination and report. Mr. Blakely had passed through Chicago, on his way to some place in Vermont. I telegraphed him that the Commissioner had sent a man there to make an examination, and that the money must be raised. Mr. Blakely telegraphed me himself that the Commissioner of Pensions understood all about it, and that there would be no examination. I tried to get the money ready for Mr. Lockey when he came back. When he came in he showed me a telegram received from General Baker, Commissioner of Pensions, telling him to leave the Chicago office alone; that he would examine that himself. However, I told Mr. Lockey the facts. I was not willing that he should leave under the impression that I was in actual default. I also told him that the Government was perfectly safe; that I had property enough to cover the amount of \$4,000, and that my life was insured for more than that amount, which the Government could have in case of my death; also, that my bondsmen were perfectly good. He came away and reported to Commissioner Baker. I also wrote a letter to the Commissioner, asking him to make some movement in my favor—to use his influence with Mr. Blakely in order to get this money back. I received no answer from Mr. Baker. Mr. Blakely and Mr. Baker both passed through Chicago, on their way to Minnesota, to attend the November elections, in which they were very much interested, and did not get back until after the election. One morning they both appeared suddenly in my office. General Baker said, "Miss Sweet, I understand you are short \$4,000." I said, "Yes." He said, "That must be made up to-day; I leave for Washington to-night to report to the Secretary of the Interior, and you must make up the amount." I told him I could not raise \$4,000. I told him that that was all Blakely's deficiency, and not mine. He said that made no difference; that I had assumed the amount, and must be responsible for it. Well, he talked some time, and then left. Then Mr. Blakely

asked me how much I could raise. I said I might raise one or two thousand dollars that day. He said, "If you can raise \$2,000, the Commissioner is willing that you should carry the rest of the deficiency." He had a note for \$2,000, payable in 90 days. He said that General Baker was willing to take that note as security to the United States and keep it, and I could carry this deficiency on my books, and I would not be molested. That I refused to do. I told him if he had any such notes he could give them to me, and I would get the money on them; and so he did. He gave me those notes, and I indorsed them, and went down the street and got the money for them.

Q. Got them discounted at the bank?—A. Got them discounted at the bank. I also raised \$2,000. General Baker and Mr. Blakely then went over to the subtreasury and deposited the money to my credit.

Q. That cleared that deficiency?—A. Yes, sir; that is the last that I paid.

Q. Then the beginning of this deficiency in your accounts was from your being induced to assume a deficiency of Mr. Blakely, was it?—A. Yes, sir.

Q. Of that amount of \$4,000 how much has been paid by Mr. Blakely up to this time?—A. \$2,000, deducting the interest. The notes ran for 90, 60, and 30 days.

Q. Then there remains due of this original default of his to the Government about \$2,000?—A. No; \$1,000 of default to the Government, and \$400 that he borrowed from me; to which interest is to be added.

Q. When Mr. Blakely desired to get you to assume this default of his did you at that time wish to consult any of your friends about it?—A. Yes.

Q. What did he say about that?—A. He refused to allow it, and finally I told him I could not get the money unless I did. That changed the matter, and he allowed me to tell one of the executors of my father's estate, of whom I had to borrow the money; then he allowed me to tell him this part of it.

By Mr. THROCKMORTON:

Q. That portion relating to your assuming the \$3,000?—A. Yes, sir.

Q. And the \$400 that he owed you?—A. No, sir. I did not say anything about that. That was a private matter. Of course when I went to this man for my money I had to give some reason for wanting it so suddenly. Perhaps I ought to mention that I paid Mr. Blakely \$2,000 for the books and furniture of the office—all the books belonging to the pension-agency, excepting the rolls, and for the vouchers that had been sent out for the approaching June payment, on which I would receive fees. I paid him \$2,000. He paid my father, who was his predecessor, \$1,500.

By Mr. HURLBUT:

Q. That, however, is the usual practice, is it not?—A. It is the usual practice, but I thought I would mention it to show exactly how it stood.

Q. The books and such matters are the private property of the pension-agent?—A. Yes, sir.

Q. And his successor buys them from him and pays their value?—A. Yes, sir.

Q. Have you the receipt of Mr. Campbell with you?—A. I have. The last one is for \$505. The one due was in February, and I could not raise the money. I told him how I was situated at that time, and asked him to allow me until the following April to pay it, and he did so.

The following are copies of the receipts:

"CHICAGO, *April 11, '74.*

"Received of D. Blakely, esq., by the hand of Miss Sweet, six hundred dollars.

"\$600.

"B. H. CAMPBELL."

"CHICAGO, *June 8th, 1874.*

"Received of Miss Ada Sweet, on account of D. Blakely, esq., two hundred and fifty dollars.

"\$250.

"B. H. CAMPBELL."

"CHICAGO, *Aug. 4, 1874.*

"Received of Ada C. Sweet two hundred and fifty dollars, on account of D. Blakely.

"\$250.

"B. H. CAMPBELL."

"Received of Miss Ada C. Sweet, on account of David Blakely, esq., two hundred and fifty dollars.

"\$250.

"B. H. CAMPBELL."

"OCTOBER 10, 1874."

"CHICAGO, *Dec. 10, 1874.*

"Received of Miss Ada Sweet two hundred and fifty dollars, on account of David Blakely, esq.

"250.

"B. H. CAMPBELL."

"CHICAGO, *Feb. 10th, 1875.*

"505.00.

"Sixty days after date, for value received, I promise to pay to order of B. H. Campbell five hundred and five dollars, payable at the National Bank Ills., Chicago.

"ADA C. SWEET,  
"U. S. Pension Agt., Chicago.

"CHICAGO, *April 10, 1875.*

"Received of Miss A. Sweet five hundred and five dollars, on account of D. Blakely, esq.

"\$505.00.

"B. H. CAMPBELL."

Q. At the time you made this arrangement with Mr. Blakely and Mr. Campbell to pay \$2,100, did Mr. Campbell know that you were an applicant for the office of pension-agent?—A. Yes.

Q. Did he know at that time what the consideration for this agreement was, if any?—A. I do not know.

Q. You are not aware, then, that Mr. Campbell knew of the arrangement between you and Mr. Blakely?—A. No.

Q. Excepting as you have detailed in the conversation that occurred?—A. Yes, sir.

Q. I will ask you what you received out of the business of the office for the first year?—A. Three thousand five hundred dollars.

Q. After paying these sums?—A. No; I did not receive anything after that.

Q. What I wish to get at is what you got out of the proceeds of the office under this arrangement, under which you took it, during the first year?—A. Nothing at all. I got in debt \$3,000, and I worked very hard the whole year.

Q. Have you any doubt that Mr. Baker, then Commissioner of Pensions, knew of the fact that you were carrying this default of Mr. Blakely's?—A. I do not know anything about it; I simply know what he said, and what Mr. Blakely said; but I have found out that what they said could not be depended upon; so that I cannot say anything about it.

Q. At what date did you write to Mr. Baker, Commissioner of Pensions, telling him of this transaction?—A. October, 1874. I did not state the transaction. I assumed that he knew it, because Mr. Blakely had telegraphed to me that he did know it. I told him that I wished he would come to me; that I had some matters that I wished to lay before him; that I wished him to use his influence with Mr. Blakely to straighten my affairs.

By Mr. THROCKMORTON:

Q. You have a copy of that letter, I think you said?—A. No; I have not a copy of that.

By Mr. HURLBUT:

Q. Was that an official letter?—A. No; it was a personal letter.

By Mr. BROWN, of Kentucky:

Q. Have you a copy of that?—A. No.

By Mr. THROCKMORTON:

Q. I think you said you had a copy of one letter?—A. I have a copy of a letter which I wrote to Mr. Blakely. I will leave that with you if you choose. I used to write to General Baker and Mr. Blakely without copying my letters when I still had full faith in them, but when I commenced to have doubts in regard to Mr. Blakely, I then commenced to copy my letters and save everything that I had.

The following is a copy of the letter from witness to Mr. Blakely here referred to:

"10th April, 1875.

"DEAR SIR: Mr. B. H. Campbell called to-day to receive the payment due on this day on your note to him. On my remarking that our business relations were now at an end, this being the last payment I was to make to him, he said that he did not understand it so. He stated that he was under the impression that I assumed the responsibility of paying your note of \$5,000. I told him that you had never mentioned such a note to me, or in any way intimated that you expected or desired me to pay such an amount of money to him. I then gave him the substance of the agreement made by me as to what payments I should make on your account to B. H. Campbell. I suppose you remember it perfectly, but I will give it below.

"On the 10th day of April, 1874, I was to pay Mr. Campbell, provided I was appointed pension-agent, \$600, and on the 10th day of the following months, June, August, October, and December, 1874, February and April, 1875, \$250 each. On the 10th day of April, 1875, when the sum of \$2,100 should have been paid, all the money to be paid on your account should be declared paid, and all demands on me for and on your account should cease.

"Please write to Mr. Campbell at once and correct his misunderstanding of this affair, as I wish him to know, as well as you do, that I have made good my promises as to payments to be paid to him on your account.

"Sir, I am very truly yours,

"ADA C. SWEET.

"Hon. D. BLAKELY,

"Saint Paul, Minn."

By Mr. HURLBUT:

Q. At what time was it that Mr. Lockey, the deputy commissioner, informed you that he had had a telegram from Mr. Baker to let the Chicago office alone?—A. That was in October, 1874. Mr. Lockey has that telegram. When I was here last winter he told me he had it.

Q. Notwithstanding all this correspondence, the first thing that was done when Mr. Blakely and Mr. Baker came to your office was to order you to close that balance that day, was it?—A. Yes, sir.

Q. Mr. Baker was then Commissioner of Pensions?—A. Yes, sir.

Q. Does he hold any office under the Government now?—A. Surveyor-general of Minnesota.

Q. You stated that you consulted your friends, Mr. Clafin and Mr. Lombard, in April, 1875?—A. Yes, sir.

Q. After that time did you pay any more money to Mr. Campbell or anybody else?—A. No.

Q. There have been statements in the newspapers connecting General Logan with these transactions of Campbell, Blakely, and yourself. Is there any truth in them?—A. None whatever.

Q. He knew nothing of it and had nothing to do with it?—A. He never had anything to do with it. He knew of it in May, 1875.

Q. After you had come on here?—A. No; I told him myself in Chicago.

Q. After the payments were all made?—A. After all the payments were made. I ought, in justice, perhaps, to say that General Logan was very indignant, and wanted to bring it all out and make a fuss about it, but at my solicitation he remained quiet. I asked him not to say anything about it.

Q. In what condition did you find the office when you took charge of it?—A. It was in a bad condition. I had to make new books and employ a large extra force of clerks to bring the office up to where it should have been.

Q. Have you ever been talked to by either Blakely or Campbell with reference to the evidence you were to give before this committee?—A. Yes, sir.

Q. State what they wished and what occurred.—A. Some time ago there was a statement made in the Chicago Tribune that this committee had received letters from Chicago making these charges, and Mr. Campbell came to see me then, with a letter that he had written, which was a roundabout sort of denial, making me deny all about payments to General Logan, (which I could conscientiously do,) and really exonerating Mr. Campbell in a very roundabout sort of a way. It was a card which he wished me to put in the Chicago papers. I refused to do it. This spring, when the papers commenced to say there was a prospect of an investigation, Mr. Campbell came around to see me about it. He came to see me almost every day, and we had long talks about it; but I must say that he has never asked me to tell anything but the truth in the matter. He has naturally been anxious, but has never suggested to me to say anything but what was perfectly true. He did suggest that I should go into details as little as possible and make as short a statement as possible, but he never suggested that I should say anything but the exact truth. That is all that Mr. Campbell has done. The last moment before I came away he came to me and said he had an important communication to make. He came into the office and told me that I should say to this committee that he had never considered that he was doing anything wrong; that he did not know anything about the arrangement I had made with Mr. Blakely, and that since he

had found it out he had studied into the matter, and he asked me to say to you that he would refund all this money to me in case you should recommend it or in case the President should recommend it, or if I should ask for it. Your subpoena demanded that I should appear here on Friday, and I was all ready to start when Mr. Blakely telegraphed to me from Saint Paul, asking me to wait over a few hours; that he would start from Saint Paul and come right down. I did wait for him. He came down on Thursday. He asked me what I was going to say to the committee, and I told him. He said that placed him in a very bad light, and he thought that I could make a statement that would place him in a much better light. I asked him what he had to suggest. He said he would like to have me say that he had always been kind and friendly to me; that he had always looked out for my interest, and that he had always been perfectly friendly; and that I had confidence that he would pay me whatever was due me, &c. Of course I made no promises to him. I told him I was glad that he came, and that I was glad to see him.

Q. He did not deny his indebtedness to you at all?—A. O, no. He remarked when I was in trouble in November in regard to the default, that he had come to my rescue, and had shown a willingness to help me.

Q. Your father was pension-agent in Chicago in 1869?—A. Yes, sir.

Q. Do you know anything with regard to any arrangement by which George W. Campbell was to be actually or nominally a clerk for your father?—A. No, sir.

Q. Do you know the fact that he was clerk there?—A. Yes, sir.

Q. For how long?—A. I cannot tell; I am under the impression that it was three or four months, when my father first took charge of the office.

Q. Do you know at what rate he was employed?—A. No, sir.

Q. Do you know whether he continued to receive a salary after he ceased to be a clerk there?—A. No, sir. I was a young girl then, and did not know anything at all about the affairs of the office. I went in the office with my father to write for him. You know his right arm was disabled; but I did not find out anything, of course, in any way. I was just simply in the office, and probably knew less about it than any other clerk there. Of course I heard all these things, but I do not know anything about them.

Q. Who was your father's chief clerk?—A. M. H. Fitch was the first chief clerk. He was followed by a Mr. McKenzie; and then Mr. M. B. Johnson, who is now in the Pension-Office in this city, was the next. Soon after that I was chief clerk.

By Mr. THROCKMORTON :

Q. Who was your father's executor?—A. There are two executors, Messrs. E. H. Gary and Josiah Lombard. It was to Mr. Gary that I went for the money that I have mentioned.

Q. Then the substance of this matter, as a business transaction, is that the office of pension-agent has not paid you much, has it?—A. No.

Q. Have you got square with it yet?—A. No. I do not wish you to understand that I am indebted to the Government.

Q. No; I mean your own personal receipts.—A. I owe about \$2,000 and interest, now.

Q. But the receipts of the office have not been sufficient to keep it up?—A. No; not yet.

By Mr. BROWN, of Kentucky:

Q. Do you know of money having been demanded of your father for his continuance in office there by Mr. J. Russell Jones, then United States marshal in Chicago?—A. No, sir; I do not.

Q. Do you know of your father ever having paid J. Russell Jones any money?—A. No, sir.

Q. Have you seen any of your father's correspondence or receipts relating to that?—A. No, sir. It would, perhaps, be well to say that all my father's papers were burned in the Chicago fire of 1871, and all his papers I have in my possession now, of course, only date back to that time.

Q. You have nothing relating to that subject?—A. No; I have not.  
ADA C. SWEET.

The dispatches referred to in Miss Sweet's testimony are as follows:

BRADFORD, VT, Oct. 2, 1874.

To Miss ADA C. SWEET,

*Pension-Agent, Chicago, Ill.:*

I send blank, with signature, for you to fill; meanwhile make check, and sign my name, if needed. Don't worry; Baker will understand, and make all right.

(Signed)

D. BLAKELY.

BRADFORD, VT., Oct. 3rd, 1874.

To Miss ADA C. SWEET,

*Pension-Agt., Chicago, Ill.:*

All right. Have telegraphed Baker this morning.

(Signed)

D. BLAKELY.

ST. PAUL, Oct. 24th, 1874.

To Miss ADA C. SWEET,

*Pension-Agent:*

You will hear from me more fully Monday night. Shall do everything possible for you. Fear nothing.

(Signed)

D. B.

CHICAGO, May 15, 1876.

I certify on honor that the foregoing are true and correct copies of telegrams received from David Blakely, esq., on the 2d, 3d, and 24th of October, 1874, respectively; and that the originals are now in my possession.

ADA C. SWEET.

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WASHINGTON, D. C., May 13, 1876.

JOSEPH LOCKEY sworn and examined.

By Mr. HURLBUT:

Question. Have you been in the employ of the Government in the Pension-Office?—Answer. Yes, sir.

Q. In what capacity?—A. I was first employed as a clerk in the Pension-Office; afterward as Deputy Commissioner of Pensions.

Q. Do you know anything of any transactions between Mr. David

Blakely and Miss Sweet, and the Commissioner, Mr. Baker, in relation to a certain defalcation or alleged default in the accounts?—A. I don't know anything of their transactions. I know that at one time I went to Chicago and went to the agency there.

Q. Can you give the time?—A. It was about the first of October, 1874; I cannot give the exact time. I went into the office and saw Miss Sweet, and stated that I had come for the purpose of looking over her accounts, and looking through them, and I asked her for certain bank balances and her own balances as shown by her last account. She gave them to me and I looked over them a little, and came to the conclusion that there was a deficiency there somewhere, or some error, or something of the kind. I called her attention to that appearance of things, and she said that there was a difficulty there, and she had been trying to find it and arrange it, and thought she would be able to do so, if she had a little time; she was at work on it then, she said, and as soon as she got through with the hurry and the payments she was intending to ascertain it exactly and fix it up.

Q. Did she at that time tell you how this deficit or discrepancy in the account occurred?—A. No, sir.

Q. Did you see her afterward?—A. Yes, sir; I told her that I was going to Dubuque, and that I would be back in about two or three days, and if in the mean time she could find what the difficulty was it would be all right, and if not I should help her to do so.

Q. How long were you gone before you returned?—A. I think three days; I am not positive. I think I went back on the third day to Chicago.

Q. During that time did you have any communication from the Commissioner of Pensions?—A. Yes, sir; I received a dispatch from him.

Q. You received a telegram from him?—A. Yes, sir.

Q. What was that telegram?—A. I have it in my pocket.

Q. Will you read it?

A.

"WASHINGTON, D. C., October 3, 1874.

("Received at Dubuque, October 3, 1874.)

"Hon. JOSEPH LOCKEY,

"Deputy Commissioner of Pensions, Dubuque, Iowa,

"Care of Pension-Agent :



"You need not stop at the Chicago agency, as I will go there.

"C. H. BAKER,

"Commissioner of Pensions."

Q. Did you go back to Chicago?—A. Yes, sir.

Q. Did you have any conversation with Miss Sweet there about matters?—A. Yes, sir.

Q. Go on and state all that occurred.—A. I called at the office and asked her if she had found the difficulty, and she said that she had. Then she stated just what it was.

Q. Now state what she said.—A. She said that there was a deficiency when she went into the office; that Mr. Blakely had promised to make it good, but had not done so as yet; and that is about all. I asked her to show me the papers turned over to Mr. Blakely, and I saw that her receipt was for something like \$40,000, and I asked her to show me the balance from the depository.

Q. Actually turned over?—A. Yes, sir; and that was something like \$3,000 less; I don't remember the exact figure. I don't remember the exact conversation further than that; but I asked her to show me her

monthly accounts as rendered to the Treasury Department, and she did so, and on the bottom of that the balance due the United States is shown, and I called her attention to the fact that there was an affidavit there stating that that balance was in the depository, and I just simply said to her, "I would not send in another account of that kind; I would have that arranged." I told her then I was not going to examine her accounts; that I had heard from Washington.

Q. You told her that you had heard from Mr. Baker?—A. Yes, sir, but that I would not send in another account of that kind.

Q. Did she explain to you at that time how she had been induced to make this false balance?—A. No, sir.

Q. What did you understand this telegram from Baker to mean?—A. I did not understand anything more than the whole transaction shows.

Q. It was out of your hands?—A. It was out of my hands.

Q. Did you have any conversation with Mr. Baker when you came back to the office?—A. Yes, sir.

Q. State what occurred.—A. When I came back I stated to the general that I had received his dispatch, but, before I had received it I had found that there was a difficulty, a deficiency in the Chicago office, and stated to him about the amount, and said that it ought to be straightened up.

Q. Did you also state to him how Miss Sweet stated that it had occurred?—A. Yes, sir.

Q. From carrying a balance over?—A. From the time she entered the office.

Q. What did he say to that?—A. He expressed considerable surprise, and said that he would go out there and see that it was made right.

Q. Do you know whether he was in communication with Blakely?—A. I do not, sir.

Q. Do you know the relations that existed between Mr. Blakely and Mr. Baker, whether they were intimate or not?—A. They were apparently friendly; I don't know anything beyond that.

Q. Do you know anything further about this matter?—A. I received a note from General Baker while he was absent, saying that he had found the matter there about as I stated, and that it had been made all right.

Q. But of the manner in which it was arranged, you have no personal knowledge?—A. No, sir.

Q. Have you had any conversation with Blakely on this subject?—A. No, sir; never spoke of it with him.

Q. I wish you would state to the committee—you are probably familiar with the subject—how the clerks in the pension-office are paid; are they paid by the Government or paid by the pension-agent?—A. They are paid by the pension-agent.

Q. He receives certain amounts in salary and fees from the Government, and is allowed to employ his own clerks and make his own rates?—A. Yes, sir.

Q. Then there is no official return of the clerks made to the Department, is there?—A. I think not. I think it is a matter private with the pension-agent as to the amount of the expense of his office.

Q. If you know of any other matter tending to show anything about these allegations in regard to the Chicago pension-agency, I wish you would go on and state it.—A. I do not; that is my entire connection with it; since then I have only known what I have read in the papers in regard to it.

By the CHAIRMAN, (Mr. Brown, of Kentucky :)

Q. I see in the testimony of Miss Sweet that she says she communicated to you the facts of this deficiency ?—A. Yes, sir.

Q. On your second visit, after you exhibited the dispatch you had received from General Baker ?—A. Yes, sir.

Q. Did she tell you of her relations to Mr. Blakely, and of money having been exacted from her in any way ?—A. I don't remember that she did. Of course I was a little surprised that she would receive the office with that deficiency.

Q. Did she tell you why she had assumed this deficiency from Blakely ?—A. Not why ; but, as I understood, it was that Mr. Blakely promised to make it up very soon.

Q. She did not tell you why ?—A. No, sir.

Q. After returning to Washington, did you learn that in the mean time the Commissioner had been communicated with by Blakely on this subject, or do you know now that he had been ?—A. I do not. My impression is that I asked him how he came to send me the dispatch, and he said he heard from Blakely.

Q. You had not communicated with him ?—A. No, sir. When he expressed surprise at finding this condition of things, my impression is that I asked him how he came to telegraph me.

By Mr. HURLBUT :

Q. He answered, as you recollect, that he had heard from Blakely ?—A. Yes, sir.

By the CHAIRMAN, (Mr. Brown, of Kentucky :)

Q. What are the usual wages paid to the clerks of pension-agents ?—A. That I have no personal knowledge of. You speak of the pension-agencies ?

Q. Yes.—A. I don't know at all.

Q. How long was it after your visit before the Commissioner went out there ?—A. He went out almost immediately, within a day or two.

Q. In the mean time did Mr. Blakely visit Washington ?—A. I don't think he did, but I am not positive.

WASHINGTON, D. C., *May 13, 1876.*

M. B. JOHNSON sworn and examined.

By Mr. HURLBUT :

Question. What is your age and residence ?—Answer. About thirty-eight. I reside at present in Washington City. I formerly resided at Chicago.

Q. Were you in the pension-office at Chicago during General Sweet's administration of it ?—A. During part of it ; I entered the office in January, 1870.

Q. In what capacity ?—A. As copyist ; clerk.

Q. Did you know Mr. George W. Campbell, who has just testified ?—A. Yes, sir.

Q. Was he employed in that office at that time ?—A. I have seen him in the office ; I took no particular note. I was in the office some three weeks in Chicago, and I then went out, and was in again toward the end of February about one week, I think, and came back permanently into

the office in March, and remained in the office from March until General Sweet was relieved. I saw Mr. Campbell there frequently.

Q. When you first went into the office was he then engaged as clerk, acting as clerk there?—A. I don't believe he was at that time, to the best of my recollection. I have seen him in the office writing at the desk when I first went in, but whether he was engaged regularly as clerk I don't know.

Q. Do you know anything about the current prices for clerks in that office?—A. At that time General Sweet paid \$12 a week to the clerks he employed.

Q. Did Mr. Campbell have any special charges; do you know anything about his rates?—A. No, sir; I do not.

Q. Did he, while you were there, have special charge of anything in particular?—A. Not that I am aware of.

Q. The same relation as other clerks?—A. No, sir; I don't know that he was a clerk at all; when I went in I only saw him there writing at times; I was not aware that he was a clerk; I knew nothing about it.

Q. Who was the chief clerk?—A. There was a gentleman named McKenzie, who entered the office the same time I did; he was called the chief clerk.

Q. Did you know Mr. Fitch?—A. Yes, sir; he was in the office at the time I was employed. Excuse me; I made a mistake; I think that he was the chief clerk.

Q. Fitch was the chief clerk?—A. Yes, sir.

Q. Do you know what salary Fitch got as chief clerk?—A. I do not know of my personal knowledge; I have heard that he got \$1,500. I had forgotten about Colonel Fitch when I mentioned rates before.

Q. After you went in there, from 1870 to April, 1871, when, I think, General Sweet was relieved— —A. May, 1871.

Q. During that time was Mr. Campbell in the office?—A. He came in occasionally, about once a month, and sometimes oftener.

Q. He came in pay-day?—A. He came in about the first of each month.

Q. He was not employed, though, in the office?—A. No, sir.

Q. Did you know from the rolls or anything else whether he was paid during that time?—A. No; there was nothing on the books to show who was paid excepting from the check-stubs in General Sweet's private check-book.

Q. Then he was not carried on the rolls?—A. There was no roll of clerks. I don't know that Mr. Sweet kept any roll. He paid the clerks every week, and it was all a cash transaction.

Q. Then you state that the current rate of employment of chief clerk was understood to be about \$1,500 a year and the others about \$12 a week?—A. Yes, sir; at that time.

By the CHAIRMAN, Mr. BROWN, of Kentucky:

Q. Do you know when General Sweet's term began?—A. I do not, sir.

Q. You went into the office in January, 1870?—A. Yes, sir.

Q. During that time, until the first of May, was this Mr. Campbell a clerk regularly employed in the office?—A. No, sir; I never considered him as such. I saw him frequently in the office at that time.

Q. You say his visits were occasional?—A. Yes, sir; after that. He was in the office considerably from January, say, to March, when I was there. I was absent four or five weeks probably during that time.

Q. Was he known and recognized in the office as a clerk?—A. I knew

that he had been a clerk, but whether he was then I did not know. I did not think he was.

By Mr. HUELBUT :

Q. I will ask you if you know anything about the subsequent condition of the office, when Miss Sweet was in there. You were not there then, were you?—A. No, sir; I was not in there.

Q. Do you know anything of any of the transactions between Mr. Blakely and Miss Sweet? I mean of your own knowledge.—A. I have no personal knowledge of this arrangement of which I have read in the testimony.

By the CHAIRMAN, Mr. BROWN, of Kentucky :

Q. Did you have any conversation with any of the parties concerned about the relations between Blakely and Miss Sweet?—A. I have spoken with none, except Miss Sweet herself. I saw her since she gave her testimony here.

Q. You had no knowledge at the time of the particulars of the arrangement between them?—A. All the knowledge I had was this: at the time the agency was turned over to Miss Sweet, Mr. Blakely made a claim against the Government of some \$3,200, on account of the fire balance. I told him at the time that I thought the Auditor would not allow it; he had claimed it was outside of his jurisdiction. He said, in that connection, he would make an arrangement, I think he said, with Miss Sweet. He was going to Minnesota, I think, and that he would make an arrangement to have the thing straightened out. I left Chicago after that.

Q. How many clerks were employed in his office while you were there?—A. By whom—Mr. Blakely or General Sweet?

Q. General Sweet?—A. At the time I entered he employed, I think, four copyists besides myself. The number of clerks varied at different times. During the summer, between payments, there was nobody but myself and Miss Sweet; at the payments he employed more, temporarily.

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WASHINGTON, D. C., *May 19, 1876.*

B. H. CAMPBELL sworn and examined.

By the CHAIRMAN, Mr. BROWN, of Kentucky :

Question. State your age, residence, and occupation.—Answer. I am fifty-nine, and reside in Chicago. I am United States marshal of the northern district of Illinois.

Q. Are you a kinsman of G. W. Campbell, who has been examined in this case?—A. Yes, sir; he is my brother.

Q. Do you know by what influences Miss Ada C. Sweet secured her appointment as pension-agent in Chicago?—A. No, sir. I can tell you what I know about it. I came to Chicago in 1849. George Campbell, my brother, was there before I came. General Sweet, who was pension-agent at that time, was appointed before I came there. I knew nothing about it, and I never had seen him; I know nothing about how he got his appointment. When I came there my brother was acting as his clerk, under what arrangement I never knew and never inquired; it was a matter which I had no interest in, only I was glad to see him employed; he was poor, and I was glad to see him appointed. That is all I know about that matter. After the big fire in Chicago in

1871, I think it was the winter after the fire, David Blakely, who was then pension-agent, came to me and told me that he had met with very severe losses; and I was burned out also, not my residence, but my office in the custom-house. Some of us were heavy losers and some were not, but we were sympathetic at that time with our friends and neighbors, and he told me that he was in trouble, that he had met with very heavy losses, &c., and he wanted a loan of \$5,000. I told him that I did not have money to loan him, and it was impossible for me to raise him the money. He said to me, "Mr. Campbell, you will not have to raise the money; if you will guarantee my note, I can get the money at the bank." I thought of it some time, and told him that when I indorsed a note I considered it about equal to giving my own note; I should have to take care of it if he did not; but he excited my sympathy, and I finally did it.

Q. Did you give him the money?—A. No, sir; he gave the bank a sixty-day note, with my guarantee or indorsement. It was a judgment-note, so that in case the note is not paid it is a judgment. I indorsed that note for him. It was, I think, a sixty-day note or a ninety-day note, I can't tell which, but I think sixty. The note became due and he told that he could not pay it, but he said, "I will pay the interest. You give me your guarantee and I will give you collateral security." I told him finally that I would guarantee his note. He promised to give me collateral security, which he never did. The note became due with no security. He told me he could not pay it, but he said, "I will have to renew it." "Well," said I, "Mr. Blakely, if you can't pay but the interest, I will have to indorse it." He paid the interest and renewed it. The second time the note became due it was the very same thing; he paid the interest and the note was renewed. The third time the note became due I think he paid the interest and part of the principal, reducing the note to \$4,250, and I said to him when he made the last payment, "Blakely, I want to make a suggestion to you." He was then pension-agent and he was running his paper, and I supposed was making some money. Of course I was like everybody else; it was only a gratuity on my part, out of friendly feelings, to indorse a note, and of course I wanted to protect myself as well as I could. Said I, "I will make a suggestion to you. If you will pay that note \$250, \$500, or \$600, as you may make up your mind, out of your business, you take that note up, and you will not feel it so sensibly as you would to pay the whole note." Said he, "I was just thinking of that myself, and that is just what I wanted to do." That was after he reduced it to \$4,250. Some time after that, I won't be certain whether he came to me or I sent him word—but if he had not come to me I should have sent him word—that I saw he was going to remove to Minnesota and was going to give up the pension-agency. He came to my office, or I went to him, I won't be certain which. I think he came to my office, and I said to him, "Blakely, I see by the papers that you are going to Minnesota; that you are going to resign the pension-agency. Now, if that is true, that note ought to be paid before you leave." He said to me, "Mr. Campbell, I have suffered as much about that note as you have. It is a debt of honor, and I have always felt that I should pay it. I will not leave here without making some arrangement by which that note will be paid, as I promised you that the installments would be paid; I will make some arrangement." That ended our conversation. He came in afterward. I saw him the second time, and he told me that he had his arrangements completed, and that a party would assume the payment of his note, as he had agreed. Said I,

"Mr. Blakely, I would like to know the party." Said he, "You will have to wait a little while until I get my arrangement completed." He came in afterward and told me he had his arrangement completed, and that Miss Ada Sweet was the party that would assume the payments that he had agreed to pay. Said I, "Mr. Blakely, I would like to have Miss Sweet say so." I sent for her, and she came, and sat down in a chair near my desk, and I told her exactly what Mr. Blakely had said; and she said, "That is true, Mr. Campbell; Mr. Blakely told me it was a debt of honor, and I have agreed to assume the payment." And said she, "Mr. Campbell, do you want my obligation?" Said I, "No, Miss Sweet; your word is sufficient." She thanked me, got up out of her chair, and went back to her office. She never asked me to use my influence directly or indirectly for her appointment. Mr. Blakely never did. I never wrote to a Senator, to the President, or to a Congressman in her behalf; I was not asked to; and I did not know anything about the agreement which turns out now to be a bargain between her and Blakely. Had I known it at that time, my action probably would have been different; but I looked upon it as a fair, legitimate transaction between her and myself. The time came around when the payments were to be made. I have been a business man all my life. I went right straight to Miss Sweet's office; she paid me the amount as she had agreed or assumed. I sat right down and wrote her a receipt, "Received of Miss Ada Sweet this day, on account of David Blakely," whatever amount it was, "which I have this day indorsed on his note." I took that money, or the check, whichever it was paid in, went to the bank on the same street and paid it over, and had it indorsed on the note, and never went to my office until the amount was paid to the bank indorsed on the note. I walked right from her office to the bank, and told the cashier to get Mr. Blakely's note, and he brought it in, and I handed him the money, and saw him indorse it on the note, each payment as she made it, precisely; and the indorsements on the note to-day will correspond, the day she paid it, with the receipts and the amounts paid, which foot up \$2,105. To show my ignorance of any agreement or bargain between her and Blakely when she assumed it, I did not know how much she had assumed, and I could not tell; it was a matter which I had to learn. She did not like to say much about it, and I suppose Blakely did not like to say much about it; it was an arrangement between themselves. I never knew anything about it. But, to show my ignorance in the matter, when the last payment was made by her, which was, as it turns out now, according to the agreement between her and Blakely, she said, "This closes my payments to you." I said, "I have no doubt you are correct, but I did not understand it that way." I could not, because I was ignorant. They never told me anything about it, and I said, "I will drop Blakely a line." I went right to my office and wrote Blakely what Miss Sweet had said, and he wrote me right back that Miss Sweet was correct. I took that letter right down to Miss Sweet and showed it to her, and asked her pardon; that it was a matter which she and Blakely understood, but I did not. To show my kindly feelings in regard to her, and that she considered me her friend, some time after that she came into my office one day—

Q. If it has nothing to do with this case, it is not necessary.—A. It has this much: the papers have done me very great injustice in regard to her testimony, and I wanted, if it was possible, to place myself right. A good many papers said that after she declined to pay me what she did not agree with Blakely to pay me, that I used my influence to turn her out. I only wanted to say that there is no particle of truth in it,

and she never understood it, for the reason that she came into my office after this thing was all over, some time, and she said to me, "Mr. Campbell, I understand that one of the Senators wants me removed." I told her that I did not believe it was so; that he had recommended her. I think she said, "What would you advise?" Said I, "I would go right to the Senator; he is here in the city; he will tell you whether it is so."

Q. I don't think that she has anything to do with it. How long had you known Mr. Blakely previous to this business transaction between you and him, this loan of money?—A. I had known Blakely as an editor; I never knew much of him socially, although I knew him when I saw him.

Q. You spoke of his losses in Chicago being very large; what were they?—A. He was entirely burned out, his press and all, I think.

Q. Did he own any property there?—A. He, I suppose, owned the press, but I don't know.

Q. What press?—A. He was running a paper at the time.

Q. What paper?—A. The Evening Post.

Q. Was he the owner of that or merely the editor?—A. I never knew; I never inquired anything about it.

Q. Of your own knowledge, do you know of any property that he lost in the fire?—A. No, sir; only the loss of his press, &c.; I never inquired anything about it.

Q. And you don't know that he owned that?—A. No, sir; but I inferred that he did from what he told me when he said he was going to give me some collateral security.

Q. What collateral security did he promise?—A. I think stock in his paper.

Q. Had he re-established the paper?—A. What do you mean? He was still running it.

Q. If I understood you, you became his indorser after the fire?—A. Yes, sir.

Q. And your sympathy was the motive?—A. Yes, sir.

Q. You say he promised you collateral security?—A. Yes, sir.

Q. Which you think was stock in his paper?—A. That is what he told me.

Q. Had he re-established the paper after the fire?—A. He was running the paper at the time.

Q. What paper?—A. The Post and Mail, or Evening Post. I forget what it was called.

Q. Then it had been re-established? You say it was burned out?—A. He went right on, hired a shanty up there on Michigan avenue, and got his press going as well as he could, and went right on editing the paper.

Q. The same paper?—A. Yes, sir.

Q. And it was stock in that paper that he promised you as collateral?—A. Yes, sir.

Q. What amount?—A. He did not say.

Q. Did you regard the stock at that time as good?—A. I told him I did not know a thing about it; that I never knew anything about it.

Q. Yet you were willing to take it?—A. I was willing to take anything he would give me as collateral, but he did not give me anything. I found out afterward that he was larger in debt than he represented.

Q. Then you were anxious to do him this favor?—A. Yes, sir; he excited my sympathy in the matter.

Q. You say his note was discounted?—A. Yes, sir.

Q. At what bank?—A. At the National Bank of Illinois.

Q. In Chicago?—A. Yes, sir.

Q. What date?—A. I could not tell you; it was renewed several times.

Q. Have you the note?—A. No, sir; I have got a copy of the note, that is, of the last note.

The witness produces a copy of the note, which is as follows:

"\$4,250.00.

74.37 interest.

---

4,324.37.

"CHICAGO, *February 6, 1876.*

"Sixty days after date I promise to pay the National Bank of Illinois at Chicago, or order, forty-two hundred and fifty dollars, at the banking-house of said bank, value received, with interest at the rate of ten per cent. per annum from date.

"D. BLAKELY.

"Know all men by these presents, that whereas I, the subscriber, am justly indebted to the National Bank of Illinois, at Chicago, upon a certain promissory note bearing even date herewith, for the sum of forty-two hundred and fifty dollars, with interest at the rate of ten per cent. per annum, after maturity, and due sixty days after date. Now, therefore, in consideration of the premises, I do hereby make, constitute, and appoint W. C. Grant, or any attorney of any court of record, to be my true and lawful attorney, irrevocable, for me and in my name, place, and stead, to appear in any court of record, in term-time or in vacation, in any of the States or Territories of the United States, at any time after the said note becomes due, to waive the service of process, and confess a judgment in favor of the said National Bank of Illinois, at Chicago, or their assigns or assignees, upon the said note, for the amount then due on said note, and interest thereon to the day of the entry of the said judgment, together with the costs and usual attorney's fees, and also to file a cognovit for the amount thereof, with an agreement therein that no writ of error or appeal shall be prosecuted upon the judgment entered by virtue hereof; nor any bill in equity filed to interfere in any manner with the operation of said judgment, and to release all errors that may intervene in the entering up of said judgment or issuing the execution thereon, and also to waive all benefit or advantage, to which I may be entitled, by virtue of any homestead or other exemption law, now or heretofore in force in this or any State or Territory where judgment may be entered by virtue hereof. Hereby ratifying and confirming all that my said attorney may do by virtue hereof.

"Witness my hand and seal this sixth day of February, A. D. 1876.

"In the presence of—

"D. BLAKELY." [SEAL.]

On the back of the note are the following indorsements:

"(Indorsed:) B. H. Campbell, W. H. Bradley.

April 11, 1874, paid on the within note, H. H. N., 600, six hundred dollars .....	\$600
June 9, 1874, paid two hundred and fifty dollars, H. H. N.....	250
August 4, 1874, paid two hundred and fifty dollars, H. H. N....	250
October 10, 1874, paid two hundred and fifty dollars, H. H. N..	250
December 10, 1874, paid two hundred and fifty dollars, H. H. N.	250
April 10, 1875, paid five hundred and five dollars, H. H. N.....	505

The WITNESS. The original note was \$5,000, and he kept paying along by degrees. There are the indorsements exactly as they were made, on the day they were made, and the amounts, which footed up exactly the amount.

Q. Is this the note that you indorsed?—A. Yes, sir. I indorsed them all.

Q. I see that all of these credits on the note are in 1874, aggregating \$2,105?—A. Yes, sir.

Q. This note, it seems, was executed February 6, 1876, for \$4,250?—A. Yes, sir.

Q. Why was it not executed for the original amount?—A. Because he had made a payment on it there.

Q. Was that note indorsed by you in bank?—A. Which?

Q. This note?—A. Yes, sir; this is a correct copy. You see my name here on it. It is an exact copy. When this note was taken what had been paid on it was deducted, and it left this balance.

Q. The amount aggregated \$4,250, if I understand you, before this arrangement was made with Miss Sweet?—A. He had reduced it, yes, sir, but I had to pay that note, and then I took his note, that is, to the bank; that is, I indorsed it, just as you see here exactly, and it left this balance, and that is what he owes now on the note.

By Mr. THROCKMORTON:

Q. What he owes to you?—A. No; he don't owe me; that is, he owes me, but his note I left in the bank. I paid the note, but I would not take it away from there. I thought I would leave it—his note.

By the CHAIRMAN, (Mr. BROWN, of Kentucky):

Q. Why was not the note, upon its renewal, executed for the balance due after giving the credits?—A. It was.

Q. All these credits seem to have been made in 1874, but the note is executed in 1876 for 4,200 and odd dollars. Why was not the note executed for the balance due after giving the credits paid by Miss Sweet?—A. Of course what was paid by Miss Sweet is indorsed on that original note that is held there, just as it is here, but he had paid individually and reduced the \$5,000 note to the \$4,250. Therefore every payment that was made afterward, notwithstanding who it was paid by, went right on to that original note, just as it is here.

Q. I may be mistaken about it. This note is dated February 6, 1876?—A. Yes, sir.

Q. It is for \$4,250?—A. Yes, sir.

Q. I understand you that amount was due before any arrangement was made with Miss Sweet; Blakely had reduced the debt from \$5,000 to \$4,250, before any arrangements were made with Miss Sweet to make payments to you?—A. Yes, sir.

Q. Then in 1874 Miss Sweet paid \$2,105?—A. Yes, sir.

Q. Yet in 1876 Blakely's note is renewed for the original amount of the debt for which you became security?—A. Yes, sir.

Q. Why was that?—A. Because the original note is in bank, and those indorsements were made on this note after it was reduced to \$4,250; and the payments made by her show for themselves, right on the note.

Q. When the original note was renewed was it not canceled by the bank?—A. Yes, sir; and another one given in the place of it.

Q. Then why were not the credits placed upon the existing note?—A. They were; they remain there now, on the note that the bank holds of Blakely's, that he got the accommodation for.

Q. This is a renewal of the original note?—A. Yes, this is a copy of it, but that note is still in the bank. That is a copy of it, with all the indorsements, which you see. I never got a dollar of it; not a dollar; it was every dollar paid into the bank.

Q. At the time you assumed that liability for Blakely, was he not notoriously, in that city and with all of his acquaintances, insolvent, utterly?—A. That was not my knowledge. I never knew that.

Q. Did you know any property in the world that he owned?—A. I never asked him, but he assured me that his paper was making money, and I knew he had the pension-agency, and I thought he might work along and pay it off. I never inquired anything about it.

Q. As a business-man, when Miss Sweet and he came and made known to you their agreement, did you or not suspect the illegality of the transaction?—A. No, sir; I did not at the time.

Q. Did you at any time during the year that she was making these payments to you?—A. No, sir.

Q. Had you any knowledge or information during the year 1874 or 1875 of anything causing you to suspect the correctness of this whole arrangement between you?—A. No, sir, I had not, for the reason that the agreement, or bargain, or whatever you may call it, between Miss Sweet and Blakely they kept to themselves; I could not get any information in regard to it.

Q. Did Blakely explain to you how Miss Sweet happened to be indebted to him?—A. No, sir; I never asked him. I supposed it was a legitimate transaction between them.

Q. Did you make any inquiry on the subject of how this indebtedness or pretended indebtedness originated?—A. No, sir; I never had any occasion to until I heard that there were some charges made in regard to it.

Q. When did you hear that?—A. The first intimations that I had that were reliable, I had seen some pieces in the papers, but that I did not pay any attention to; but the first reliable information I got was this: that one of this committee wrote me a letter, saying that certain charges were made against me here that Miss Sweet had paid me money to induce Blakely to resign and have her appointed.

Q. Was that the first?—A. That was the first I heard of it, except I saw an extract, I think, from the New York Sun or some paper.

Q. Was Blakely an intimate friend of yours?—A. Well, I knew him; I would meet him frequently.

Q. Was there any special degree of intimacy between you and him, or your families?—A. No, sir; I used to go to his office frequently.

Q. As a business-man, are you in the habit of assuming liabilities to the amount of \$5,000 for insolvent parties?—A. Not if I know that they are insolvent.

Q. You knew that this man was?—A. No, sir; I did not.

Q. But you knew of nothing in the world that he owned?—A. I knew only this: I had every reason then to believe that he was a truthful man, and I had never known anything to the contrary. I had no more idea of what he owed than the man in the moon. I had not the least idea at that time what he owed. He assured me that he was doing very well with his paper—was making money. That is about all that he said, and that he would give me collateral security, and I wanted to know what collateral, and he said stock in his paper. That is all that I know about it, and I was perfectly surprised when I heard that he was largely in debt.

Q. In that connection, if I understand you, you have answered that

you did not know that he owned the paper?—A. Of course I did not know it, but I supposed he did, and I had not the least idea but what he did.

Q. You knew of nothing else in the world that he did own?—A. I never took any pains to find out at all. I took his word for what he told me, and did it as a pure business transaction with him. As I said before, he rather excited my sympathy, and I thought I would accommodate him.

Q. Are you in the habit of doing such transactions?—A. I have done such things. You asked me when I became satisfied of these charges that were made against me. I got a letter from one of your committee, saying that this charge had been made. I sat down immediately and wrote it was entirely false; there was not a particle of truth in it; and contradicted it positively and emphatically; that I never had been called upon to use my influence, directly or indirectly, and that there was not a particle of truth in it; and I took that letter (before I sent it to the member of the committee) down to Miss Sweet's office and showed it to her. She indorsed every word of it.

Q. Did you assist in obtaining the appointment there for Blakely?—A. No, sir; not to my knowledge; I may have signed his application, but I am not certain. I would probably if he had presented it to me, for those things are coming around all the time. Unless I had some good reason for not doing it, I would have done it.

By Mr. THROCKMORTON:

Q. I see the last payment made by Miss Sweet was April 10, 1874, and it was immediately after that, if I understand you correctly, that you ascertained from her and Mr. Blakely that she was not to pay anything further on this note of \$4,250?—A. Yes, sir.

Q. That is correct?—A. Yes, sir; not knowing of any agreement between her and Blakely, I supposed she was going to continue to pay, and she told me her agreement with Blakely ceased, or the bargain with him ceased; and then to satisfy myself I wrote a letter to Blakely immediately, and he wrote that she was correct. That ended it entirely.

Q. I see that this note is indorsed by B. H. Campbell and W. H. Bradley. Who is Bradley?—A. He is the clerk of the court there.

Q. Did he know anything of the facts in connection with this note that you now know about—as to Miss Sweet's having assumed to pay this for Blakely?—A. Yes, sir; I conferred with him in regard to it.

Q. Was Mr. Bradley one of the indorsers on this original note?—A. Yes, sir.

Q. He is the clerk of the court?—A. Yes, sir; and a man who stands as high as any man in Chicago.

Q. This note is executed to the National Bank of Illinois, at Chicago, February 6, 1876, \$4,250; that is the amount of the note that had been previously executed by Blakely and indorsed by you and Bradley to the bank?—A. Yes, sir.

Q. Some time prior to April 11, 1874?—A. Yes, sir.

Q. I notice that is the date of the first payment made by Miss Sweet. Now what we desired to know a few moments ago was why, February 6, 1876, after \$2,105 had been paid on that \$4,250, credited on Blakely's note, which certainly extinguished the indebtedness of Blakely to the bank to that amount, the note for the original amount was again executed? Would not that show an indebtedness from Blakely to the bank of \$4,250, and these indorsements on the back of the note having been made long prior to the date of the note, could not be

claimed as credits on that note?—A. Of course the note for the \$4,250—every indorsement on that is considered a payment, and that is deducted from the face of the note; therefore, at that time his own payments, which she had nothing to do with, had reduced the note from \$5,000 to \$4,250.

Q. That \$1,000 is not in question at all. The payment that he had made before this original note was executed, as a matter of course, she had nothing to do with?—A. No; but it reduced the debt that much; and every payment that she made me was indorsed right along, and, of course, that deducted from the amount left the balance due from him on the note just that much less.

By the CHAIRMAN, (Mr. Brown, of Kentucky:)

Q. I understand you the note originally executed was for \$5,000?—A. Yes, sir.

Q. When Blakely paid \$1,000 of that, or \$750 of that, the note was renewed for \$4,250?—A. Yes, sir.

Q. After Miss Sweet, on his behalf, had paid \$2,105, and the note was subsequently renewed, can you explain why the credits reducing the amount of the indebtedness did not then appear as they appeared when Blakely had made payments?—A. The only way that I can explain it is what I said before, that after he had made the payments individually, and reduced it to that amount, all of the amounts that were paid by Miss Sweet were indorsed on the note right along, as it was paid. There was not a dollar that she paid me that does not show on the note, as that copy shows.

By Mr. THROCKMORTON:

Q. We understand from you that the original note for \$4,250, which was put in bank before April 11, 1874, is still in bank?—A. Yes, sir.

Q. Then this National Bank of Illinois would have two notes against Mr. Blakely, of one of which this is a copy, and the one which was executed before?—A. No; I do not understand it that way. I think the one previous to that probably was canceled at that time. I have no idea that they have two notes. They have the original note of Blakely's.

By the CHAIRMAN, (Mr. Brown, of Kentucky:)

Q. Is that canceled?—A. I don't know. That original note of \$5,000, with the \$750 credit, remains there.

Q. Is that canceled?—A. No, sir; I don't think it is canceled. This is a copy of the note that is there. That is the only note that is there. The others have been all canceled.

By Mr. THROCKMORTON:

Q. Taken up?—A. Taken up.

Q. Not in the bank at all?—A. Not in the bank at all. This is a copy of the only note there. The cashier gave it to me. It is the only note that is there against him. The others have been all canceled.

By the CHAIRMAN, (Mr. Brown, of Kentucky:)

Q. Then you cannot explain why it was executed for that amount, and not for the reduced amount, after giving credit for what Miss Sweet has paid?—A. As he had reduced it to that amount, and the indorsements on the note show every payment which she had made, and on what it was paid, I think it explains itself, and I have never thought anything about it since.

By Mr. THROCKMORTON:

Q. Suppose you had been sued on this note, do you suppose you could

have pleaded these entries here as credits?—A. Yes, sir; because they are receipts. She gave me receipts.

Q. I am not speaking about that. Suppose the bank should sue you for \$4,250 on this note of February 6, 1876; the question I ask you is could you have pleaded these credits here?—A. Yes, sir.

Q. Do you know that this is an exact copy—these indorsements?—A. Yes, sir; I took the money down myself to the bank and made the cashier bring me the note. I handed him the money or the check, as it was paid, and saw that he made the indorsement.

Q. Was not that \$5,000 note or the \$4,250 note executed before April 11, 1874? That is the date of the first payment by Miss Sweet. If we understand correctly, there was a \$4,250 note bearing date prior to that time in the bank. Now the question is this: There was originally a \$5,000 note; \$750 was paid on that by Blakely; that note was taken up; he made this arrangement with Miss Sweet, of which you knew nothing, and the conversation took place between you and him, in which he was to pay you in installments; this new note of \$4,250 was executed?—A. Yes, sir.

Q. That must have been prior to April, 1874. Now we understand you that that note is taken up?—A. That is my understanding. I did not pay very much attention to that matter, because I went down to the bank and asked for a copy of the note and the indorsements. I never asked any questions; but I can make that matter just as plain to you as anything can be if you will give me time.

Q. I am not doubting at all the correctness of your statement and your understanding of the matter, but it looks to me like a very singular transaction. Your understanding is that this is an exact copy of the note in the bank now, with the indorsements?—A. Yes, sir.

Q. The bank officers gave this to you?—A. Yes, sir; Mr. Nash. He signed his name or his initials there. He is the cashier of the bank.

Q. H. H. Nash?—A. H. H. Nash. He is the cashier, and a particular friend, I believe, of Miss Sweet's. I know she conferred with him about some matters.

By the CHAIRMAN, (Mr. Brown, of Kentucky:)

Q. Who is the president of the bank?—A. George Snyder.

Q. Who is the cashier?—A. Nash is the cashier. I was going to say that I showed that statement contradicting the story to Miss Sweet. Miss Sweet said it was true. She said to me that she supposed she would be subpoenaed here.

Q. She has given her testimony in full before the committee.—A. The reason I wanted to show that was, that the papers did me very great injustice, and I did not want to have any wrong impressions in your minds in regard to my conduct. That was the only reason. And it was stated that I was running backward and forward to Miss Sweet's office, which is not true. After she was subpoenaed she wrote me a note to call on her.

B. H. CAMPBELL.

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WASHINGTON, D. C., May 23, 1876.

HENRY H. NASH sworn and examined.

By Mr. BROWN, of Kentucky:

Question. What is your age and occupation?—Answer. I am fifty-four years of age, and by occupation cashier of the National Bank of Illinois, at Chicago.

**Q.** How long have you been such officer of that bank?—**A.** Three years last February.

**Q.** Please state if a note was executed to your bank by David Blakely, with B. H. Campbell and William H. Bradley as indorsers, and if so, when, and for what amount.—**A.** There was.

**Q.** When, and for what amount?

**The WITNESS.** Have you reference to the present note?

**Mr. BROWN.** State all the notes.

**A.** The original note was discounted before I came into the bank; the first discount, I find, is on February 20, 1872.

**By Mr. THROCKMORTON :**

**Q.** First state the date and amount of the note as shown by the records of the bank.—**A.** That is the date of it, so far as the records show, February 20, 1872. It was a note given for \$5,000, payable sixty days from date, guaranteed by B. H. Campbell and William H. Bradley. On April 23 Mr. Blakely paid the interest, and the note was extended sixty days, which with three days of grace made sixty-three days. On September 26 it was extended to the 28th day of December, and on the 28th of December it was again extended to the 31st of March, 1873; on that day it was extended ninety days, and on the 2d of July it was again extended ninety days, Mr. Blakely in the mean time paying interest on all these extensions. On October 3, 1873, a new note was given for \$4,500 at sixty days, the interest and \$500 of the principal being paid on that date. On December 10 a new note was given, dated December 5, and extended sixty days, for \$4,250 and interest, \$250 having been paid on the principal on that date.

**Q.** What year was that?—**A.** 1873. On February 10, 1874, a new note was given, dated the 6th of February, 1874, for \$4,250 and interest, interest being paid on the note which was taken up. A copy of that note I have with me. The balance of that note, after certain indorsements had been made upon it, was taken up by Mr. Campbell and Mr. Bradley on December 1, 1875, they giving their note on that date at ninety days, which was paid. The balance of principal and interest due at that time was \$2,665.

**Q.** What was the date of that note?—**A.** That was dated the 1st of December, 1875.

**By Mr. BROWN, of Kentucky :**

**Q.** Did they ever execute a note to your bank of date February 6, 1876?—**A.** No; they did not.

**Q.** Does what you have stated embrace all the transactions these parties had with your bank?—**A.** In relation to this original note, it does.

**Q.** Do you know anything about the transaction between Miss Ida Sweet and Mr. Blakely?—**A.** No, I do not. All I know about it is that when these indorsements were made, or at least when a portion of them were made, (I do not know whether all of them or not,) the payments were made by Miss Sweet's check, brought into the bank by Mr. Campbell. When he brought in these checks of Miss Sweet I indorsed the amount on the note.

**Q.** Do you know anything of Mr. Blakely's circumstances at the time the original note was executed?—**A.** No, I do not.

**Q.** As a bank officer, have you any information about that?—**A.** The information was that he was in straitened circumstances at that time.

**Q.** Was it not that he was utterly insolvent?—**A.** I do not know how that was; I was not in the bank at the time this note was given.

Q. Was not that his reputation?—A. His reputation was that it was hard work for him to keep his paper going.

Q. Was it not his reputation at the time that he was utterly insolvent?—A. I cannot say as to that.

Q. Would your bank have given him credit for \$50 without a satisfactory indorsement?—A. I was not in the bank at the time; but I hardly think they would, from the knowledge I had of him. I do not think that they would give him credit for any large amount at any rate.

Q. You say you know nothing of the transactions between Miss Sweet and himself?—A. Nothing, sir.

By Mr. THROCKMORTON:

Q. Do you know what his occupation was at the time of the execution of the original note?—A. He was publishing the Chicago Evening Post, I believe.

By Mr. BROWN, of Kentucky:

Q. Do you know what the stock of that paper was worth?—A. As far as my knowledge goes, it was not worth anything.

By Mr. THROCKMORTON:

Q. Did you, as an officer of the bank, know that those payments indorsed on this note were all of them made by Miss Sweet?—A. I know that some of them were paid by her checks; I cannot swear that all of them were. Mr. Campbell represented at the time that Mr. Blakely had made arrangements with Miss Sweet to take up this note, and that he would bring in the payments once a quarter.

Q. You state that the true date of that note is February 6, 1874?—A. Yes, sir.

Q. And not February 6, 1876?—A. No, sir.

Q. A copy of that note was handed in by Mr. Campbell in his testimony, but it was dated February 6, 1876. Was that an error?—A. That was an error of mine.

Q. An error in copying?—A. Yes, sir.

Q. After that note of February 6, 1874, was taken up, a new note was executed, for \$2,665, by Campbell and Bradley; and that was executed on December 1, 1875?—A. Yes.

Q. I understood you to say that that note was paid?—A. Yes.

Q. When was it paid?—A. At maturity, or a few days after maturity.

(There being an error in date in the copy-note handed in by Mr. B. H. Campbell in his testimony, the following, being in every respect a true copy of the original note, is inserted to take the place of the copy furnished by Mr. Campbell:)

\$74.37, interest.

4, 250.00

4, 324.37

CHICAGO, February 6, 1874.

Sixty days after date, I promise to pay the National Bank of Illinois, at Chicago, or order, forty-two hundred and fifty dollars, at their office, value received, with interest at the rate of ten per cent. per annum from date.

(Signed)

D. BLAKELY.

Know all men by these presents, that I, the subscriber, am justly indebted to the National Bank of Illinois, at Chicago, upon a certain promissory note, bearing even date herewith, for the sum of \$4,250

with interest at the rate of ten per cent. per annum, after due, and due sixty days after date. Now, therefore, in consideration of the premises, I do hereby make, constitute, and appoint W. C. Grant, or any attorney of any court of record, to be my true and lawful attorney, irrevocably for me, and in my name, place, and stead, to appear in any court of record, in term-time or in vacation, in any of the States or Territories of the United States, at any time after the said note becomes due, to waive the service of process and confess a judgment in favor of the said National Bank of Illinois, at Chicago, or their assigns or assignees, upon the said note, for the above sum and interest thereon, to the day of the entry of the said judgment, together with the costs and usual attorney's fees, and also to file a *cognovit* for the amount thereof, with an agreement therein that no writ of error or appeal shall be prosecuted upon the judgment entered by virtue thereof, nor any bill in equity filed to interfere in any manner with the operation of said judgment, and to release all errors that may intervene in the entering up of said judgment or issuing the execution thereon; and also to waive all benefit of advantage to which I may be entitled by virtue of any homestead or other exemption law, now or hereafter in force, in this or any State or Territory where judgment may be entered by virtue hereof. Hereby ratifying and confirming all that my said attorney may do by virtue hereof.

Witness my hand and seal this sixth day of February, A. D. 1874.

In presence of—

[SEAL.]

D. BLAKELY.

(Indorsed:) B. H. Campbell, Wm. H. Bradley. April 11, 1874, paid on the note six hundred dollars, (\$600,) H. H. N., cashier. June 9, 1874, paid two hundred and fifty dollars, H. H. N., cashier. August 4, 1874, paid two hundred and fifty dollars, H. H. N., cashier. October 10, 1874, paid two hundred and fifty dollars, H. H. N., cashier. December 10, 1874, paid two hundred and fifty dollars, H. H. N., cashier. April 10, 1875, paid five hundred and five dollars, H. H. N., cashier.

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WASHINGTON, D. C., May 25, 1876.

J. H. BAKER sworn and examined.

The WITNESS. My first knowledge of Miss Sweet came from her father. He came to the Pension-Office soon after his appointment as deputy commissioner of internal revenue to solicit for her a position in the Pension-Bureau. He told me of her qualifications, and of the clerical position she had already filled so well in the Chicago pension-agency, and at once deeply interested me in her behalf. I promised him to provide for her in the first vacancy which might occur, if I could control it. He, however, called in a few days and told me that he himself was able to provide a place for her in the Treasury Department and would not trespass on my kindness. He cordially thanked me and we became friends, and were so till he died. In April, 1874, Mr. Blakely first informed me of his purpose to resign, and that the name of Miss Sweet would be presented by her friends for the vacancy. The moment her name was mentioned I became her friend, and urged the Secretary to present her name to the President.

I did this because I had faith in the woman's capacity and integrity and honored her father's memory, and from no other motive or reason

whatever. Nor was any other motive ever suggested or given to me by any one, of which I have any recollection, as a reason for her appointment other than that of her fitness. There was some very considerable difficulty in securing the appointment, by reason of a general conviction that women were not particularly adapted to important financial trusts. Mr. Blakely stated to me that he felt considerable interest in Miss S.'s appointment. This, I suppose, referred to the condition of political matters in Chicago. He also stated, I think, that she was to pay him for the quarter's vouchers which he had made out, and perhaps for the furniture also, but am not sure about that. But I had no idea of anything further than that till the last of September or first October, when he wrote me from Vermont and Miss S. told me. She was appointed in April, 1874, and by my official order the office and moneys of the Chicago pension-agency were turned over to her on the 18th of the same month. From this time till about October 1, I had no knowledge that she was to pay any consideration for the position. Matters in her office proceeded as usual in fairly-conducted agencies until about —, when a discrepancy in her balances was brought to my knowledge by the finance division of the Pension Bureau. Pension-agents are required to make sworn statements as to their balances monthly, both to the Bureau and to the Secretary of the Treasury. The subtreasury or depository do the same. There was a discrepancy between Miss Sweet's statements and those of the subtreasury, and she was asked in regular routine for an explanation. About this time or just preceding it, (and it was now the last of September or first of October,) I received both a letter and a dispatch from Mr. Blakely, then in Vermont, recounting to me very briefly something of the state of things existing between himself and Miss Sweet. I did not, however, understand it fully. About the same time I received, I think, one or more communications from Miss Sweet, urging me to come to Chicago, as she earnestly desired to see me personally. She appeared to be in great trepidation. I saw at a glance that this was a matter of very great importance; that she was in great perplexity, and she urged to see me personally and no one else. Therefore, and solely on Miss Sweet's account, I did telegraph to Mr. Lockey, who was West, not to stop at the Chicago agency, as I would visit it myself. As the head of the Bureau and responsible for its management, I felt that I had the exclusive right, first for myself, to solve this mystery and to hear Miss Sweet's communication. Mr. Blakely, in his letter to me from Vermont, said emphatically that he expected that I would stand by Miss Sweet. But Miss Sweet's beseeching word to me to come personally was the sole cause of my telling the Deputy Commissioner to pass by the Chicago office. And had I the same condition to meet over again, surrounded by the same circumstances, I should do precisely the same thing. I should go and hear what the distressed woman had to say, and shut off every other ear in my power. These are the exclusive reasons for my order to Mr. Lockey to pass by the Chicago office, and I accept the full responsibility and all the consequences of that act. A number of reasons, exclusively pertaining to official duty, conspired to delay my departure for the West. But in the mean time I had found out enough to know that the evil was not a growing one, and that a little delay would not increase it. As soon, however, as I could, I left for Chicago. I at once visited Miss Sweet at the agency. We went into her private office, alone, and she frankly, and with manifest embarrassment, told me the story of her arrangements with Mr. Blakely, which, as she told it then and through subsequent conversations, was briefly this: that as Mr. Blakely was about

to resign, he had suggested to her that she could, with his help, succeed to the position. She was to give to him all the net proceeds of the office for the period of his unexpired commission, except a salary of \$1,500 for herself. She said the opportunity of getting the office was tempting, that she wanted it badly, and that if Mr. Blakely continued to the end of his term some of the politicians would get it, and she be left out. She said she entered into this arrangement cheerfully and gladly; that she had consulted with no one, but did it of her own free will and accord, believing that she was subserving her own interest. And she further intimated that they had agreed to keep this matter secret, which I see they had some difficulty in doing. She also stated that a part of this agreement was to pay a Mr. Campbell some money Mr. Blakely had borrowed, in some certain installments, and this she had pledged herself to do. And now comes another matter which came in, as I learned from both, to change the original agreement. I did not see them together about any of these things, and never had ten minutes' conversation with Mr. Blakely about the whole matter in my life. My knowledge of the whole affair came mainly from Miss Sweet, whose confidence I had gained, and who talked with me freely. Now, in reference to this new matter which came in to change the original agreement, I think the parties did not fully agree. But I give such impressions as I received from them both, with something further from the record. It appears that Mr. Blakely, on retiring from the pension-agency, had what was termed "unsettled ante-fire accounts," and according to his account there was a balance due him on these of about \$3,000. This amount he appears to have charged into his account, and drew against it. It stands to-day on the Treasury books, I think, as though an amount due him. It was, however, disallowed him by the Treasury Department on final settlement, and he was directed to turn over that amount to Miss Sweet. The parties then, I think, claim to have had some correspondence about it, and Mr. Blakely, it appears, went from Saint Paul to Chicago, and, being unable to raise the money which this disallowance required, he made an arrangement with Miss Sweet to receipt for this amount in the place of some other money which, he alleged, she had agreed to give him. This is the impression I received of this transaction, but, as I had nothing whatever to do with their personal bargains, I may be wrong about it. It appears from the record that she signed these receipts, which were in round numbers for \$40,000, but really receiving but \$37,000 from him. This must have been in the month of May. I understood her that she signed these receipts voluntarily. These receipts are official documents, and are now on file in the proper Department. In her own language, afterward written to me, she said, she "had assumed this deficiency," and the receipts now beyond recall made it officially her own. The facts could not be evaded, and she did not seek to evade them.

She had taken the amount upon her monthly accounts and was regularly making affidavits that the money was to her credit.

She swore in May and June, 1874, that this money was to her credit, and in July she must have taken an amount from her new remittances from the Treasury to make it good, for at the end of the fiscal year her accounts appear solvent. But the deficit in her accounts immediately re-appears after that month, and she begins again in August to make affidavit that she has it.

Mr. Lockey had called her attention to the fact that she was making this affidavit, and told her he would not send in such a statement. But she had, and this was the condition of things when it came to my knowl-

edge. I was beyond measure annoyed and chagrined at the development of the whole affair. But I promptly made up my mind as to the course I should pursue. I resolved to steer as clear of any personal complications with this unhappy affair as possible, and confine myself to my official duty.

They had mutually precipitated themselves into this difficulty, and they must provide the ways and means to get out of it.

I promptly advised her, however, to look to Mr. Blakely at once for aid.

I said to her that my first duty was to see that the Government was made whole, by the parties legally responsible, and to whom, as an officer, I could alone look. That being done, I would stand by and protect her to the best of my ability. I told her promptly that she must cease paying money to any one as a consideration for the office. That fact alone would be sufficient cause for her removal. I said the President, the Secretary, and the Commissioner, (myself,) were her friends, and that General Logan was her friend, and she had nothing to fear. No one could remove her if she only did her duty to the Government. But, as preliminary to all else, the Government must first be made whole. She admitted the propriety and the inexorable necessity of that, and also admitted she had assumed his deficiency, but said she could not conveniently raise the money. I suggested that she should look to Blakely at once for help; that I was going to Mankato on business, and should be absent a few days, and in the mean time she could have full opportunity to confer with him and make her arrangements by my return. I then wrote a private letter to Mr. Blakely at Saint Paul, explaining Miss Sweet's situation, and that I feared she was using the Government money in her extremity, and pointedly urging him to come to her immediate relief and give her the money. He replied to me at Mankato, and expressed surprise at the situation, but promised to do all in his power; that he was in sore pecuniary distress; but he would do his best. On my return Mr. Blakely went with me from Saint Paul to Chicago in company with a wedding-party. He saw Miss Sweet, but how they arranged I have no definite knowledge, as I was not a party to it, other than that I remember of a note that she said Mr. Blakely had given her, indorsed by some Saint Paul friends, for \$2,000, I believe. I think I saw this note, but am not sure. I afterward understood from both parties that they had arranged it to their mutual satisfaction. I never was present at any interview they had touching it, neither then, nor at any other time of which I have any recollection. I purposely avoided it. I think I went over to the Cook County Bank with her when she got the note discounted; but it was purely an act of gallantry, as I had no other motive in going. I did not help raise the money, nor did I indorse any note, nor was I ever asked to indorse any note that I remember connected with this transaction. Perhaps I went to the sub-treasury; I do not remember. My whole intercourse with her was of the most friendly and kindly character. She claimed then to hold me as one of the best friends she had in the world. I had advised her to the very best of my judgment. Her situation was precarious. She was an officer of the Government. Mr. Blakely was not, and could not be reached. He was beyond the reach of anything but censure. Whatever came of this matter would be visited upon her. I determined, in view of all the facts, to save her. Therefore it was that I never told the Secretary or President, but kept it to myself loyally, as I promised to do, and with no other object in view under the heavens than to save her from trouble. Having thus seen the Government entirely secured

against any loss, I told her I should stand by and keep this secret for her sake; and I think it was of the utmost importance to her that I should. I felt then, and do now, that the mercy of my silence was worth more to her then than all the newspaper sympathy she has since so kindly received. I knew too well that if I informed the Secretary or the President of the actual situation, that she had voluntarily entered into an arrangement to pay a consideration for the office, that she had falsely receipted for moneys, that she was making affidavits to balances not on hand, that as rapidly as the lightning could carry it, so quick would be her dismissal. It would not matter if she plead she was ensnared. The objections which the Secretary, and I think also the President, made to her original appointment would have seemed to be justified, that women are not calculated by experience or otherwise to fill important fiscal trusts. All these things occurring in the very outset of her official career, if known, would have speedily closed it. But I believed in the woman. I saw from her frank story that she entered into this arrangement in the full belief that it was to her great personal advantage, and that her inexperience led her into errors. She frankly avowed that she had assumed these obligations "with her eyes open." I wanted to give her a fair chance to retrieve herself. I believed she would recover from her errors and difficulties and conduct the office efficiently and blamelessly. That after I had come to her relief, and faithfully kept the secret of her errors, she should have given any evidence reflecting on me, if she has, is beyond my comprehension. Some designing person must have misled her as to myself. The very day this payment was made, she dined with me and our wedding-party at the Grand Pacific, and expressed to my friends her unbounded confidence in me, and that I had been to her a true friend. And when I returned to Washington she wrote me a note expressing in most earnest and graceful language her grateful thanks for my sincere and disinterested friendship. And even so late as March 3, 1875, she said to me in the conclusion of a letter: "I am at last a free woman, and I have learned a lesson it was very hard for me to learn; but I must say too, general, that I have already learned what good friends God raises up for his perplexed and erring children; and I shall count you first among those who lend a ready and intelligent hand to help, and a voice to counsel those in need."

As to the statement, if ever made, that I went to her office in company with Mr. Blakely and made an imperative demand on her to arrange the balances instantly, I solemnly pronounce that statement to be a myth, by whomsoever made. Every act and word of mine toward Miss Sweet in this whole unhappy affair was the act and word of kindness, pre-determined friendliness and unfeigned sympathy; and I invoke her own conscience to the truth of this statement. I never was willing that this deficiency should be carried a moment longer than my return from Minnesota, which would give the parties about ten days in which to get together and arrange it. My confident belief was that Mr. Blakely would pay the amount, though I did desire she should deposit the money, as she had sworn it was to her credit, in the depository. I never knew that this note was not paid by Mr. Blakely till in February, 1875, when I received a personal letter from Miss Sweet in reference to the payment of some outstanding pension-checks of Mr. Blakely's which were floating after his retiring from office; they not having been presented earlier for payment. They were small in amount, and his overpayments were to be left in her hands to meet them. This was a perfectly legitimate matter between them; and I was informed, I think through the finance

division of the office, that it was so arranged. Such arrangements are common and proper between outgoing and incoming pension-agents; but I myself had nothing to do with the arrangement. In this letter, while explaining this affair, she incidentally alludes to the then non-payment of Mr. Blakely's note. She also alludes to the fact that she had "assumed" Mr. Blakely's deficiency; also, that she had taken money from the Treasury not yet due her. And she further refers to the fact that last fall I had "advised her to resolve not to pay out another penny" to any one in this unfortunate transaction. This note, or the amount of it, I afterward learned, was finally paid by Mr. Blakely. She says in this letter that at that date she was out, in all, to Mr. Blakely \$6,000. But as Mr. Blakely subsequently paid the amount of this note, she would be out \$4,000 and interest. Now, as to the "Campbell notes," as they are called, I knew but little about them; nor did I know till this testimony came out who Mr. Campbell was. At my first interview with Miss Sweet she told me in general terms about these notes. I protested against her paying anything further to any one. I thought she promised me she would not; but she seemed to be oppressed by some obligation she felt to pay them. Still, I thought she would stop all payments; but by a confidential letter written by her to me, under date of March 3, 1875, only a few weeks before I resigned my office, I found she was still paying these notes. At the conclusion of this letter, and at a time after all things connected with this unfortunate affair was finished, and nothing new, so far as I am concerned, ever developed itself, she speaks of me in the flattering language quoted above, which is precisely in accord, in spirit and tone, with every word she ever spoke or wrote to me concerning this unhappy transaction. My health was very poor at this time, (March,) and I went to New York to meet my friend, Mr. Scheffer, who was also in poor health, and in a short time resigned, and, therefore, pursued this matter no further; nor have I ever heard of it from any one till I saw Miss Sweet's testimony in the papers. If, in this statement, I have been compelled to say anything or produce any official statements reflecting on Miss Sweet, I am heartily sorry. It is only under the compulsion which surrounds the case that I have reluctantly done so. From the first to the last I befriended her; and if, in anything either official or personal, I erred, it was for her sake alone. This transaction did not inure, in any possible way, to my advantage, no more than to any member of this committee. I condemned it then, as I do now, as wholly wrong. It was quite five months after it was an accomplished fact that it came to my knowledge, five months after Mr. Blakely was out of office, when an exposure would practically injure no one but Miss Sweet, and the whole matter was beyond the power of remedy. The money being restored to the Government by their joint efforts, on her account alone I kept the matter to myself; and if politics has not crucified the good that was in her, she must well and most distinctly remember it.

I would like to say, further, that Mr. Blakely, at the time he suggested Miss Sweet's name, said that he felt considerable interest in her appointment, but I thought it referred to political matters in Chicago. He also said that she was to pay him for the quarter's vouchers which he had made out. That is a thing which always takes place between retiring and incoming pension-agents.

By the CHAIRMAN, (Mr. Brown, of Kentucky:)

Q. When did he tell you that?—A. About the time that she was being appointed.

Q. When did the first information of this deficiency come to your knowledge?—A. The information first came to me through official channels in the office in the manner I have heretofore stated. Possibly it may have been as early as June, but if there was a discrepancy appearing in June it disappeared at the end of the fiscal year, because her accounts at the close of the fiscal year appear solvent. The discrepancy occurred immediately afterward, and must have reached me through the regular official channels some time between the 15th of September and the 1st of October.

Q. Had you any conversation with the former pension-agent, Blakely, there prior to your visit to that city on this subject?—A. I cannot remember any definite conversation in regard to it. It is possible that we had; but, if so, it was very slight in character.

Q. Did Mr. Lockey, one of the deputies in your office, go to Chicago by your direction?—A. I do not remember that I ever gave Mr. Lockey an order to go to Chicago, and I think I did not. My impression is that Mr. Lockey went West immediately after the death of his wife, which occurred in September, when his health was very much broken, and had in view the examination of some agencies out there which required looking into; I think perhaps the Detroit agency, and one or two others in Iowa, and I think he took the Chicago agency in his route. I do not think that I ever gave him an order. If I did, he has that order in his possession, and can produce it. I have no recollection of ever having given him an order to make a special examination of that office.

Q. Was he under your direction at the time?—A. Yes, sir; he was a deputy commissioner, ordered to report to me as such, and was subject to my orders, except when I was absent, when he was the Acting Commissioner.

Q. Could he have gone away from the office without your permission?—A. No, sir. I presume that he would not have gone without permission. I may have given him verbal assent to the arrangement.

Q. Did you give him any instructions as to the examination that he should make?—A. I do not remember that I ever gave him any instructions; if I did, he must have them in his possession.

Q. When he left, had you any knowledge of the deficiency in the Chicago office?—A. It was about that time that it was coming to my knowledge. I do not think I had any definite knowledge of it at that time.

Q. You say you had some knowledge of it in June?—A. There was a deficiency there in June, but I have explained to you that it disappeared immediately after we discovered it.

Q. And when he left, you had no knowledge or suspicion of any deficiency in that office?—A. It was about that time that I got it, but I could not tell you the date on which he left, or the precise day that I received it. I certainly, however, got the information, as I have said, from the official records, somewhere between the 15th of September and the 1st of October, and he left for the West between the 15th of September and the 1st of October.

Q. How did you get that information?—A. From the finance division.

Q. If it disappeared in June, how did it happen to re-appear in October?—A. I only surmised as to the manner in which it re-appeared. I have already said that it seems to have appeared in June but to have disappeared with the close of the fiscal year.

Q. What time was that?—A. The 30th of June was the close of the fiscal year. Mr. Babson and myself had the idea when it re-appeared that she

must have taken some of the new remittances made to her by the Treasury Department and have made her accounts good for the year 1874. I say that her accounts were solvent for the close of the year, but immediately it re-appeared again in her sworn statement, and our inference was that she must have taken those remittances to make it good, and of course when she came to make her new accounts beyond the fiscal year it would re-appear, which it did. Still her account appearing solvent on the 30th of June, we accepted that as evidence that it was straight.

Q. During the absence of Mr. Lockey on this trip, had you any communication with Blakely?—A. He telegraphed or wrote to me, or did both, from Vermont.

Q. Have you either the dispatch or the letter?—A. I have neither; I think it was destroyed.

Q. What was the character of the communication which you received from him?—A. It was endeavoring to explain to me something about this alleged deficiency of his which she had assumed. I did not understand the explanation. He said that he ought to have told me before, but that he had neglected to do so. That is as near as I can recall it.

Q. After receiving a communication from him did you telegraph your agent at Chicago to suspend his examination of that office?—A. I did; but previous to that time I had information from Miss Sweet, and, as I have stated here already, my entire motive in sending that was to hear Miss Sweet's story myself.

Q. What was the character of your instructions to Mr. Lockey?—A. I have stated that I do not remember of ever having given him any special instruction. I told him to pass over the office.

Q. You sent that dispatch to him after hearing from Blakely?—A. Yes, sir; but not because I heard from Blakely, but because I had heard from Miss Sweet. I had resolved then that if Miss Sweet had been drawn into anything that was wrong, I should stand by her; and it was with that motive alone that I sent that dispatch.

Q. In that connection, Miss Sweet produced the following dispatches:

“BRADFORD, VT., October 2, 1874.

“To Miss ADA C. SWEET,

“*Pension-Agent, Chicago, Ill.:*

“I send blank, with signature, for you to fill; meanwhile, make check and sign my name, if needed. Do not worry; Baker will understand, and make all right.

(Signed)

“D. BLAKELY.”

Also,

“BRADFORD, VT., October 3, 1874.

“To Miss A. C. SWEET,

*Chicago, Ill.:*

“All right. Have telegraphed Baker this morning.

“D. BLAKELY.”

The WITNESS. It is true that I got a telegram.

The CHAIRMAN. Another telegram is as follows:

“SAINT PAUL, October 24, 1874.

“To Miss ADA C. SWEET,

“*Pension-Agent:*

“You will hear from me more fully Monday night; shall do everything possible for you; fear nothing.

(Signed)

“D. B.”

The WITNESS. Whatever Mr. Blakely says there is an assumption on his part.

The CHAIRMAN. I find in the testimony of Mr. Lockey the following dispatch from you to him :

"OCTOBER 3, 1874.

("Rec'd at Dubuque, Oct. 3, 1874.)

"JOSEPH LOCKEY,

"*Deputy Commissioner of Pensions,*

"*Dubuque, Iowa, care of Pension-Agent :*

"You need not stop at the Chicago agency, as I will go there.

(Signed)

"J. H. BAKER."

The WITNESS. That is correct. I sent that dispatch.

Q. It seems that your dispatch to Deputy Commissioner Lockey is of the same date as the dispatch sent by Blakely to Miss Sweet?—A. That is very probable. This all occurred simultaneously. I did receive information from Miss Sweet, I did receive information from Mr. Blakely, and I did receive official information through the regular channels of the office, all about the same time; all this thing centered at once.

Q. Did I understand you that when you were in Chicago with Blakely you then fully understood the terms existing between him and Miss Sweet about the payment of that money?—A. I was not with Blakely at Miss Sweet's office.

Q. I mean with Lockey.—A. I was not with Mr. Lockey in Miss Sweet's office. I remember about this time, during the pendency of this affair, of happening into the agency at one time, and seeing Miss Sweet and Blakely sitting at the desk together, but I immediately retired. I have made the statement heretofore that I had no communication with them together on this subject, and I did not, to my recollection. I purposely avoided it, and made it my business to avoid it.

Q. Miss Sweet, in her testimony, says: "Mr. Blakely and Mr. Baker both passed through Chicago on their way to Minnesota to attend the November election, in which they were both very much interested, and did not come back until after the election. One morning they both appeared suddenly in my office. General Baker said, 'Miss Sweet, I understand you are short four thousand dollars.' I said 'Yes.' He said 'That must be made up to-day. I leave for Washington to-night to report to the Secretary of the Interior, and you must make up the amount.' I told him I could not raise four thousand dollars." Did that interview take place?—A. No, sir. As to the statement, if ever made, that I went to her office in company with Mr. Blakely, and made an imperative demand on her to arrange the balance instantly, I pronounce it to be a myth, by whomsoever made. No such transaction ever occurred in that way in the world.

Q. When did you first learn the fact that Miss Sweet was paying money under an agreement to Blakely?—A. She gave me some intimation of it in some communication which must have reached me the last of September or the first of October; but she told me definitely, when she asked me into her private room when I visited her office officially. She told me all about it, or as fully as she chose to.

Q. Did she tell you that that money was the consideration for her appointment?—A. She told me that she had agreed to pay it; that she had agreed to give him all the net profits, excepting as I have stated.

Q. And you think that that was in September, 1874?—A. I think it was the 1st of October, 1874.

Q. You communicated that fact to nobody on your return to Washington?—A. No, sir; I did not. The money was refunded and I did not communicate it to anybody. I accepted the situation, as I have stated. I told Miss Sweet that I would not communicate it, and told her that I would not do so for her sake. I never involved myself in any bargain at all in reference to the whole matter except this, that I told her if the Government was made whole I would remain silent about it, but that the Government must first be made whole.

Q. Did you not regard it as your official duty to make known such transactions as that?—A. Well, sir, under all ordinary circumstances, I should. It is the only affair of the kind occurring in my administration which I did not promptly report to the Secretary, or to the President; but because she was a young woman, innocent of business ways, I felt that possibly she might have been unwittingly decoyed into this thing, and I did not feel as though I should cast a shadow over her whole life by revealing this matter after the Government was made whole. It would subserve no good purpose whatever, and I kept that secret for her sake, and her sake alone; and I take the responsibility of having so done. I left Mr. Blakely out of the question, and left him out of the question from the beginning to the end of this whole transaction. I resolved to do so from the very moment that I heard from Miss Sweet in regard to the difficulty.

Q. When Mr. Lockey returned to Washington, did he communicate to you what Miss Sweet had told him of why that deficiency occurred?

—A. I think he came to my desk and made some very brief remark about it, and I told him that I had some information upon that subject, and would go out immediately and attend to it.

Q. What information had you then on the subject?—A. The information which I have told you I had received from Miss Sweet, from the official records, and from Mr. Blakely.

Q. I find that Mr. Lockey says: "Q. Did you also state to him (General Baker) how Miss Sweet stated that it [the deficiency] had occurred?—A. Yes, sir. From carrying a balance over, from the time she entered the office. Q. What did he say to that?—A. He expressed considerable surprise, and said that he would go out there, and see that it was made right." Is it a fact that you were surprised at that communication?—A. Well, I don't know that.

Q. You could not have been if you had known of it before?—A. Well, sir, I did know of it. I don't know that. He may have construed my manner. I did know of it, and I was always surprised at it. I was surprised at it then, and was surprised all the way through. There was nobody in the world more surprised than I was at the transaction.

By Mr. THROCKMORTON:

Q. You say that you received a letter from Miss Sweet. That was during the absence of Mr. Lockey, was it not?—A. Yes, sir; I received a communication, either by telegraph or by letter, and I cannot say which. I think I received one or two, urging me to come to Chicago personally.

Q. That was before Mr. Lockey's return?—A. Yes, sir.

Q. In the mean time, you had telegraphed to him that you would attend to that matter?—A. Yes, sir. After I heard from Miss Sweet, my motive in telegraphing to him, and I insist upon stating that in the most pointed way, was because I had heard from Miss Sweet of this difficulty.

By Mr. WHITEHOUSE:

Q. You wanted to go out and give it a personal investigation?—A. Yes, sir. I had the right and I wanted to claim it. I wanted to shut off every ear in the world. I had the right to shut off the deputy commissioner's ear if I could, but it appears that I did not.

By Mr. BROWN, of Kentucky:

Q. Can you recollect what day you started from Washington?—A. I cannot, although I have been trying to ascertain. It was in October, but I cannot specify, nor can I obtain any official documents which will show it. Perhaps the date of Mr. Lockey's return will show that.

Q. Mr. Blakely telegraphs you from Vermont on the 2d and 3d of October, and on the 24th of October he writes to Miss Sweet or telegraphs to her from Saint Paul. Were you at Saint Paul?—A. No, sir; I think I was then at Mankato, which was my home.

Q. Was that in Wisconsin?—A. No, sir; in Minnesota.

Q. Did you see Mr. Blakely out there?—A. Yes, sir; I went down to Mankato, after I had transacted my business, for the purpose of attending the wedding of a very dear friend, and Mr. Blakely was present at that wedding. I do not remember that we ever had a particle of conversation touching this matter.

Q. You say there was no conversation about it?—A. I do not think there was. If there was, it was of no importance whatever. The truth is, this matter between Blakely and myself was rather a sore thing with me, and I had no conversation with him at any time that amounted to anything in reference to the matter, and most of my conversation was with, and my information from, Miss Sweet.

Q. You did not preserve the telegrams to you from Blakely in Vermont, did you?—A. I think I threw them all into the fire.

Q. You have nothing by which you can explain to the committee the full purport of those telegrams to you?—A. No, sir. I acknowledge the receipt of the telegrams and their import. I do not disguise anything, and if there is anything which you think I am disguising I wish you would go to the bottom of it.

Q. If I understand you, the telegrams were not so satisfactory that you could determine what the difficulty was?—A. His letter was not so satisfactory. He wrote me a letter. I could not tell anything from the telegram.

Q. Do you say that you could not tell from the telegram or the letter as to the extent of the affair?—A. No, sir; I could not understand it. It was an explanation in reference to this alleged deficiency of his, which was not a deficiency, which she had assumed. Of course, it was beginning to dawn on me for the first time, and I did not have a full comprehension of the situation. Then her advice to me mystified me still more. She gave no explanation in her communication to me. I got the explanation from her after I went to her office, if I recollect rightly.

Q. She did write to you, desiring you to come there?—A. Yes, sir; she either wrote or telegraphed, and I have forgotten which, and I am not sure but that she did both. But all those things concentrated at this one time, about the end of September or the beginning of October.

Q. When you went out West to Mankato, did you stop in Chicago as you went through?—A. I did.

Q. How long did you remain there?—A. I could not tell you. I stopped at the hotel, and immediately after I had washed, &c., I went straight out to see Miss Sweet at her office, paying her an official visit.

Q. You did see her on that visit?—A. Yes, sir.

Q. Is that the time she took you into her private office, and told you the matter?—A. Yes, sir; told me more fully of the matter.

Q. She explained to you this whole affair?—A. Yes, sir.

Q. What did you say to her about when you would return?—A. I told her that I should probably return in about ten days; that is my recollection, although I am not certain about it.

Q. Did you tell her at that time the matter would be compelled to be settled?—A. Yes, sir; I told her that it must be settled at that time.

Q. How long were you absent from Chicago?—A. I cannot say; I should think, perhaps, in the neighborhood of ten or twelve days.

Q. When you came back, tell to the committee, as near as you can, your first interview with Miss Sweet, and what passed between you and her on that subject.—A. I do not remember when my first interview occurred with her after my return. I called at her office. I think Blakely and she had been together, although I was not present at any time. I think my impression was that she told me that they had made some arrangement to meet this thing, and as I referred to the note there, she told me that the note was a part of it. I did not ask to know, for I did not want to know what was going on between them, but I expected them to make that money good. I supposed that Mr. Blakely would come up like a man to her help, and that she officially would do this thing.

Q. You thought it devolved on her to do it?—A. Yes, sir; I looked to her as the officer of the Government for its restoration.

Q. Was it early in the morning that you saw her?—A. I do not know when the train arrived. I think it was due about eleven o'clock. Miss Sweet dined with me and my party that day, and was the happiest woman I think that I ever saw.

Q. The matter then was arranged the same day that you returned?—A. Yes, sir.

Q. Did she explain to you how she had raised the money?—A. Well, sir, she told me something about it, but I did not go into it, and did not pay that attention to it which I did on her original statement. But she told me something about Mr. Blakely having brought a note indorsed by some of his Saint Paul friends; that she had put that into the bank and indorsed it, and I think I went to the bank with her and got the money, as a pure act of gallantry.

Q. Did you deposit the money that she raised that day to her credit?—A. I think likely I did, although I am not sure about that. I do not know that I went to both places. I am sure I went either to the bank or to the depository. Possibly I went to the depository, and very possibly I went to the bank with her. My mind was much taken up with other matters around me, and after I had arrived there and she told me that the matter was about to be arranged and would be arranged, I threw it off.

Q. Did she tell you that day, the last time that you paid her the visit, and the day the affair was arranged, that she could not raise the whole amount of that money?—A. No, sir; I do not remember any conversation of the kind; but at the previous visit, on my way through, she told me that it would embarrass her to raise it. I then wrote to Mr. Blakely that he must come to the front. That was a private letter. Of course I took no official action in the private matter between them, and washed my hands, from beginning to end, as far as possible.

Q. Who went West with you from here?—A. I don't remember any one.

Q. Did Mr. Blakely?—A. No, sir; I think not.

Q. Did you meet him at Chicago?—A. No, sir.

Q. Have you not stated that he was with you as you passed through Chicago?—A. No, sir. He was in Vermont, and went home his own way.

Q. Returning to Mankato, did you come from Saint Paul?—A. Yes, sir; I met Blakely at the wedding.

Q. Did you and he go together to Chicago?—A. We came with the wedding party, having no reference to this transaction; nor did we have any conversation about it.

Q. Was he with you when you went to Miss Sweet's office?—A. I have told you that he was not. Once in the day I went in there in company with a friend of mine to see Miss Sweet, and I do not remember whether it was before or after dinner. I went into her office; the clerk told me that she was in the private room. I opened the door and saw Blakely there talking with her, and I bowed myself out, and went away.

Q. When you received this dispatch or the letter from Vermont, did you notify him that you would at once go West?—A. I do not think I did.

Q. Did you write or telegraph to him?—A. He asked me, afterward, about the same time, to meet him in New York, and I telegraphed him that I could not and would not.

Q. Did you telegraph him that you were going West?—A. I don't remember that I did. I don't think I did. If I did, the telegram can be produced.

Q. What reason had he to say to Miss Sweet, in that dispatch, that Baker understood it, and that it would be all right?—A. I was about to say that that was a presumption of his own. He telegraphed and wrote me that way, and he must have assumed from that fact that I would cause the office to be passed over, or something of that kind.

Q. He happened to be correct in his prophecy, it seems?—A. Yes, sir; I admit that. But I tell you distinctly that the only motive which governed me in sending that dispatch was the situation of Miss Sweet, and it was for her sake alone that I sent that dispatch. I will not be driven from that point, because I made up my mind then and there that if she had been beguiled, or was in any way in trouble not of her own seeking, that I would stand by her; and I did, all the way through.

Q. Did you know, or had you any information, of her paying any money to Campbell after your visit to Chicago?—A. In a letter to me, she told me, I think, that she had paid the last of these notes, and was now a free woman. That surprised me very much, for I understood her to say that she was not going to pay them. Still, she felt oppressed by some moral obligation resting upon her, as having assumed to pay them.

Q. You were silent and let the black-mailing go on?—A. I was not. I protested against her paying any human being a dollar for that office.

Q. But you never exposed the transaction?—A. I said that if the Government was made good with regard to the loss, I would say nothing about it.

Q. And Miss Sweet might go on and pay the black-mail?—A. No, I did not say that. I protested from the first to the last against her paying another dollar to any human being for that office.

Q. It appears from the receipts that she files here that these payments went on up to the 10th of April, 1875.—A. Well, sir, if she did it, it was without my knowledge, and without my consent, and against my protest.

By Mr. THROCKMORTON :

Q. Did you know at any time of Miss Sweet communicating to the President that she had had to pay this money, or would pay it?—A. She asked a leave of absence in January, I think, with a view of coming on to settle her father's accounts. I think I heard at that time that she had visited the President, but whether it came from her lips or otherwise, I do not know. I believe she did make such a visit.

Q. But you do not know of your own knowledge of anything that she may have said to the President on the subject?—A. No, sir; if I heard it I do not now recall it.

Q. Was General Sweet appointed to office while you held the position of Commissioner?—A. I have forgotten the date, but my present impression is that he retired just before I entered on the duties of my office.

By Mr. FOSTER :

Q. What was his position?—A. He was pension-agent at Chicago.

By Mr. THROCKMORTON :

Q. Did you know at any time during the period that you held the position of Commissioner of Pensions, of any transaction between Mr. Sweet as pension-agent out there, and Mr. Campbell?—A. I never heard of anything of the kind until I saw it in the published testimony.

Q. You had no knowledge of that?—A. No, sir; I did not even know who Mr. Campbell was when she told me about the notes; I never knew it until I saw that published testimony.

By Mr. FOSTER :

Q. I understood you to say that at all points in your interview with Miss Sweet you advised her not to pay any money to Campbell?—A. I advised her not to pay any money to Campbell or to any person whatever. I protested from the very moment that she told me what she was doing against her paying any money to any one whatever as a consideration for that office, telling her that that would be a sufficient reason for taking the office from her, and I was surprised when she told me incidentally and accidentally, I think as late as January, in a letter, that she had paid the last of those Campbell notes, for I thought that she had ceased to pay them.

Q. January of what year?—A. It must have been in January, 1875. I was very much surprised indeed.

By the CHAIRMAN, (Mr. Brown, of Kentucky) :

Q. Did she write to you in January, 1875, that she had paid the last of these notes?—A. Yes, sir.

By Mr. WHITEHOUSE :

Q. And she did so against your protest?—A. I never indorsed it from beginning to end one minute by word or letter.

By the CHAIRMAN, (Mr. Brown, of Kentucky) :

Q. I call your attention to the receipts that she executed to Campbell, showing that she paid five hundred and five dollars as late as April 10, 1875.—A. Then I am doubly surprised; I am surprised that she paid out any at all, and I am surprised that she paid money as late as April. She seemed to be oppressed by some moral obligation to pay those notes, saying that she had assumed them; but I told her pointedly that she must not pay anything to anybody as a consideration for her office.

By Mr. FOSTER :

Q. Who was this man Blakely ?—A. He was the retiring pension agent at Chicago at the time Miss Sweet was appointed. She succeeded him.

Q. Did he retire voluntarily ?—A. Yes, sir ; so far as I know of. That was my understanding from the Secretary. I did not see the President.

Q. He was really a defaulter at the time ?—A. No, sir ; he was not a defaulter. The books of the Treasury will show that fact.

Q. Were the affairs of his office well conducted ?—A. Yes, sir ; they were well conducted. The finance division of the Pension Bureau, which had supervision of these agents, contains ample evidence that the office was well conducted, and the Treasury Department will also certify to the same facts, because they have certain means of information ; somewhat the same as we have.

WASHINGTON, D. C., May 13, 1876.

G. W. CAMPBELL sworn and examined.

By Mr. HURLBUT :

Question. Give your name, age, and residence.—Answer. George W. Campbell ; I am in my seventieth year ; residence, Chicago, Ill.

Q. Were you acquainted with General B. J. Sweet, who was pension-agent in the Chicago district ?—A. Yes, sir.

Q. At what time was he appointed pension-agent ?—A. I think it was 1869, in the spring. All my private papers were destroyed by fire in Chicago, and I give dates from recollection.

Q. Prior to the time of his appointment, were you or not a candidate for the same office of pension-agent ?—A. Yes, sir ; my friends recommended me.

Q. Was there any arrangement made between you and your friends and General Sweet and his friends in regard to General Sweet's appointment as pension-agent and your appointment as clerk under him ?—A. I understood there was an arrangement, and went into the office at a given salary.

Q. State what that arrangement was.—A. The arrangement was that he was to pay me a salary of \$2,500 as chief clerk.

Q. What was the consideration on the other side ?—A. I couldn't say, except that I always understood that my friends and his agreed that he should have the appointment, and that he would employ me as clerk.

Q. Who do you allude to as your friends that made that arrangement ?—A. Mr. Jones was more particularly my friend.

Q. J. Russell Jones ?—A. J. Russell Jones.

Q. Was General Sweet in fact appointed, and did you enter upon the duties of clerk ?—A. Yes, sir.

Q. At what salary ?—A. At the rate of \$2,500 a year.

Q. Did you do duty in the office ?—A. I did as long as that arrangement lasted.

Q. For how long a time ?—A. I am unable to say exactly, but it was quite a length of time ; probably a year, and might have been more.

Q. Was that arrangement afterward changed ?—A. It was, at General Sweet's solicitation.

Q. When?—A. I can't be definite; it was about, as I said, a year, or might have been more. I don't recollect the time.

Q. What was the new arrangement?—A. The general thought I could find something outside to do, and that he would prefer to do more in the office, and give me at the rate of \$1,500 as compensation.

Q. Do you mean that he was to pay you \$1,500, and you were not to do anything in the office, but to do anything you pleased outside?—A. It was to do work outside, and, I understood, to assist in the office, if my services were required.

Q. How long did that arrangement last?—A. Until General Sweet's term expired.

Q. About how long?—A. I think it was until the beginning of 1871. I am not certain; I think that was about the time.

Q. About a year, then?—A. About a year, I think, sir.

Q. Then during that last year you were carried upon the books of the pension-office as a clerk at \$1,500 a year?—A. I can't say how that was done, sir.

Q. Did you receive pay at that rate during that time?—A. I received pay at the rate of \$1,500.

Q. And did not render any services?—A. No, sir; except to be in readiness in case I should be required.

Q. During the first year that you were there, were you at work in the office as a clerk?—A. Constantly.

Q. During that time, or any of this time, did you hold any other office or position under the Government of the United States?—A. None at all, sir. I never held any appointment, except being in the service for five years and a month as commissary.

Q. During this time that you were serving there how were you paid, monthly or otherwise?—A. Paid monthly.

Q. Did you sign the vouchers?—A. I think so, although I am not certain, but I take it for granted that I did; I suppose I signed the vouchers.

Q. Do you or not know, then, whether you gave vouchers as being clerk in the pension-office during this time?—A. I suppose I gave vouchers as a clerk in the pension-office.

Q. Who else joined with Mr. Jones, if any, in the arrangement which you speak of?—A. I don't know. I believe Mr. Jones acted principally; knowing my service in the Army, he had promised me his influence for an appointment. I think he was the principal person.

Q. And your appointment at \$2,500 a year as clerk was the arrangement upon which your friends, Mr. Jones included, supported Mr. Sweet, and obtained his appointment?—A. I couldn't say positively as to that.

Q. Do I understand you that you have no personal knowledge of this negotiation, whatever it was, excepting as you were informed?—A. Excepting as I was informed.

Q. By whom were you informed of it?—A. Mr. Jones.

Q. You were informed that this arrangement had been made?—A. Yes, sir; that is, the first arrangement. Mr. Jones knew nothing about the last arrangement.

Q. Mr. Jones went out of the country, abroad, before this last arrangement was made?—A. Yes, sir.

By the CHAIRMAN, (Mr. Brown, of Kentucky:)

Q. By whom else than Jones was your appointment originally recommended?—A. I know of nobody who recommended my appointment except Mr. Jones, positively.

Q. As soon as Sweet went into the office, did you come in as one of the clerks?—A. Yes, sir.

Q. How long did you remain in that clerkship in active duty?—A. As I said a while ago, I am not positive whether it was a year or more. I have lost my private papers.

Q. Do you think you were there on active duty as long as a year?—A. It is my impression that I was.

Q. With whom was this second arrangement made?—A. That was made between General Sweet and myself; he solicited this new arrangement.

Q. Was Jones a party to that?—A. No, sir; he knew nothing about it; he was abroad.

Q. Was he away when that arrangement was made?—A. Yes, sir.

Q. Was nothing said about it prior to his departure?—A. Not a thing; it was never thought of by me until it was solicited by General Sweet.

Q. Was all of the compensation due you as clerk paid to you?—A. Every cent, sir.

Q. Did any one else receive any of it, directly or indirectly?—A. Never a cent.

Q. Then it is a fact that you were a clerk in that office nominally, receiving a salary of \$1,500, and yet doing no work; is that true?—A. That is true.

Q. For what length of time did that arrangement continue?—A. A year or less; I don't know; I can't state the definite time; it was about two years altogether, and I believe that arrangement was about a year.

Q. A year, or a year and a half?—A. It may have been a year, or a year and a half; I can't say positively.

Q. That arrangement, however, continued as long as Sweet was in office?—A. Yes, sir.

Q. What considerations were there moving Sweet to make such an arrangement with you?—A. I have no idea, but it was at his solicitation.

Q. He preferred to have you, then, do no service and be out of the office and pay you \$1,500 a year, than to have you there at the old salary?—A. I think so. I would remark that at the old salary he wanted to give more of his time to business outside, and he thought at this time that he could give his attention more to business inside of the office, and would be willing to dispense with me for a consideration, or to ignore the old arrangement.

Q. Is not that a most unusual and remarkable arrangement?—A. Well, it might be considered so, ordinarily.

Q. Didn't it so impress you at the time?—A. No, sir; I felt inclined to do what General Sweet desired, particularly as the difference would be entirely with him, out of his pocket; I felt as if it was a matter between me and him.

Q. And you thought there was nothing extraordinary in your drawing a salary of \$1,500 a year and doing no work for it?—A. I held myself ready to do work when called upon.

Q. Do you know of any influences or considerations brought to bear upon Sweet inducing him to make such an arrangement with you?—A. I don't think there were any, sir.

Q. You know of none?—A. I know of none, and I am satisfied neither I nor my friends made any.

Q. By whom was your salary paid you?—A. Paid me by General Sweet.

Q. Monthly?—A. Monthly.

Q. Paid at his office?—A. Paid at his office almost invariably, I think.

Q. Paid to you?—A. Yes, sir.

Q. Always?—A. Always.

Q. Is that the only time that you were about the office when you went to get your pay?—A. No, sir; I would go in occasionally.

Q. Was that arrangement known to any one save you and Mr. Sweet?—A. I don't know that it was.

Q. Did you ever communicate it to anybody?—A. I have communicated it to my family. Yes, I have communicated it, I think, to others; I don't know, though. I never felt at all backward about it.

Q. Who was United States marshal at Chicago at that time?—A. I think Mr. B. H. Campbell was appointed about that time, when Mr. Jones went abroad.

Q. Is he a kinsman of yours?—A. A brother.

Q. Is he still United States marshal there?—A. Yes, sir.

Q. Was this arrangement known to him?—A. It was, I think, sir.

Q. Did you ever communicate it to him?—A. I don't think I ever did, although I am not certain about that.

Q. Did you ever have any conversation with him on the subject at all?—A. I may have, and would be very likely to communicate it to him if it had come up in any way, but I had no occasion to talk with him about it.

Q. But you say you did not?—A. I rather think I did not, although I am not positive as to that.

Q. Do you know of any agreement on the part of Mr. Sweet about any consideration for his appointment to office?—A. I don't know of any. I don't believe that he knew General Sweet at that time.

Q. Was the support of Jones, at Sweet's application for this position, on the condition that you should be made a clerk; did you know anything of that?—A. I understood that to be the case.

Q. Are you related to J. Russell Jones?—A. By marriage; his wife and mine are cousins.

By Mr. HURLBUT:

Q. Did you cease being clerk there before General Sweet was removed from that office?—A. I don't know; I think I ceased when he left the office.

Q. Do you know anything about why he was removed, or anything of that kind?—A. I have no idea, sir, not the least.

By the CHAIRMAN:

Q. Had you any position under Blakely after he came into office?—A. No, sir; my connection with the pension-office ceased when General Sweet was removed, and I have had nothing to do with it since.

GEO. W. CAMPBELL.

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*Deposition of Charles L. Wilson, of the city of Chicago, who, being duly sworn, deposes as follows:*

Question. What is your name, age, residence, and occupation?—Answer. My name is Charles L. Wilson; age, 53; residence, Chicago; occupation, journalist.

Q. Were you acquainted with General B. J. Sweet in 1869, before he was appointed pension-agent?—A. I was.

Q. Do you know anything of any contract, agreement, or conversation between B. J. Sweet and J. Russell Jones relative to said appointment? If so, state fully all you remember.—A. I do not know of any conversation between them. I had a conversation myself with Jones.

Q. State such conversation fully.—A. I was a warm friend of General Sweet's at the time he commanded at Camp Douglas, and was anxious to get him some position under the Government, and recommended him for pension-agent. I sought to obtain indorsers for him, and among others asked Mr. J. Russell Jones. Jones said he was sorry he had not known it earlier; that he was committed to George W. Campbell for that place, but suggested that perhaps the matter could be arranged; that he wanted to provide for Campbell; and if Sweet would appoint Campbell to a clerkship, he would join in the indorsement. I informed Sweet about it and advised him to see Jones, which he did, and afterwards informed me that it was all arranged satisfactorily.

CHARLES L. WILSON.

Sworn and subscribed this 22d May, 1876, before me, delegated for that purpose by the Committee on Civil Service Reform, House of Representatives.

S. A. HURLBUT,  
*Of the Committee.*

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WASHINGTON, June 27, 1876.

JOSEPH RUSSELL JONES, being sworn and examined, made the following statement:

I find myself figuring here in a rôle entirely new to me. It is necessary for me to go somewhat into detail, as you will see when I get further along, in order to explain my connection with Colonel Campbell, who was appointed a clerk under General Sweet. Colonel Campbell was exceedingly kind to me when I went to Galena thirty-six years ago, a time when a little kindness went a great way with me, and I had always felt anxious to show my appreciation of it. He was a merchant, and in those days was in good circumstances, but subsequently, during the financial troubles of 1857, he met with reverses and became poor. At the breaking out of the war he went into the Army and served through the war as a commissary; disbursed several millions of dollars, and my understanding is that there was never a discrepancy of a dollar found in his accounts, nor the slightest difficulty in the settlement of them at the close of the war. He was a man who for thirty-five years had the reputation of being, and to my personal knowledge was, an excellent book-keeper and accountant. As I have already said, he had become poor, and meanwhile I had accumulated some property. After the election of General Grant I was exceedingly desirous of finding some employment for this old friend. He had asked me to recommend him for the position of pension-agent, and I told him I would make an effort to secure something for him. This report seems to go upon the theory that I *had* recommended him for the position. That is not true; but I was talking of him in connection with this appointment when General Sweet came to me and said he was an applicant for the position. As Mr. Wilson testifies, I expressed regret that I was so situated

that I could not assist him, (Sweet,) and stated that I was committed to Colonel Campbell; that I was very anxious to find a position for him, but that I would be also exceedingly glad to do something for General Sweet. In conversation with General Sweet I suggested, "Is there not enough of this thing for you both? (I recognized that General Sweet was a man who deserved something, a meritorious man, whom I could have recommended very conscientiously.) All I want is to find some position where Colonel Campbell can earn something, and I will be very glad at the same time to assist you." General Sweet immediately said that if I would join the others who were recommending him, he would give Colonel Campbell charge of the office at a salary of \$2,500 a year, which would leave him "foot-loose," as he expressed it, to attend to the practice of his profession; (he was a lawyer;) whereupon I signed his recommendation with the others. Very soon after that, whether it was before or after his appointment I am unable to say, but very soon after that, I was appointed minister to Belgium, and went to Europe in June, 1869, and remained abroad between six and seven years, and I know absolutely nothing about what occurred in the pension-office from the time of my departure until the subject comes up here now. At the time these matters reported here in regard to Colonel Campbell and General Sweet took place, I was five thousand miles away, and I never heard of them until they were brought up in this form. I recommended Colonel Campbell, knowing (not simply believing, but absolutely *knowing*) his competency. I had known him very intimately for twenty-nine years. I had been in partnership with him, doing a large business—as large, perhaps, as that done anywhere on the Mississippi River north of Saint Louis; and I speak advisedly when I say that I absolutely knew him to be a man competent to take charge of that office. He has failed very much during the last seven years, and would perhaps be unfit for it now, but at that time he was entirely competent, and a man against whom no breath of suspicion had ever been breathed. I have now stated all I have ever had to do with this case from first to last. I was anxious to help General Sweet as well as Colonel Campbell; and what I desire to say is that I recommended General Sweet because he was a worthy and a fit man, in every sense, so far as I knew, for such an appointment; and I requested him to give this clerkship to Colonel Campbell because I knew him to be a competent man, and because it was an arrangement which entirely suited General Sweet. As I have already stated, he expressed himself anxious to be "foot-loose;" he did not want to be confined to the details of the office; and the understanding was that Colonel Campbell would take entire charge of the office, and substantially relieve him from any labor or care in connection with it. If Colonel Campbell turned out afterward to be an incompetent man, I had no means of knowing it, and ought not to be held responsible. He certainly was a competent man at that time. Some stress is laid in your report upon the fact of Colonel Campbell's drawing \$2,500 a year as his compensation. For eight years previous to my going abroad in 1869, I was United States marshal for the northern district of Illinois, with my office at Chicago; and during all that time I paid my office deputy \$2,500 a year. I am now paying in the office of the collector at Chicago, for substantially the same quality of service that it was understood between General Sweet and myself was to be required of Colonel Campbell, to one man, \$2,800 a year, to another, \$2,200 a year, and to two or three others, \$2,000 a year each. It is in testimony here that \$12 a week was paid to clerks in the pension-office. Colonel Campbell never was a \$12-a-week

man, nor a thousand-dollars-a-year man, nor a fifteen-hundred-dollars-a-year man; he was a man who could earn his \$2,500 in those days.

I received some time since a very remarkable letter from General Hurlbut, which was the first intimation I had of this matter—such a letter as I have been educated to believe no gentleman would address to another, but he may have assumed that he was not addressing it to a gentleman. I have shown it to a good many persons, and every one who has seen it regards it as a very remarkable letter for *him* to address to *me*. I have been a member of the legislature of my State; was actively engaged in business for twenty-one years at Galena; was eight years United States marshal under Presidents Lincoln and Johnson; I was between six and seven years minister to Belgium; and immediately on my return from Europe, was appointed collector of customs of the port of Chicago without my solicitation or knowledge. I knew nothing of it until I received a dispatch from Secretary Bristow informing me of my appointment. I was tendered the position of Secretary of the Interior in September last, which I was obliged to decline because my private business required my attention at home; and now I find myself, at the end of thirty-six years of tolerably active life, charged with being a criminal, without ever having been given a hearing.

Mr. DEBOLT. That is pretty strong language. Please turn to that part of the report which points you out as a criminal.

Mr. JONES, [reading.] "The first presents a case of contract for influence to procure an appointment, and a valuable consideration agreed to and paid and received in relation to a public office."

Now, perhaps that does not make me a criminal; perhaps there is some other expression that would serve the purpose better; but assuming that to be true, I should consider myself a criminal. At the time I received this letter of the 17th of April from General Hurlbut, I hesitated before replying to it. I showed it to a number of my friends, who thought I ought to pay no attention to it; but, upon reflection, I concluded I would write him, stating the facts quite fully in regard to this whole matter. I did so, and it now turns out that General Hurlbut never showed that letter to any member of your committee, so that I have never had a hearing until now, after judgment has been pronounced. I have never been invited or subpoenaed to come before this committee. I never have requested a hearing until now, because I was given by General Hurlbut to understand that there was no necessity for my coming here. When General Hurlbut was in Chicago about the 20th of May, I had a conversation with him in my office. He informed me that he had seen Mr. Charles L. Wilson, whose deposition he intended to and did take. I asked him what Wilson knew about it. His reply was, "The same that you know; just what you said to me you knew about it." I said, "If it is a fair question, I would like to know if anything has been discovered that need make me unhappy." His answer was in effect, "No." I do not know that he said "No," but that is what it footed up, and I assumed from that that if there was anything damaging to me, I would have had some intimation of it. His saying that there was nothing that need make me unhappy led me to think that there was nothing damaging to me. Now my understanding of this report is, that it is very damaging to me, and one of two things is true, either that General Hurlbut did not at that time think so, or else that he deceived me. At that time the testimony, as I understand, was all in Wilson's deposition had not been taken, but General Hurlbut had had a conversation with him on the subject, and knew what his testimony was to be.

Mr. HURLBUT. Was not this what I told you: that all the testimony with regard to you was in relation to the original arrangement with Sweet?

Mr. JONES. No, sir. You may have told me that; I don't know but you did; it is not improbable; but the question I put to you was; "Now, if there is no impropriety in my asking the question or in your answering it, I am curious and anxious to know whether anything has been discovered that need make me unhappy;" and your answer was, in effect, "No." So that if you considered that the testimony was damaging to me you deceived me, and but for that, I should have been here long ago and demanded a hearing. Now I supposed that the letter I had written to General Hurlbut had been submitted to this committee. It was a statement of my connection with this matter, substantially the same as that which I have made here to-day, though less full. I had no idea that I would be branded as a criminal, and the report sent out broadcast to the world without the committee at least reading what I had to say about it. I said in that letter all that it seemed to me necessary or material to say.

Mr. DEBOLT. Have you any further statement to make now?

Mr. JONES. I do not know that I have much, if anything, more to state. This report, as I understand it, assumes that my only motive for recommending General Sweet for pension-agent was to secure this clerkship for Colonel Campbell. I would have recommended General Sweet for that position very cheerfully. He was a very worthy man, whom I recognized as entitled to an appointment, and I should probably have recommended him just as cheerfully as I did if Colonel Campbell had not been living. Your report states that, "This presents a contract for influence to procure an appointment and a valuable consideration agreed to, and paid and received, in connection with a public office." Now, I think that ninety-nine persons out of a hundred would understand that to mean that I was personally benefited in some way by the transaction, in other words, that I was trading on my influence with the President to promote my own personal interests. Here is another paragraph from the report: "There can be no doubt whatever that this sum of \$2,500 per annum, although nominally for the hire of George W. Campbell as a clerk, was in truth and in fact the moving consideration, and the only consideration, for the transfer of the influence of Mr. J. R. Jones to the support of General Sweet." Now, that is not true. I was exceedingly glad to help General Sweet.

By Mr. DEBOLT:

Q. Had you any knowledge of an arrangement between George W. Campbell and General Sweet as to Campbell's going into the office, and the conditions under which he was to be taken into the pension-office?—A. Originally, yes.

Q. Be kind enough to state that arrangement to the committee.—A. I think I have stated it.

Q. By whom was that arrangement effected?—A. By General Sweet and myself.

Q. You appeared, then, as the friend of George W. Campbell in making the arrangement?—A. They both regarded me as their friend in this matter.

Q. In the examination of G. W. Campbell, I find this testimony:

Q. Was there any arrangement made between you and your friends and General Sweet and his friends in regard to General Sweet's appointment as pension-agent and your appointment as clerk under him?—A. I understood there was an arrangement, and went into the office at a given salary.

Q. State what that arrangement was.—A. The arrangement was that he was to pay me a salary of \$2,500 as chief clerk.

Q. What was the consideration on the other side?—A. I couldn't say, except that I always understood that my friends and his agreed that he should have the appointment, and that he would employ me as clerk.

Q. Whom do you allude to as your friends that made that arrangement?—A. Mr. Jones was more particularly my friend.

Q. J. Russell Jones?—A. J. Russell Jones.

Q. Was General Sweet in fact appointed, and did you enter upon the duties of clerk?—A. Yes, sir.

Q. At what salary?—A. At the rate of \$2,500 a year.

Q. Did you do duty in the office?—A. I did as long as that arrangement lasted.

A. That is precisely what I have testified to in the form and manner heretofore stated.

I have read over this report of my testimony, and have made some corrections therein, and now sign it as an accurate report of what I stated to the committee.

J. R. JONES.

STEPHEN A. HURLBUT, a member of this committee, being duly sworn, says:

That he had but one conversation with J. Russell Jones, in Chicago, on the subject-matter of this investigation.

That said conversation was wholly in reference to the testimony of C. L. Wilson, which had been taken by this deponent; that Mr. Jones asked what Mr. Wilson had sworn to, and that this deponent stated that his testimony in all substantial matters agreed with Mr. Jones's statement to this deponent. That at that time the testimony had not been closed nor submitted to the committee, nor was any report prepared. That no opinion whatever upon the merits of the case was ever given by this deponent to Mr. J. R. Jones at that time or at any other, and that any statement to the contrary by Mr. Jones is either a mistake or a willful misstatement.

S. A. HURLBUT.

WASHINGTON, *June 28, 1876.*

ELBERT H. GARY sworn and examined.

By Mr. WILSON:

Question. What is your business?—Answer. Practicing law is my principal business.

Q. Have you any other business?—A. I am a member of the firm of Gary, Wheaton & Webster, bankers.

Q. Did you know General Sweet in his life-time?—A. I did.

Q. How long, and how intimately did you know him?—A. I knew him very intimately for a good many years previous to his death.

Q. Had you ever any business relations with him, and, if so, what was their nature?—A. I acted as his counsel for several years prior to his death. Our business relations were very intimate; probably I knew more about his business than any other living person besides himself.

Q. Were your business relations those of attorney and client?—A. Yes.

Q. Did you prosecute any suits for him; and, if so, with reference to what.

Mr. HURLBUT. What is the object of this line of examination?

H. Mis. 182—4

Mr. WILSON. I want to get at the amount of General Sweet's estate.

Mr. DEBOLT. Ask him the direct question.

Q. State, then, what the amount of General Sweet's estate was.—A. When General Sweet died his estate was believed to be worth twenty-five or thirty-five thousand dollars above his debts. General Sweet had a large amount of property in Colorado, and there was a good deal of litigation in regard to it, and before the property was sold they could not tell exactly how much it was worth. The litigation had just closed before his death.

Q. Were you made one of the executors of his will?—A. I was.

Q. Who was your co-executor?—A. Josiah L. Lombard, of Chicago.

Q. Is he still acting with you in that capacity?—A. Yes.

Q. He still lives there?—A. Yes.

Q. Were you acquainted with the character of General Sweet?

Mr. HURLBUT. What is the object of that inquiry?

Mr. WILSON. There is a pretty severe reflection upon General Sweet in this report, I think.

Mr. HURLBUT. I think not.

The WITNESS. General Sweet was considered the very soul of honor. During several years' knowledge of him and intimate acquaintance with him, I never heard a single word against his integrity.

Mr. DEBOLT. We are not trying his character here.

By Mr. WILSON :

Q. He had occupied this position of pension-agent at Chicago some time before his death?—A. He had.

Q. Did you know his daughter, Miss Ada C. Sweet?—A. Yes, sir.

Q. How long have you known her?—A. For several years last past.

Q. Were you intimately acquainted with her?—A. Yes, sir.

Q. State whether or not she had occupied the position of a clerk in that department, and was familiar with the duties of the office.—A. She was chief clerk of the pension-agency at one time, and was a very intelligent business lady.

Q. State what you know in regard to her business experience and qualifications.—A. Well, she has had a good deal of experience in business for a young lady, and she is a superior girl, very intelligent and capable in a business way.

Q. What, if anything, do you know in regard to her having made an effort to be appointed pension-agent at Chicago prior to the time when she procured this appointment?—A. Some time in the month of March or February, 1874, I was going to Washington on business, and just before I started I saw her, and she said to me that she was an applicant for the position of pension-agent at Chicago, and asked me to see persons with whom I was acquainted in Washington in her behalf. I came on to this city and was informed here that there was no possible chance for Miss Sweet, because Mr. Blakely, then the incumbent of the office, did not see fit to resign; that there was no cause to remove him, and that he would probably, without doubt, hold the office until the end of the term. When I returned to Chicago I stated that to her, and she said that she had also been informed of the same state of facts, and had made up her mind that there was no possibility of her getting the office, and had given up expecting it. I understood here in Washington that there were several applicants for the office, and so told her; and she said she had understood the same thing. I knew some of the Congressmen here then, and they gave me the information which I communicated to Miss Sweet.

Q. She afterward did get the office; do you remember that fact?—

A. I do.

Q. Did you render her any assistance in getting it?—A. No, sir.

Q. Did you have any conversation with her; and, if so, how long after her appointment, in relation to the manner in which she procured it?—

A. Well, some two or three weeks, I should think, after she was appointed she said to me that she had been appointed pension-agent, and related the circumstances of getting the position. Of course I was surprised after what I had heard before. She then told me how she obtained the office, and what the understanding was, and gave me her reason for doing so.

Q. What did she tell you?—A. I will give you the substance of her conversation. She said that inasmuch as she had been coming to me to get money to pay the family expenses, (including some expenses of her own,) and, would probably after that time come to me the same, she thought perhaps I ought to know what her situation was, because otherwise I might think she would have plenty of money out of her office for these purposes. She said that she had come to the conclusion that she could not get the office unless Mr. Blakely resigned, and she had made an arrangement with him, that if he would resign, so as to give her an opportunity to get the office, (in case she did get it,) she was, to have a salary of \$1,500 a year up to the end of the term of Blakely, and that he was to have the balance of the proceeds of the office.

Q. Was there anything said in that conversation with reference to any advantage it would be to her in getting the office after the expiration of that time by virtue of her being in possession of it?—A. She remarked that the salary would be larger than the one she had been receiving, and she might possibly be continued in the office after Blakely's term expired, and that then there would be some advantage in it.

By Mr. HURLBUT:

Q. Did she remark that she might probably be continued in office?—

A. "Might possibly be," I said.

Q. The commission is for four years, is it not?—A. Well, she may have said "probably." She may have expected the office longer; I do not know the length of time of her commission. I do not think it ran for four years.

Q. It does, or during the pleasure of the Executive.—A. Well, the point to her conversation was that the salary would be larger than the one she was then getting, and that she might be kept in office a little longer. There was nothing said at that time by Miss Sweet indicating that she had the slightest idea that there was anything wrong in the arrangement she had made. I certainly do not think she intended any wrong.

By Mr. WILSON:

Q. State whether or not the arrangement was satisfactory to her at the time she had made it, and whether she was still satisfied with it.—

A. O, yes; she was very much pleased with the arrangement at the time.

Q. What was said in that conversation with regard to any secrecy about this transaction?—A. I have no recollection in regard to that; that is, I have no recollection of her saying anything.

Q. Was there anything said at all on that subject; and, if so, by whom?—A. I remember what I said to her. I hadn't known anything about this arrangement, and when she told me, I said, "I don't know about this arrangement, Ada, but if you have made it, it seems to be a

pretty good thing for you, and my judgment is not to say very much about it." I said that to her.

Q. Did she at any time get \$3,000 from you ; and, if so, for what purpose ?—A. She did. Some time during the same season she came to me and said she wished to raise \$3,000, explained the circumstances, and obtained it.

Mr. HUBLBUT. What \$3,000 are you referring to ?

Mr. WILSON. I am referring to the \$3,000 transaction—that deficiency account.

Q. State what occurred.—A. She explained that Mr. Blakely had a claim against the Government of \$3,000, and a credit on the books of the Government, an ante-fire credit, and he had supposed he would be entitled to draw that money out, but it afterward turned out that the claim was disallowed by the Government ; and he having drawn it out, the office was short that amount, and she had arranged with Mr. Blakely to assume the \$3,000 ; receipted for it, and asked me for the money to pay it in. After consulting with my co-executor, Mr. Lombard, we gave her the \$3,000.

Q. What, if anything, was said at that time by her in regard to the \$3,000 going on account of the emoluments of the office that were to be turned over to Blakely ?—A. I cannot remember what the conversation was in regard to that at that time. I know very well the idea I had of it at the time ; but whether I had that idea from what she said or from what I knew about the whole circumstances of the office, I cannot say. If you think it proper to give you that, I will do so.

Mr. HUBLBUT. If you do not give it from her, we do not want it. Can you give the substance of it ?

A. I cannot remember what she said.

By Mr. BLAKELY :

Q. May I ask if she said I was to repay her, or did she intimate anything of that kind ?—A. I have no recollection of anything of that kind being said.

By Mr. WILSON :

Q. At another time did she speak to you about this \$3,000 ?—A. She did. She came to me about February, 1875, and said she wanted to ask me about having indorsed a \$2,000 note which had been discounted at the Cook County National Bank, in Chicago. She wished to know what her liability was on the note. I told her, of course, if she had indorsed it, she would be personally responsible for it. I then asked her what the note was, and she informed me that Mr. Blakely had left with her a \$2,000 note for her to raise the money on, telling her that the note, which was signed by him and other parties, was perfectly good. I asked her how he happened to give her this \$2,000 note. Well, she said she needed it ; that her accounts were such, in consequence of the profits of the office not having been as large as she supposed they would be, that she needed the money ; that Mr. Blakely had come forward and left her this note to help her along. I told her that probably the note was not good for anything. She said " Why ? " I replied that it would not be very likely that Mr. Blakely would give her this \$2,000 note if it was good. I could not understand it. She said she did not know whether it was good or not, and only knew that he represented it to be good. She said she wanted me to go to Saint Paul and find out whether it was good, adding that if it was not, and she had to provide for the note at the bank, she must make arrangements for it. I went to Saint Paul and saw Mr. Blakely. He told me all the circumstances in regard to it ;

said that the proceeds of the office were \$6,000 clear; that she had paid Mr. Campbell \$2,100, and that the balance of the proceeds of the office were going to him, and that she had agreed to assume the \$3,000 in lieu of the balance of the profits as a finality between them; but he said "she was hard up. The office did not pay as much as she supposed it would, and that therefore he had willingly gone forward to help her, although he was not under any legal or equitable obligation to do so." In talking with Mr. Blakely, I discovered at once that he was a thorough newspaper-man, and, like a good many men in that profession, did not know very much about business. In fact, there was no business in him at all, I thought. I went to work to find out about the responsibility of the indorser of this note, and I found out that the gentleman, who is now dead, was perfectly good; and instead of collecting it, I took a renewal of it. I then went down to Chicago and told her these facts, telling her that the note was perfectly good, and that I would be willing to cash it in my bank for her. I repeated all that Mr. Blakely had said about it, and said that I thought he had been pretty generous under the circumstances. She seemed to be very much pleased with the result of my trip.

Q. Did she express any dissent as to what Mr. Blakely had said about the transaction between them?—A. I have no recollection of her dissenting.

Q. Did she dispute that the arrangement had been that she was to assume the payment of this \$3,000 that was to be a finality between them?—A. I have no recollection that she disputed it. If she did, I have forgotten it.

By Mr. HURLBUT:

Q. Have you any recollection of her saying anything about it?—A. My impression is that she assented to the arrangement and to the statement made by Mr. Blakely as related to her by me—I think she did. In fact, I do not think she dissents from it now at all, if she could be allowed to explain it.

Q. Was there ever an interview between yourself, your co-executor, Mr. Blakely, and Miss Sweet, at Chicago, in regard to this matter; if so, when was it, and what was the occasion of it?—A. Yes. This note, in the first place, was given payable ninety days after date, I think, and when I went up to Saint Paul I took a note for sixty days and sent it through my bank to a Saint Paul bank for collection.

Mr. BLAKELY. One note or two notes.

The WITNESS. Two \$1,000 notes.

Q. Were they dated?—A. They were not. They were notes which Mr. Blakely had in his pocket all filled out with the exception of being dated.

Q. Had they the same indorsements as the other notes?—A. Precisely the same. I was much surprised at the time. They were dated at that time. I saw the indorser, and he was willing that the dates should be put in. He was a banker, and a very rich man, and knew about business matters very well.

Q. Go on with your statement.—A. Mr. Blakely having received notice from the bank that this note was sent up for collection, telegraphed to Miss Sweet or myself to meet him in Chicago. I went, and she and my co-executor and myself, with Mr. Blakely, met in her office. He then requested that the note be extended, and stated why he thought we ought to be willing to extend it. In the first place, he said it was a difficult matter for him to pay it. He said if we said so, the note would

be paid, but he did not wish to pay it at that time. He also said that inasmuch as he never had been under any obligation to pay that money, but had voluntarily contributed it, because there had been a misapprehension on the part of him and Miss Sweet in regard to what the profits of the office would be, he thought we ought to be willing to extend it. He also stated at that time that Miss Sweet had assumed the \$3,000 as a finality between them. Finally we all agreed to extend the note sixty days instead of thirty. I think it was extended sixty days, and finally paid in June. That is my impression, though I may be mistaken.

Q. Was there any objection made by Miss Sweet at that time to the arrangement that had been made between Mr. Blakely and herself—any expression of dissatisfaction in regard to it?—A. No; I think not. I think Miss Sweet understood that, while she was to turn over the profits of the office to Mr. Blakely, still, at the time she assumed the \$3,000, she supposed he would help her with it until the fees of the office would make it up again. The \$3,000 was advanced by her. I do not think there is any real misunderstanding between Miss Sweet and Mr. Blakely in regard to that matter. I do not see how there can be, and I do not think there is.

Mr. DEBOLT. There is a wide difference in their testimony.

The WITNESS. I see there is some difference in their testimony, and it has occurred to me that if Miss Sweet should be further interrogated in the light that the committee have in regard to this matter, she could explain many portions of her evidence.

Q. State whether or not she, during all this time, fully understood all these matters, and whether she had freely and voluntarily made the arrangements and was satisfied with them.—A. Of course, all the arrangements that she made she made freely, so far as I could judge from what was said and what took place. She is a woman, but she is a pretty smart business woman after all. I do not want to say a single word against her, because I have always believed her to be a perfectly honest woman, and one who stands by her bargains. I confess I cannot understand the want of harmony in the testimony.

Mr. HURLBUT. It is more than a want of harmony. It is a tolerably direct contradiction.

By Mr. WILSON:

Q. How long have you known Mr. Blakely; when did you first meet him?—A. I never saw him that I know of until I went to Saint Paul for the purpose of looking after this transaction.

By Mr. BLAKELY:

Q. Is Miss Sweet a woman who would have been likely to have assumed a sum of \$3,000 without taking any receipt of any kind, of any man or under any circumstances, unless she had done it expecting it to be a finality?—A. I think the committee can judge of that as well as I.

Q. What was said at any time, with reference to the manner in which she conducted the office, as to its expenses?—A. Mr. Blakely suggested (I think after we went out of her presence) to Mr. Lombard and myself, something about the expenses of the office. I might say that during the interview between Blakely, Miss Sweet, Mr. Lombard, and myself, she claimed on her side that the profits of the office had been less than she supposed they would be, while Mr. Blakely, on his side, claimed that he could not possibly understand why she needed this money, because the profits of the office were so much, and always had been to him; and I think she said that there had been a reduction of fees by the Government, or something of that sort. I suppose that is where all

this trouble occurred. This \$2,000 note was finally paid, and I got the money and applied it on this \$3,000 which we had let her have. I want to say one word in regard to her, and that is this: deficiencies and defalcations have been talked about. Of course I knew something about her deficiencies there or her position, and Mr. Lombard did when I told him, which was not until some time after I knew of it; but we never expected to allow her to be a defaulter under any circumstances, and we never expected that there would be a deficiency so that the Government would run a particle of risk in regard to it. I asked her once whether in case of her death the executors would have to lose this money, provided the estate did not have something for distribution to the heirs; saying that of course we expected to stand by her and make her good, and make her accounts correct at all times. She said that her life was insured for \$5,000, which would provide for that; so that the Government never was in a particle of danger, and the executors of General Sweet's estate never intended that there should be any deficiency there.

By Mr. BLAKELY:

Q. Did I say, after we left her company, anything about the expensive manner in which she was conducting the office, or intimate that it was unnecessarily expensive?—A. There was something said by you.

By Mr. WILSON:

Q. Did you communicate that to her?—A. Well, we had some talk about it, but I don't remember just what the conversation was.

Q. What did she say with reference to what she proposed to do in the future?—A. Well, she said she intended to run the office economically, and that perhaps she might reduce the expenses somewhat; she meant to be a very careful girl, as well as a thoroughly honest one.

By Mr. DEBOLT:

Q. You say that some three weeks after the arrangement she had a conversation with you, in which she stated that she had assumed this debt of \$3,000?—A. No, sir; you have got that wrong. That conversation in regard to the \$3,000 was some time after that, some time during the summer or fall. It was about three weeks after her appointment, that she told me of the arrangement whereby she was to receive \$1,500 a year and Mr. Blakeley to receive the balance of the profits.

Q. In that conversation did she say anything about the \$3,000 matter to you?—A. O, no, sir.

Q. When did she first say anything to you about that \$3,000 matter?—A. It was when she came for the money. If I had this check, of course, I could tell the exact date, but I cannot tell without it. But it was some time during that summer or fall.

Q. State, as nearly as you can, what she said regarding the \$3,000, when she came to you and related the circumstances.—A. She said that Mr. Blakely had a credit on the books of the Department of \$3,000—a claim against the Government; and that she had receipted for that, as I understood, or allowed him to draw the money.

Q. I ask you for her exact language if you can give it.—A. I cannot give you her exact language.

Q. Give your best impression as to the very language she made use of?—A. You do not mean me to give my best impression of the words?

Q. Your best impression of the substance of what she said.—A. My best impression is that she said that Mr. Blakely had a claim against the Government—a credit of \$3,000, which was disallowed; that, in

taking the office from him, or in receipting to him, she had assumed that amount.

Q. Did she use the word "assumed" or "receipted for?"—A. Well, my impression is, Mr. DeBolt, that the meaning of her language was either that she had assumed it or accepted it as hers—I so understood it at that time from her conversation; that she accepted the indebtedness of \$3,000 as her own, and therefore wanted the \$3,000 of me to replace it. I don't say she said so, but my impression is that the substance of her conversation conveyed that meaning.

Q. Let me read what she says she said about it: "Finally he asked me if I would sign receipts for the \$3,000, and carry the amount on my account as if I had received it for a few weeks. I told him I would. He said he would pay it, certainly, by the beginning of June; by that time he would have the money, and he would send the money to me directly."—A. I don't say she did not have that conversation with Mr. Blakely, but I do say that I have no recollection of her conveying that idea to me, or that agreement to me.

Q. Did you understand from what she told you that she had assumed that \$3,000 debt finally?—A. As her own, I did.

Q. Or only to carry it for a short time?—A. I understood that she assumed it as her own, and I was to get the \$3,000 back from her after the fees of the office earned it.

Q. What I wanted to get at was whether she made the impression on your mind that she was to carry it a short time, or that she was to pay it finally and never look to anybody for it?—A. That is the impression made upon my mind.

Q. On your return from Saint Paul, after seeing about the security of the note, you had another conversation with her, in which you gave her Mr. Blakely's version of the agreement?—A. Yes; I stated to her the whole conversation between Mr. Blakely and myself.

Q. Was it in that conversation or was it in your first conversation that you got the impression that she had assumed it finally; was it not from what Blakely had told you and your telling it to her that made the impression, or was it in the first conversation?—A. I think it was in the first conversation, and the reason why I think so particularly is that I was a little anxious to know how we would get the \$3,000 back. We were incurring a responsibility as executors. There had been no distribution ordered, and at that time I did not know as to what she might be entitled to, and I knew very well that I was incurring a personal responsibility to that amount, and I naturally inquired how I would get it back, and then understood that I would get it back from the fees procured from the office.

Q. Then you got this impression in a direct conversation with her in regard to it, and not from the conversation with Mr. Blakely which you related to her?—A. Well, I think so.

By Mr. HURLBUT:

Q. She speaks of borrowing \$2,000 in November from the executors, to make up this deficiency of \$4,000. Do you know anything about that?—A. I think she refers to this \$3,000.

Q. Then you place this \$3,000 transaction at that time, do you?—A. I do not fix the date, because I may be mistaken, but I think it might be that date, and I think, from her evidence, it must be that. She speaks of going to one of the executors to obtain this sum. I know all the different sums she obtained from me, and I know she did not get

\$2,000. In regard to this transaction, I think it was \$3,000. I know I am not mistaken in that. It was \$3,000..

Q. She got the \$3,000 from you to help make up the deficiency?—A. Yes.

Q. Did I understand that that was at the time General Baker required the deficiency to be made up?—A. I never understood anything about General Baker's requiring the deficiency to be made up.

Q. Did you ever know from her that she had been called upon to make good this deficiency?—A. I may or may not. I have no recollection in regard to it.

Q. What reason did she give for getting this \$3,000?—A. The reason was that her accounts were \$3,000 short, and she must have that amount in the Treasury.

Q. Was that the time she got these notes from Mr. Blakely?—A. I don't know. I knew nothing about the note until about the time it matured, when she came to me to make inquiry about the indorsement.

Q. What I wish to get at is whether she at any time got \$3,000 from the executors to make out this amount. You say that was in the same season that she got that \$3,000.—A. I said in the summer or fall.

Q. There is no pretense that she made up this amount until November?—A. Well, I think it quite likely that was the time.

Q. You are satisfied that it was \$3,000 that she obtained?—A. Yes; I can tell you why I know.

Q. She states it as \$2,000.—A. Yes; so I see. And so she states that the first time she ever communicated this was in April, 1875. She had forgotten about it. Had she seen me her memory would have been refreshed. She has had an immense amount of business on her hands during that time, and she has forgotten the circumstance.

Q. Do you know enough of Miss Sweet to be able to give a statement as to her character for truthfulness and integrity?—A. I think I do.

Q. State what you understand it to be.—A. Emphatically, I understand her reputation for truth and veracity to be good—perfectly good.

Q. Then I would ask you whether, when she gives an account of a transaction in which she herself took part, her testimony, both from her reputation for veracity and her ability, is, in your judgment, to be believed?—A. In answer to that, I wish to say that I do not think she would intentionally say anything that was not true, but, of course, if any person stated a thing which was not true, I could not believe it to be true if I knew to the contrary. I think if Miss Sweet were examined by this committee to-day in the light of my evidence, there would not be one single matter that she would not have her recollection refreshed about, or in regard to which she would not agree with me.

MR. HURLBUT. I do not think you contradict her in any material matter.

MR. DEBOLT. Mr. Hurlbut's question is whether, if Miss Sweet made such a statement of a matter, you, with your knowledge of her character, would believe what she said about it, if you knew nothing about it except from her statement?

THE WITNESS. To that I certainly answer, yes; if it was not contradicted, and I did not know anything about the facts.

By MR. HURLBUT:

Q. Have you had any conversation with Miss Sweet since she returned?—A. I had about one minute's conversation with her.

Q. You have not talked over the subject-matter of her testimony with her?—A. No, sir; I have not. I simply told her that I thought the

papers seemed to be pretty harsh with Mr. Blakely, and she said that she had not intended to injure him, but that of course she never had been a witness, and she was very much embarrassed, and that she hadn't an opportunity of explaining as she would have liked; she did not say she hadn't an opportunity; she said she was not asked.

[The witness was directed to send to the committee the date of the \$3,000 check, to be received as a part of his testimony.]

The check referred to bears date October 6, 1874, and is for \$3,000.

ELBERT H. GARY.

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WASHINGTON, *June 28, 1876.*

DAVID BLAKELY sworn and examined.

By Mr. WILSON, (his counsel:)

Question. Where do you reside?—Answer. At Minneapolis, Minn.

Q. Where did you reside prior to going there?—A. At Saint Paul; but prior to that at Chicago.

Q. State whether you were pension-agent at Chicago; and, if so, when you were appointed.—A. April 19, 1872, I think.

Q. How long did you hold the place?—A. Three years, lacking nineteen days, I believe.

Q. State whether before you ceased to hold the place there was any proposition or effort made to remove you, and, if so, whether or not Miss Sweet was an applicant for the successorship?—A. I think there were several efforts made to secure a change. Miss Sweet came to me and said that she had heard that such efforts were to be made and had heard rumors of a change, and she, being then a clerk in my office, asked if I had any objection to her being a candidate. I told her I had not; that I should prefer her to any other person if there was to be a change. She got several persons to sign her papers, sent them on to Washington, made her effort, and failed.

Q. State whether or not it was ascertained at that time that the effort to have you removed was a failure, and that you were to be retained to the end of your term, so far as then known?—A. It was. I had the best evidence of it.

Q. How long had Miss Sweet been a clerk in your office?—A. I cannot state how long she had been in the office that time. Prior to that, when I first succeeded to the office, she was chief clerk for nearly a year, but her father having been appointed deputy commissioner of internal revenue in Washington, she resigned and became his private secretary. Subsequently, after he died, I invited her to take a place in my office again, and she did.

Q. Was she familiar with the duties of the office?—A. Perfectly, sir; much more so than I was.

Q. And with the emoluments of the office?—A. Perfectly, sir.

Q. State whether or not after the time when she made her application and failed, and it was ascertained that you would remain in the office until the end of your term, so far as was then known, you came to Washington.—A. Yes, sir; I came to Washington on business in connection with my ante-fire accounts. The Chicago fire destroyed all the accounts of my agency and also of the subtreasury there, and, in fact, completely obliterated all records in connection with the pension-agency, and I came on to Washington to make a final account in connection with that matter. This was about a month after Miss Sweet had made

her effort and had come to me and announced her failure and given it up.

Q. If anything occurred at that time which had the effect to ultimately produce a change in the pension-agency office, state what it was.—A. A proposition was made to me to go to Saint Paul, my former residence, and take charge of a newspaper there, and the offer being somewhat flattering, I desired to consider it and would have been glad to accept it. But my circumstances were then such that the change was difficult, and indeed it seemed impossible to make it. I communicated the fact to Miss Sweet that such an offer had been made to me, and gave her the reasons why it seemed impossible for me to accept it.

Q. State those reasons.—A. One reason was that I had made an arrangement with Mr. Campbell whereby I had promised to pay him a certain sum of money every two months until the end of my commission. I had been paying it prior to this time, and had promised to pay it up to the end of my commission as agent, and I felt bound to do it.

Q. What was the occasion of your making that arrangement? What were the relations between him and you which induced you to make that arrangement?—A. They were merely business arrangements. I had borrowed money of Mr. Campbell. I was three-fifths owner of the Evening Post, and I wished to buy the remainder.

Q. Was it a loan from him directly, or through his indorsement of your paper?—A. It was on his indorsement. He proposed to make the loan in that way.

Q. At the time you made that loan from Mr. Campbell what was your financial condition?—A. It was perfectly good. I was doing very well indeed. I owned three-fifths of the Evening Post establishment; and the reason for borrowing the money at all was the desire to buy the remainder. There were reasons why I desired to do that, and he was one of a number of gentlemen who assisted me to do it. At the time I borrowed the money of him my credit was considered perfectly good in Chicago, at the banks and anywhere else, and my financial standing will be found, I think, reported good at that time.

Q. Was there afterward a change in the condition of your affairs?—A. Yes, sir.

Q. State whether or not the change that occurred in your financial condition was the occasion of your making this arrangement which you have already referred to.—A. It was.

Q. That arrangement, if I understand you, was that you agreed to pay to Mr. Campbell every sixty days a certain sum of money out of the proceeds of your office?—A. Yes, sir. He was one of the creditors who were unsecured, and I felt in honor bound to see that he was as well provided for as those who were secured; and it was solely with that view that I chose to make that arrangement. I afterward made a proposition to all the creditors that were unsecured to take a house belonging to my wife, and so made an effort to save them all.

Q. And, if I understand you, having made that arrangement with Campbell, it was an obstacle in the way of your resigning the pension-agency, and accepting the offer at Saint Paul?—A. Yes; that was one of the obstacles.

Q. And that you communicated to Miss Sweet?—A. Yes, sir.

Q. What were the emoluments of that office, over and above the expenses?—A. Six thousand dollars a year, more or less. That was understood to be the amount of the profits.

Q. Was Miss Sweet aware of that?—A. Yes, sir; perfectly.

Q. You say you communicated this matter to Miss Sweet. If there was

an arrangement made between you, state it.—A. Miss Sweet was at that time receiving a salary of \$900 a year. After she returned, having made her effort to get the pension-office and failed, she went into the internal-revenue office. I have always understood that her salary was \$900 a year, but I see that she says in her testimony here that it was \$1,200, and she is probably correct about it. I asked her how she would view a proposition to receive, instead of the salary she was then getting, a salary of \$1,500 a year, and allow me to surrender possession of the office and retain the profits over and above that sum up to the end of my commission, she to take the salary of the chief clerk, and perform the duties of that position, as she had done prior to that time, leaving the net profits of the concern just the same as before. That was my proposition. She was very glad to accept it, and did so at once with the greatest alacrity. She said that if she were to wait until the end of my time, in all human probability she would stand no chance for the office among the politicians who would desire to get it. Her father had recently died and she thought that at that time there was some sympathy for her, and she would, perhaps, get the office, whereas she might not be able to get it later, so she was glad to make the arrangement, and did make it.

Q. What, if anything, was said by her, or by you and her together, with reference to its being desirable for her to make this arrangement, to the end that she might be in possession of the office at the end of your term?—A. As I have stated, she said that if I should hold the office until the end of my term, in all human probability she would be unable to get it; that this was her only chance, and that if I was willing to surrender it upon the conditions stated she would be glad; and so, under those conditions, (we both supposing that we were doing a good thing for each other,) the arrangement was made; neither of us, I think, having any suspicion that there was anything wrong about it, or certainly not taking that into account, and both being very well pleased.

Q. What was said at that time in reference to this Campbell indebtedness?—A. Whether I told her at the first interview the name of the person to whom I desired this amount paid I cannot say, but I can say that after she was appointed, when I returned from Washington, I told her the name. Of that I am certain; and I may have told her at the first interview.

Q. State whether or not the arrangement made with reference to paying Campbell was simply a continuation of the arrangement you had formerly made with him, and carried out in part?—A. Yes, sir; I had been paying him right along in the same way, and it was simply an arrangement for her to continue the payments that I had been making and had promised to make up to the end of my term. The proceeds of the office were to be applied just as they would have been applied if I had remained.

Q. You did resign, and Miss Sweet got the appointment?—A. Yes, sir.

Q. After she procured the appointment and took possession of the office what was done in the way of turning over to her the moneys of the office?—A. I came home from Washington with her commission in my pocket on the 20th of the month, and being very anxious to have her take the office immediately, I telegraphed her to Lombard to be present in Chicago on the day I arrived. It is the requirement of the officers here that in any change of that kind the office shall be turned over on either the first or the fifteenth of the month; that is on account of book-keeping here in Washington; and for that reason I telegraphed

here to be on hand. She was there in readiness and I turned over the office to her on that day. As a matter of course, my accounts could not be made up for some considerable time. I had to go over the rolls containing six thousand names and select out the unpaid; but I turned over to her at the time \$20,000 and subsequently \$17,000, making, I think, \$37,000 in all.

Q. How soon after you turned over the \$20,000 did you make up your accounts?—A. I think it must have been two or three weeks, but I cannot state the exact time. It was done just as quickly as my chief clerk and his assistants could do it.

Q. In her testimony in this case Miss Sweet has made allusion to an item of \$3,000. What was there about that?—A. The item of \$3,000 was the balance made up by the Department here and credited to me on what we call the ante-fire account; it was the balance which stood to my credit upon the Treasury books upon that settlement, and when I made my final settlement and rendered my accounts, deeming myself entitled to it, I made the charge and drew the money out after I resigned. I wish to be particular in stating this because I have been charged here with a defalcation, but my accounts were perfectly straight and I drew that money out after I resigned. Subsequently it was disallowed at Washington.

Q. The account was sent on to Washington with that item of \$3,000 in it and the item was disallowed here?—A. Yes, sir.

Q. After that what occurred?—A. You will remember that I made an arrangement with Miss Sweet to pay \$2,100 in all to Mr. Campbell. The amount that I was to receive from the office was \$6,000 a year for the term of my unexpired commission, which was one year and nineteen days, so that the amount would be about \$6,330 or say \$6,300; the \$2,100 agreed by her to be paid Campbell would leave the sum of about \$4,200 still to be paid to me during the remainder of my term, and I proposed to her that in lieu of that she should pay this money that had been disallowed into the Treasury. I made that proposition to her as soon as the account was disallowed. The letter from the Treasury was forwarded to me at Saint Paul, and I came right down to see about it, and made that proposition to Miss Sweet, and she told me she would consider it and let me know the next day. Next day I went to the office, and she told me that she would pay it in, and she proposed herself that she should receipt for it at that time, saying that she would pay it in before the end of the month. It was her own proposition—one that would not have been thought of by me. I was not familiar with the details of the office, for I did as I presume a good many office-holders do. It was a sort of sinecure. I had other business to attend to, and the office was administered mainly by trusted subordinates.

Q. State whether Miss Sweet did receipt for that \$3,000 according to her own proposition.—A. She did.

Q. What was said in relation to whether or not she, assuming the payment of this \$3,000, should pay you anything after that?—A. In consideration of her doing that, I released her from any further payment. That was the consideration of her doing it—my releasing her from the payment of anything whatever in addition; the balance of four thousand and odd dollars that was coming to me. That is to say, I surrendered about 25 per cent. of the net profits of the office during my unexpired term in consideration of her paying this lesser sum at that time.

Q. In other words, you threw off \$1,200?—A. Yes, sir.

Q. What reason did she give for making the proposition to receipt to

you for the \$3,000?—A. She said it would give her time until the first of the month to raise the money. My distinct recollection is that she said she could get the money of her executors. I know she expected to do so.

Q. Did you have any communication with her afterward in regard to this matter?—A. Several months afterward she wrote to me and told me that she had not paid in this money. It was a very great surprise to me, because I supposed she had paid it in immediately. The arrangement was that she should pay it in. But she wrote to me that she had not done so, and stated that she was afraid she would have some trouble about it. I wrote her that I should be down to Chicago, going East, very soon, and would stop and see her. I did stop. I went to the office, and found she was sick in Lombard. I left a note for her—I have forgotten what the contents of it were—and went on to Vermont, and the next I heard from her was by letter or telegram, possibly both, stating that an examiner from Washington was expected there, and I telegraphed her immediately that I would telegraph to General Baker, whom she knew to be a friend of hers as well as of mine, and ask him to have the office omitted and left for him to examine himself. I also wrote her a letter. I did telegraph to Mr. Baker. The telegrams that passed between him and me can be laid before the committee if it is desired, and I shall be very glad to see them produced. In my telegram to General Baker I asked him, in as few words as I could, to omit that office. General Baker replied in these terms: "What can you mean?" I replied in something like these words: "No matter. I ask you to make the omission. Have written full particulars." In my telegram I told him I would write the particulars, and I sat down and wrote him the reasons why it appeared that Miss Sweet was deficient in her accounts, and asked him to go out himself and see to it, and give her time to make matters straight. I cannot recall the terms of my letter, but that was the substance of it.

Q. Did she call on you for aid in getting her accounts made straight?—A. Soon after I received her telegram I passed back to Minnesota, and stopped at Chicago and saw her, and she told me that if I could let her have \$1,000, she could raise, or had raised, the balance, and would make her account good. I told her that I had written to General Baker, and that I did not think he would cause her any sudden trouble, but would give her time to make up her deficiency, and I said I would go back to Minnesota and do the very best I could. I went on to Minnesota. General Baker meanwhile went to Chicago, and, as I understand, he saw Miss Sweet, and she told him the whole circumstances just as I had done. He wrote me from Chicago a letter, saying that she was in trouble and that I ought to come to her assistance; that whatever the arrangement made between us was, she was in arrears, and he thought it was my duty to assist her. I received a letter from Miss Sweet at the same time, and the telegram that you observe there from Saint Paul is my reply to her letter.

By Mr. HURLBUT:

Q. Have you got that letter?—A. I have not. I wish very much that I had it.

Mr. HURLBUT. So do I.

The WITNESS. Of course I felt in duty bound to go to the assistance of Miss Sweet. Her letter requested it, and the letter of General Baker indicated that he wished it to be done, and I called together two or three of my friends and told them the circumstances and got them to sign my

notes for \$4,000. General Baker's letter informed me that Miss Sweet's deficit was \$4,000; she had never told me the amount she was behind, and, of course, I never supposed it was possible that she could be in arrears more than the amount she had assumed; but General Baker's letter informed me that the amount was \$4,000, and I got my friends to sign my notes for the full amount, and took that sum of \$4,000 down to Chicago for the purpose of allowing her to use as much as was necessary to make up her deficiency, the whole of it, if required. General Baker's testimony details what occurred after I arrived at Chicago. I came there with him and a party of friends, and when we reached the city he went to a hotel and I went to one of my brothers. I called at the pension-office and asked Miss Sweet how much she needed. She told me that if I could help her with \$2,000 she had the other \$2,000 in her safe, or on hand. I told her I could not give her the money, but that I had what was equivalent to it, a note which was perfectly good, and I took out one of the notes, which was for \$2,000, handed it to her, and asked her whether she could probably, in a case of perfectly good commercial paper, get the money on it. She said she would try, and she did try, and got the money and put her \$2,000 with it, and it was taken to the subtreasury and deposited to her credit. The other \$2,000, the notes which she did not need, I retained and used when this note that I gave her was renewed. When I first gave it to her I expected her to pay it; it was simply so much given to her with the expectation that she would return it; but afterward, as I will show further on, I concluded to make her a donation of the amount.

Q. This \$2,000 was afterward renewed?—A. Yes, sir; I had the notes made originally, one for \$2,000, and two for \$1,000 each, with the purpose of giving her whatever sum was necessary to help her out of her difficulty. She needed only \$2,000, and so I gave her that \$2,000 note. None of the notes were dated originally. I dated them as I had occasion to use them, and when the first note was due I dated the other two \$1,000 notes and used them. Mr. Gary came up to Saint Paul and I gave him those other two notes. He was the executor of her father's estate and her confidential financial friend and adviser, and he attended to the business.

Q. When Mr. Gary went up to Saint Paul did you tell him all the circumstances of the case?—A. I did; just as I have related them to you here.

Q. Did you afterward go to Chicago?—A. Yes, sir. When the notes came due the second time I went to Chicago and asked to have them continued for thirty days. I met Mr. Gary, Mr. Lombard, and Miss Sweet, all together in Miss Sweet's office. Mr. Lombard, not having been fully informed before of the nature of the arrangement, I there related the whole transaction in the presence of those two gentlemen and of Miss Sweet herself, and it was perfectly understood by all the parties assembled in that room at that time.

Q. Was there any objection made at the time by her to what had occurred between you?—A. Not any whatever. On the contrary, I understood her to be very grateful for my coming to her relief and giving her back the \$2,000.

Q. State whether or not she was informed that you made that \$2,000 a gratuity to her.—A. Yes, sir; I gave that as a reason why I asked Mr. Gary, who, I understood, took care of the note, to extend it for thirty days, as it was inconvenient for me to pay it at that time; and she understood it, and he understood it, and acceded to the request very will-

ingly. That was one of the reasons why I asked that it should be done, and he was very willing to do it.

Q. State whether or not during all this time you coaxed or persuaded or used any means to induce her to enter into this arrangement.—A. No, sir; I did not. It was not necessary. Miss Sweet is a business-woman who understands her own affairs and understands all about the pension-agency, and our arrangements were of that business character and nothing else.

Q. Do you recollect the date when you had this interview at Chicago with Miss Sweet and the two executors?—A. It was immediately after the fall elections in November that I gave the original note, and this was six months after that.

Q. At that time was there anything said about the manner in which Miss Sweet was conducting the office, as to whether she was conducting it expensively or economically?—A. Yes, sir; it was to me a matter of very great surprise that she did not seem to be doing better or that she needed this assistance. I thought she ought to have been in a position where she could not need such a sum of money, and I made up my mind that probably she was conducting the office more expensively than she ought to. Whether I said anything about it at that interview before Miss Sweet I do not remember, but I did speak of it to the two executors immediately after I left the room. I told them they would probably find that she was employing more assistants than were necessary, and conducting the office more expensively than was necessary, and that that was probably the trouble.

Q. Miss Sweet speaks in her testimony of a loan to you of \$400?—A. She never made me a loan in the world. I never received a cent or a penny from her except in this connection—at least if I did my memory on the subject is an utter blank. I should not have been at all likely to have borrowed anything of her, but even if I had done so, she has collected since that time, of overpayments that were due to me, which she collected in the natural order of the business, and which have not been paid into the Treasury, enough to have more than repaid the amount.

Q. State whether there was any complicity or combination between you and General Baker with reference to coercing Miss Sweet in any way to the payment of this deficiency?—A. No, sir; not any more than between me and the man in the moon; not a particle. On the contrary, General Baker was Miss Sweet's friend in the whole transaction. When he wrote me from Chicago he intimated that I ought to come to her assistance, and he intimated it in terms which at once gave me the impression that he intended to look to me instead of to her. The letter that I received from Miss Sweet at that time contained the first intimation she had ever given that she thought it was a matter of duty for me to come forward and assist her. Prior to that time she had simply expressed a fear that she might get into trouble about this matter if she did not arrange it soon. It was only shortly prior to this time that I knew anything about its not having been paid as agreed upon.

Q. In her testimony, Miss Sweet makes use of this language with reference to this \$4,000: "One morning they both appeared suddenly in my office. General Baker said, 'Miss Sweet, I understand you are short \$4,000?' I said, 'Yes.' He said, 'That must be made up to-day. I leave for Washington to-night to report to the Secretary of the Interior, and you must make up the amount.'" What have you to say to that?—A. It is utterly impossible for General Baker to have said it and for me to have agreed to any such proposition, and, in point of fact,

we did not go to the office together. I went there and asked her how much she needed to assist her out of her difficulty, and we made the arrangement as I have stated. I went there alone and asked her about it. She told me she had \$2,000 on hand. She produced the money, and the arrangement was made within half an hour after I entered the office. She went right out and got the money on this note, and altogether it was a transaction of a very few minutes. Whether General Baker had been there before or not I do not know. He and I put up at different places, and when I got ready to arrange the matter, of course I got it fixed as quickly as I could, for I felt as much interest in it as Miss Sweet did.

Q. In all these transactions, was there any combination between you and General Baker? Was General Baker acting as her friend, or was he acting as yours?—A. He was not acting as mine. I thought it a little singular that General Baker should not have recognized the arrangement made by me with Miss Sweet, because it was one mutually satisfactory to us both, but he seemed not to be willing to recognize it. I noticed that more particularly, from the fact that after his visit to Miss Sweet, she wrote me in a vein which indicated that she had been talked to by somebody unfriendly to me and in the interest of my taking right hold and helping her, which I did. General Baker is as innocent of this whole transaction as a babe unborn. I pronounce utterly false any proposition by any human soul implicating General Baker in this transaction in any way. I have nothing to do with him in regard to any other matter, but in regard to this, General Baker is as innocent a man as treads this footstool. Whatever may be my own complicity, or whatever I am guilty of in this affair, General Baker is perfectly innocent.

Q. Have you read his testimony?—A. Yes, sir.

Q. State whether or not it contains the facts of the case.—A. So far as I know, it does. There are some points in it that I know nothing about, but, so far as I know, there is scarcely a word there that is not perfectly correct.

Q. What was the condition of your office at the time you turned it over to Miss Sweet?—A. It was in excellent condition, and it was always in excellent condition under my management; a fact due to the very great capacity, industry, and integrity of my chief clerk, Mr. M. B. Johnson. I do not take any of the credit to myself at all, but it was so in fact.

Q. State whether or not the office was frequently visited by the officers of the Department?—A. Yes, sir; by Mr. Lockey, Deputy Commissioner; by Mr. Babson; and by one or two Treasury officials whose names I do not remember; and they always found everything straight, always commended the conduct of the office, and it ranked in Washington as well, I think, as any office in the country.

Q. Was there ever any suggestion that there was any deficiency in your accounts, excepting that which has been mentioned here and which grew out of what is called the ante-fire account?—A. Not by any officials of the Treasury Department or of the Pension Office. There was never any question of deficiency nor any fault found. There is not on record a word of that kind during my whole connection with the office.

Q. When you sent in your final account, was there any exception taken to that account other than to the \$3,000 item in the ante-fire account?—A. No, sir; not that I am aware of.

Q. How does that \$3,000 stand now on the books of the Department?—A. It stands to my credit.

By Mr. HURLBUT:

Q. It stands disallowed, does it not?—A. It stands disallowed *on that account*, but it stands to my credit on the books of the Treasury, and the intimation I received was that to get it I would have to get an act of Congress.

Q. There was an act of Congress passed to allow those ante-fire claims, was there not?—A. I do not know. There was an act passed under which my account was settled.

Q. Your accounts were adjusted under acts of Congress before this time, were they not?—A. Yes, sir.

By Mr. WILSON:

Q. Is there anything else that you wish to state in regard to this matter?—A. I do not remember anything else. If I have not said it before, I want to state that whatever there was in that arrangement with Miss Sweet that was against public policy I acknowledge, but I never entered into any transaction in my life in which I felt myself any more innocent, and I am sure the same is true of Miss Sweet.

By Mr. HURLBUT:

Q. Please state as precisely as you can the exact agreement made at first between yourself and Miss Sweet with regard to that office.—A. The first agreement was that she should take the office and should give me the proceeds of it; she taking the position of chief clerk and receiving the salary and giving me the net profits. It was understood between us further, and that was the basis upon which we made the arrangement, that the net proceeds of the office were \$6,000 a year.

Q. The net profit was supposed to be that amount?—A. Yes, sir.

Q. Was it at the same time, or how long after was it, that the agreement was made that she should pay this indebtedness of yours to Mr. Campbell?—A. As I have stated, I think I mentioned to her before I came on here to Washington that I wished to have her continue the payment of these sums that I had agreed to pay, but whether I specified the name of the person at that time or not until after I returned and she had been actually appointed I do not remember.

Q. What was the amount that it was agreed between her and you should be paid to Campbell?—A. I think the arrangement was that she was to continue those payments every two months up to the end of my term. We made no arrangement extending beyond my term.

Q. What were those payments to be?—A. \$2,100 in the aggregate.

Q. But what was the agreement as to the amounts to be paid and the times when they should be paid?—A. She was to pay them just as they came due. The agreement was that she should pay just what she did pay, just as she has testified and at the times she has stated.

Q. Then your recollection and hers concur as regards the agreement to pay the sum of \$2,100 and the times at which it was to be paid?—A. Yes, sir.

Q. How long after she went into the office was it before you were called upon to make good this amount which was disallowed at the Treasury?—A. It must have been a month or possibly more, I cannot exactly specify the time. It was after my accounts had been made up and forwarded to Washington and examined and returned—a month to six weeks.

Q. Then what occurred between you in relation to making up this amount?—A. I told Miss Sweet that the Department had disallowed it and that it was not convenient for me to pay it at the time, and I asked

her whether it was convenient for her to do so. In making that proposition I said to her that if she could raise the money for that I would consider her payment of that sum as in lieu of the four thousand and odd dollars that I expected to be paid and which she had agreed to pay me from the proceeds of the office; and that, of course, was the inducement that I held out to her to accept the proposition. She told me she would consider it, and asked me to come and see her the next day, which I did, when she accepted it.

Q. You estimated the profits of the office at \$6,000 a year?—A. Yes, sir.

Q. Out of that was to be deducted \$1,500?—A. No, sir; she was to take the position of chief clerk, at a salary of \$1,400 or \$1,500, I am not sure which.

Q. She was to take that clerkship and that salary and pay you the \$6,000?—A. Yes, sir; she was to take Mr. Johnson's place and occupy it just as she had done previously. When I first succeeded to the office she was my chief clerk, at a salary of \$2,100. [This \$2,100 should be \$1,200.]

Q. Taking the \$2,100 out of the \$6,000 leaves \$3,900.—A. You should take it out of \$6,300. She was to have the office a year and nineteen days on my term.

Q. That would leave about \$4,200. Then, I understand you to say that you estimated and she agreed that the net profits of the office after paying \$2,100 would be \$4,200, which amount was to come to you?—A. Yes, sir.

Q. That was figured up by you?—A. I cannot say that it was figured up; it did not need to be figured, it was perfectly well understood.

Q. What else did she agree to pay you at that time?—A. When we first made the arrangement she agreed to give me \$2,000 for the fixtures, the skeleton vouchers, the books, &c., just as I had previously done in the case of her father; that is the capital in business of a pension-office.

Q. Was she to pay that \$2,000 in cash?—A. Yes, sir; she did pay it in cash.

Q. Was there anything else that she was to pay you under that agreement?—A. No, sir; I believe not.

By Mr. DEBOLT:

Q. After the arrangement was made between you and Miss Sweet you informed Mr. B. H. Campbell of it, did you not?—A. Yes, sir.

Q. Did you mention to Mr. Campbell at that time how much she was to pay him?—A. I told him that she was to continue the arrangement that I had made with him; that is to say, she was to continue those payments just as I had agreed with him that they should be made by me.

Q. Was there any amount fixed between you and Campbell that she was to assume?—A. I do not think there was. She was to continue those payments up to the end of my term.

Q. How much did you owe Campbell at that time?—A. I must have owed him the balance of the \$5,000 over and above the payments I had made upon the note.

Q. Did you subsequently learn that Campbell understood that Miss Sweet had assumed to pay the entire note?—A. Yes, sir; they both wrote to me at the expiration of my term and when her last payment, as she understood and as I understood, and as I supposed he understood, was to be made. They both wrote to me at that time stating that Mr. Campbell understood it differently and inquiring how I understood

it, and I immediately wrote to Miss Sweet that she was entirely correct; that our arrangement ended with my term.

Q. How did that misunderstanding arise between you and Mr. Campbell?—A. I cannot tell you.

Q. Had you at any time named to him any sum that Miss Sweet would assume?—A. No, sir; I think I told him that she would continue the payments according to my agreement.

By Mr. HURLBUT:

Q. What was your agreement?—A. I agreed to make the payments just as Miss Sweet did make them.

By Mr. DEBOLT:

Q. Did you at that time, or at any other time, tell Campbell the exact amount she was to pay him?—A. No, sir; I do not think I did.

Q. Did you tell him in what manner the different amounts would be paid?—A. I told him that she would continue the payments according to my agreement with him.

Q. What did you mean by that?—A. Just what I said.

Q. That she was to continue until the whole note was paid?—A. No, sir; no, sir; only up to the time when my commission expired.

Q. You did not explain that to Mr. Campbell at the time, did you?—A. I supposed he understood it, because that is the arrangement that I made with him originally, that I was to make those payments up to the expiration of my commission.

By Mr. WILSON:

Q. How much were you to pay to Campbell?—A. Two hundred and fifty dollars each installment, I think, except that I had probably failed to pay one or two of the last preceding installments, which were then past due.

Q. Was it \$250 a month, or \$250 every two months?—A. It was \$250 every sixty days, except that at first Miss Sweet seems to have paid \$600. I do not remember how that was, but the probability is that I had neglected to pay some of the previous installments.

By Mr. DEBOLT:

Q. You see by Mr. Campbell's statements that he was misled in regard to the payments?—A. Yes, sir; I cannot understand it. He ought to have known how it was, and he was very quickly corrected when he wrote to me.

By Mr. HURLBUT:

Q. This \$5,000, Mr. Campbell states, was borrowed the winter after the fire?—A. Yes, sir.

Q. The fire occurred in 1871?—A. Yes, sir; in October.

Q. And the amount borrowed was \$5,000?—A. Yes, sir.

Q. Now what amount of payments had you made from that time, in the winter of 1871, up to this time, in April, 1874?—A. I cannot tell you except as appears in the testimony here. My memory is refreshed by that, for I have read it, and it appears that I had kept on paying interest and had made payments which reduced the note to \$4,250. Undoubtedly that note and the payments indorsed upon it are perfectly correct.

Q. Then there had been a reduction of \$750 of the principal of the note, and the interest had been paid all along?—A. Yes, sir.

Q. Miss Sweet, in her testimony, states that when the account was sent back you came to her and said that you were a ruined man, that

you did not have that money and could not raise it; is that correct?—A. No, sir; I do not think it is. I may have told her that it was inconvenient for me to raise the money, but I did not make any to do of that sort whatever. I made her a plain business proposition, which was advantageous to her if it was within her means to accept it. That is the only sort of interview there was between us.

Q. How did you expect her, after she had been in office there only a month, to pay this amount of \$3,000, or thereabouts?—A. I understood Miss Sweet's financial condition to be very good, indeed. She told me at or about that time that her father's estate was doing very nicely, and clearing up very well indeed, and that they expected to be and were in excellent condition; that was the expectation at that time, and I think it was so. I asked her simply if it would be convenient for her to make that arrangement, and she told me that she thought she could get the money from her executors.

Q. Did she get it?—A. I supposed she did, immediately; she afterward did get it, as I understand.

Q. Do you mean to say that at that time she got the money of her executors?—A. I do not mean to say that, because I don't know anything about it. I only mean to say that she told me she would get it or expected to get it; whether she did or not I don't know. I only know that months afterward she had not paid the money.

Q. Didn't she write to you several times during that summer with regard to this matter?—A. No, sir; I don't think she ever wrote to me to exceed twice on the subject. The first time she wrote to me was just before my visit to Vermont.

Q. She says, "I kept writing to him after the last of July, asking him if he had that money, and asking him to send it to me, but he didn't send it." Did she write to you asking for that money?—A. No, sir, she did not, except as I have stated. She wrote and told me what her condition was.

Q. Did you, at the time, ask her to sign receipts for that \$3,000, and to carry the amount on her account for a few weeks?—A. No, sir; she made that proposition herself.

Q. Did you say to her at that time that you could pay the money by the beginning of June?—A. No, sir; I never agreed to repay it at any time. I never expected to repay it, and she did not expect me to do so. When she undertook to pay that money in, it was understood to be a finality—it closed our arrangements entirely.

Q. Have you any letters that you received from her about this matter?—A. No, sir.

Q. Have you any telegrams that you received from her about it?—A. No, sir.

Q. I understood you to say that you sent the telegrams which are in evidence here as sent by you.—A. I presume I did. I sent those, or something similar to them.

Q. I see that on the 2d of October, 1874, you say in one of those telegrams, "I send blank with signature for you to fill; meanwhile make check and sign my name if needed." What does that refer to?—A. I am sure I do not know. Miss Sweet wrote or telegraphed me at Vermont, I think she wrote, stating that she wanted me to send her a check for \$3,000. I did not know what she meant, and I supposed that she wanted a check simply to use to make up her accounts, or something of that sort, and so I telegraphed that to her, supposing she wanted a mere voucher, or something of that kind. I did not understand what she meant. I had not agreed to pay the money back and

she had not asked me to do it, she had simply written telling me her situation.

Q. What did you mean by saying to her "I send blank with signature for you to sign?"—A. Well, it turns out that that is utterly meaningless, because it was not what she wanted.

Q. What sort of a blank was it?—A. That I do not know. I was not familiar with the details of the office, and I thought she wanted some kind of a voucher which I did not understand. I did not dream that she wanted a check for \$3,000 in money. I could not have sent it to her if she did, and she knew that, as I supposed.

Q. Then you do not know what you meant by saying "I send blank with signature for you to fill?"—A. No, sir; except that I supposed that she wanted something of that kind as a voucher.

Q. What did you mean by the next sentence, "Meanwhile make check and sign my name if needed?"—A. I meant that she could make the check herself and sign my name if it was needed before the blank was received.

Q. Then the blank was a blank check?—A. I suppose so.

Q. Then you did send her a blank check with your name signed to it?—A. I suppose I did. I do not know anything about it except as I have read it in that testimony.

Q. You sent her a blank check with the signature, to fill in?—A. I suppose I did from that telegram.

Q. And directed her in the meanwhile to make a check and sign your name if needed?—A. Yes, sir.

Q. Do you mean that you gave her unlimited power to sign your name to any check for any amount?—A. Well, she had always done it while she was chief clerk.

Q. But she was not your chief clerk at that time?—A. No, sir; I meant for whatever sum she needed to use at that time.

Q. What was that blank check sent on for, and why did you tell her to make a check in the meanwhile if needed?—A. I can tell nothing about it except as appears in that evidence. She telegraphed or wrote me that she wanted a check for \$3,000. I did not suppose she wanted a check for money because she knew that I could not give it to her, and she knew that she had not expected me to give her any money, and therefore I supposed that she wanted simply a voucher—in fact I did not know what she did want, and I sat down and wrote that answer.

Q. And you sent her a blank check signed by you?—A. I suppose I did.

Q. Well, if you did not do that you certainly did authorize her to make a check and sign your name?—A. Yes, sir.

Q. Now, what was that for?—A. Well, sir, I do not know. The transaction has passed entirely from my mind, but as I had no money to draw upon at that time I could not have meant a check for money.

Q. In what way could a check from you be a voucher?—A. I do not know, sir. I find, of course, that that was all nonsense, and that it was of no service to her whatever, but I did not understand at the time what she did want.

Q. You say that, unfortunately, you have not got her letter or her telegram to which this was an answer?—A. I am very sorry that I have not.

Q. Why should you have given her a check for \$3,000, or a blank check with authority to fill it out, unless you were owing her?—A. For the same reason that I gave her a note for \$2,000 when I did not owe

it. I was willing to do anything I could for her at that time, and always.

Q. What do you mean by saying in the same telegram, "Don't worry, Baker will understand and make it all right?"—A. I meant that General Baker was her friend, and that he would occasion her no sudden trouble, but would give her time to make up her deficiency; simply that, and nothing more.

Q. You went through Chicago, between the 2d and the 24th of October?—A. Yes, sir.

Q. Did you stop and see Miss Sweet, as you went through?—A. Yes, sir.

Q. Did you have any conversation with her about this money then?—A. Yes, sir.

Q. What was that conversation?—A. She asked me if I could assist her in making up the amount; and she told me that if I could assist her with \$1,000 that was all she wanted, the balance she could make up herself.

Q. Where was that conversation?—A. At her office.

Q. Was there any one present that you remember?—A. No, sir; I do not think anybody was ever present in all our conversations. She had a private office, and I saw her there.

Q. How long was it after that before you came back to Chicago?—A. I came back to Chicago immediately after the elections. I cannot tell the time I went through Chicago, and so I cannot tell the exact time after that that I returned, but I came immediately after the election. I know that. I came away just as quick as I could get away.

Q. Before you returned to Chicago, you had prepared \$4,000 in notes to be used in case of necessity?—A. Yes, sir; I had, for the purpose of giving her all that she needed.

Q. However, you considered that as gratuitous?—A. Yes, sir; it was so entirely.

Q. Did you tell her of these things before General Baker made his demand upon her?—A. I told her immediately when I went to the office. I do not know when General Baker made his demand upon her. I do not think he ever made any. Still I do not know. I don't believe he ever made any such demand as is represented, it is not the nature of the man.

Q. Did you come to Chicago with General Baker?—A. Yes, sir.

Q. Were you with him in her office?—A. I went to her office alone and did my business with her. It is possible that he came in while I was there, but he was not present at the time of the arrangement.

By Mr. DEBOLT:

Q. Do you remember anything about it distinctly?—A. I remember that he was not present.

By the CHAIRMAN:

Q. Why did you make that arrangement on that day, if there had been no demand?—A. Because I had no time to spare, and I came down from Saint Paul on purpose to make it on her request.

Q. Did you have any conversation with General Baker on the way down?—A. I don't remember a single thing about it.

Q. Did you tell him that you had raised these securities for the purpose of raising the money for her?—A. I presume I did; I do not know.

Q. Then there must have been some conversation about the office?—A. Of course, General Baker knew the situation, and he wrote me and said that I ought to come forward to her assistance, and I did, to the

whole amount of her deficiency, \$1,000 more than she had become responsible for on my account. I proposed to help her out of her difficulties.

Q. She says that your conversation with her about the money was after General Baker left and after he had made the demand. Was that so?—A. I do not know anything about that. I do not know when he came there. There was no difficulty on that day; it was all arranged as amicably as anything ever was in the world; there was no trouble, no demand.

Q. There was no demand upon her?—A. No, sir; no demand by me. I do not know about General Baker; and that we both went there with any such purpose or intent is certainly not true. It is impossible for any such thing to have occurred. I would just as soon have swindled one of my own children as to have engaged in any such transaction with Miss Sweet.

Q. Did you propose to Miss Sweet that if she could raise \$2,000 the Commissioner would be willing she should carry the rest of the deficiency?—A. I have no remembrance of any such proposition at all. I simply asked her when I went there how much assistance she needed. She told me she needed \$2,000; that she had \$2,000 on hand, and that if I could assist her to the amount, that would make up the sum required. I told her I could do it, and asked her if she could make use of the note, as I have stated, and she said she could.

Q. Now answer my question, whether you said that if she could raise \$2,000, the Commissioner would be willing that she should carry the rest of the deficiency?—A. No, sir; I don't think I did—I know I did not. It is very improbable. The Commissioner would not have done it; he had no authority to do it.

Q. Do you know how long General Baker had known of this deficiency existing there?—A. I didn't suppose he knew anything about it. I see he says in his testimony that he had been apprised of it the 1st of June, but I never told him any thing about it until I wrote him the same day that I telegraphed him from Vermont. He never knew anything about it from me; his telegram and the answer will indicate that he knew nothing about it.

Q. Did you state to Miss Sweet at that time that you had a note for \$2,000, payable in ninety days, which the Commissioner was willing to take as security?—A. No, sir; it is improbable that I said such a thing, and it is very improbable that any official would do any such thing, even if I had made the proposal.

Q. Did she tell you at that time, that if you had any such notes you could give them to her, and she could raise the money on them?—A. The precise conversation that occurred I have given you. I asked her how much she needed, and she said she needed \$2,000, and I told her what I had to give her. I have stated the conversation precisely according to my remembrance.

Q. Do you know how she got the money?—A. She got it of her executors, I think; I understood her to say so, but I did not know it positively.

Q. Don't you know that those notes were discounted at the bank?—A. O, yes; I thought you meant the \$2,000 that she provided.

Q. Were those notes payable to her order?—A. No, sir.

Q. To whose order were they payable?—A. To the order of the indorsers.

Q. You must tell us what the notes were, then.—A. This \$2,000 note was a note payable in ninety days to the order of the makers.

Q. Who were the makers?—A. One of the persons is dead, and I would rather not see his name in this testimony. Is it essential that it should be stated?

Q. I am not particular about it; all I want to know is how the note was made negotiable.—A. It was made payable to the order of the indorsers and signed by me.

Q. You had the right to negotiate the note, and did so by indorsing it?—A. Yes, sir.

Q. And then it was delivered to Miss Sweet, and she got it discounted at the bank?—A. Yes, sir.

Q. You have been asked something about \$400 that she speaks of here. You say you have no recollection of it?—A. No, sir; I have not. If Miss Sweet will make it appear to me in any way that I ever borrowed any such sum from her, I will very cheerfully pay it at once. I never borrowed a dollar from her to my knowledge, and it is wholly improbable that I should have done so, as there never was any occasion for it. This arrangement that I have detailed was all the arrangement I ever made with her, and all the money she paid to me was upon that arrangement. No other transaction of a pecuniary character ever occurred between us.

Q. Then you claim that this \$2,000 that you turned in to her was not upon any liability, legal or equitable, upon your part?—A. I cannot say that. I should not assume the transaction itself to be legal and equitable after the comments that have been made upon it. I consider it to be equitable under all the circumstances as between us, and it was considered by us both as entirely so.

Q. I am speaking of the transaction of paying back this \$2,000.—A. It was not expected of me, and it was an entire gratuity on my part so far as regards the arrangement made between us.

Q. Done from good will entirely?—A. Yes, sir; from good will entirely. Miss Sweet had not done as well in the office as she had expected to do, and I was very glad to come to her assistance, and would have done so to the extent of the whole \$4,000 if she had desired it when I came there.

Q. You have known Miss Sweet for some time?—A. Yes, sir; and I never knew anything but good of her.

Q. Miss Sweet states in her testimony, on page 9, that you came down to Chicago before she came here and asked what she was going to say to the committee; that she told you, and that you said that placed you in a very bad light, and you thought she could make a statement that would put you in a much better light.—A. She had written down some notes of what she proposed to say, but they were very different from the testimony that she did give here.

Q. Did you come down to see her at the time she alludes to?—A. Yes, sir.

Q. Did you have any conversation with her?—A. I did. I asked her what the circumstances were under which she was called.

Q. Did she tell you what she was going to swear to?—A. She told me some things that she was going to say.

Q. Did you say to her that that testimony would place you in a very bad light?—A. I told her that I thought that testimony would seem to reflect upon me. I used some such language as that.

Q. Did you say to her that you would like to have her say that you had always been kind and friendly, and had always looked out for her interest, and that she had confidence that you would pay her whatever was due?—A. No, sir; I told her in terms that I should like to have

her state the arrangement made between us as briefly as she could, in general terms, and tell the truth, the whole truth, and nothing but the truth, and if she did that I should be perfectly satisfied. Of course, it would hurt me whatever way it was done.

Q. Then you did not suggest to her that she could modify her statement?—A. No, sir; I did not. I suggested that she should tell the truth, the whole truth, and nothing but the truth.

Q. At that time did she state substantially the facts that she testified to before this committee?—A. No, sir; I never was more astounded than when I saw that testimony. If she had told me I should have come right down here with her.

Q. On the same page I find this testimony: "Q. He did not deny his indebtedness to you at all?—A. O, no. He remarked when I was in trouble in November in regard to the default, that he had come to my rescue, and had shown a willingness to help me." Was there any conversation between you and her about any indebtedness?—A. There was no indebtedness at all between us.

Q. Was there any such conversation?—A. No, sir; I told her, undoubtedly, that I had come to her rescue, and that she should treat me fairly and properly in the investigation.

Q. Did she claim at that time that you were indebted to her?—A. She did not. She knew I was not. Why should she?

Q. Well, she has done it here under oath; that is the only reason I know.—A. Well, sir, I wish to say that there never was any unfriendliness between Miss Sweet and myself in the world. Until this testimony appeared, there never was anything between us, at any time or place, of a disagreeable or unhappy nature.

By Mr. DEBOLT :

Q. What were the assets of that office when you turned it over?—A. What do you mean by assets; there are no assets to a pension-office.

Q. Did you take a receipt from Miss Sweet for the office and its contents?—A. I presume so; for the furniture, books, &c.

Q. That is what I call the assets; what was the amount of the receipt?—A. Two thousand dollars. The capital of a pension-office consists of the books, what are called the skeleton vouchers; and at that time there was due, or would be due upon the payment ensuing, the fees upon six thousand pensions, the vouchers for which had been already sent out and the work performed by the clerks.

Q. How much of value did you turn over to Miss Sweet in that office?—A. Two thousand dollars.

Q. Is that all?—A. I do not quite apprehend your question, I think.

Q. I mean everything that belonged to the pension-office that you turned over?—A. There was nothing that belonged to it except the furniture.

Q. Did you not turn over to her somewhere near \$40,000?—A. That was not assets of the office; that was United States Government money.

Q. You were charged with it, were you not?—A. Yes, sir.

Q. And you turned it over to her?—A. Yes, sir.

Q. I asked you how much of value you turned over to her.—A. Well, I did not comprehend your question. I turned over to her \$37,000 of Government money.

Q. Did you not take a further receipt from her for \$3,000 more?—A. Yes, sir.

Q. What was that \$3,000 for?—A. I asked her to pay into the Treasury the sum which the Department had disallowed on my ante-fire account, and which I had drawn out after I resigned.

Q. How came you to ask her to give you a receipt for that?—A. Because it was not convenient for me to pay it back, and I asked her if it was convenient for her to pay it in lieu of the remaining sum that was coming to me.

Q. Mark my language. I ask you how you came to ask her to give you a receipt for it?—A. I did not ask her to give me a receipt. She proposed to do so herself.

Q. She makes this emphatic statement: "I told him I had not the money and could not get it. Finally he asked me if I would sign receipts for that \$3,000, and carry the amount on my account as if I had received it, for a few weeks. I told him I would." Was there any such conversation between you?—A. No, sir; there was not.

Q. There was not any such conversation at any time?—A. Not at any time. I simply made the business proposition to her, whereby she could save so much money, if it was convenient for her to do it. If not, I would raise the money myself.

Q. She claims that there was \$37,000 turned over to her, and that she gave you a receipt for \$40,000, and that she thereby appeared upon the books as a defaulter for \$3,000 at the time that Mr. Lockey first came to examine the office.—A. That was many months afterward.

Q. Well, did anything of that sort occur?—A. No, sir. You must remember that I had turned over this \$37,000 before this disallowance was made, so she gave me the receipt for the \$3,000 after the disallowance was made. She told me she would pay it in before the end of the month; that was the expectation or requirement of the Government, and I supposed it was done, and I never knew that it was not done until several months afterward.

Q. Did Miss Sweet at any time demand payment of that \$3,000 from you; if so, when and how often?—A. I think, as I have told you, that after Mr. Baker was in Chicago, and after I had seen her on the occasion of my visit to Vermont, she asked me if I could give her \$1,000, saying that that was all she needed. I then went up to Minnesota, and shortly after that General Baker came along and visited her, and then she wrote me a letter intimating that General Baker said that I was responsible for the \$3,000.

Q. Miss Sweet says here, "I kept writing to him after the last of July, asking him if he had got that money, and asking him to send it to me; but he didn't send it." Now, how often did she write to you, demanding that money?—A. I do not think she ever wrote to me. I do not remember her ever writing to me at all, except after the time I passed through Chicago and saw her, and went up to Minnesota; she wrote me then, after General Baker came along, but not until then do I remember her having written to me.

Q. Do you undertake to say that she never wrote you, demanding that money?—A. Yes, sir; except as I have explained. I undertake to say that she never wrote to me except to tell me that she was in trouble, prior to my going to Vermont.

Q. Did she at any time give you to understand that she expected you to pay that \$3,000 back to her?—A. No, sir; she never did. She never did expect me to pay it back to her.

Q. Did you at any time require secrecy on the part of Miss Sweet in regard to the arrangement made between you and her?—A. I think it very likely that there may have been a mutual understanding between us that it was one of those things that had not better be talked of. Common sense would teach that, and she has it, plenty of it.

Q. You say there was a mutual understanding to that effect?—A. Certainly, I presume there was.

Q. Any definite understanding?—A. I don't know that there was ever a word said about it; but I should not need to say a word to her about it.

Q. She was asked, "During the time that you were having these transactions with those parties, with Mr. Blakely and Mr. Campbell, was anything said about the matter?"—A. Yes; Mr. Blakely insisted upon my keeping the whole matter entirely secret. I asked him, in the first place, if he would allow me to consult one friend, one gentleman, and he said it would not do, under any circumstances, to say a word about it, and I promised him that I would not." Please state whether any such language was used between you.—A. No, sir; I don't think there was. There was no occasion for it at all. I think she knew just as well as I did that it was one of those mutual private arrangements that it was not best for her to mention nor for me either. Beyond that there was no injunction of secrecy and none observed. I told it to some of my friends and my family. I did not regard it as a thing that was so objectionable that it need be secret.

By Mr. WILSON:

Q. You first turned over, of Government money, \$20,000 to Miss Sweet?—A. Yes, sir.

Q. Then afterward you made up your account and took into that account this \$3,000 belonging to the ante-fire account?—A. Yes, sir.

Q. That made the amount of Government money in your hands \$17,000?—A. Yes, sir; after having withdrawn that \$3,000.

Q. And that you turned over to her?—A. Well, whether I turned that over to her then, or whether it was not turned over until the disallowance was made, I cannot tell.

Q. That \$17,000 and the other \$20,000 made up the \$37,000?—A. Yes, sir.

Q. Then the \$3,000 spoken of in the testimony must be the balance?—A. Yes, sir.

Q. The advantage that Miss Sweet derived from the arrangement between you and her was that she got a salary of \$1,500 a year, instead of the salary she was previously getting, and the additional advantage of being in possession of the pension-office at the expiration of your term?—A. Yes, sir; with the advantage of having \$6,000 a year after that, or whatever the office would make for her up to the expiration of her commission.

Q. And that inducement, you say, she thoroughly understood?—A. Yes, sir.

DAVID BLAKELY.

WASHINGTON, June 29, 1876.

MATTHEW B. JOHNSTON sworn and examined.

By Mr. WILSON:

Question. Were you connected with the pension-agency in Chicago? If so, in what capacity and for what length of time?—A. I entered in 1870 under General Sweet as clerk, and remained until the 1st of April, 1874.

Q. That was the time that Mr. Blakely went out and Miss Sweet came in?—A. Yes.

Q. Were you in the office during the entire time that Mr. Blakely held the office?—A. Yes, sir.

Q. In what capacity?—A. I was clerk at first, until, I think, February, 1872. Then I was made chief clerk.

Q. In your capacity as chief clerk state whether or not the office was under your general supervision.—A. Yes, sir.

Q. Did you have control of the clerks?—A. Yes, sir.

Q. How many of the men that were there during the time that Mr. Blakely held the office were clerks who had been in the employ of General Sweet during his incumbency?—A. I think there were two besides myself.

Q. State whether or not the entire clerical force during the time that Mr. Blakely had the control of the agency was a force of experienced clerks.—A. They were experienced clerks.

Q. State whether the office was visited by officials from the Pension Bureau during the time?—A. Yes, sir.

Q. From time to time?—A. Yes.

Q. What was the condition of that office at the time that Mr. Blakely turned it over to Miss Sweet?—A. It was in good condition.

Q. That you state as a fact?—A. That is the fact, because I took a personal pride in keeping it in good condition. If you were acquainted with the routine of a pension-agency I could give you the particulars of the condition.

Q. Do you know anything about the taking out of an item of \$3,000, commonly known as the ante-fire balance?—A. Yes.

Q. When was that done?—A. It was done just about the time it was turned over; I think about the 1st or 2d of April.

Q. So that all the moneys of the Government that had not been paid out to pensioners were there?—A. All except overpayments. There are more or less overpayments always made at agencies.

Q. And there was no deficiency or defalcation in connection with the office?—A. I think not.

Q. The records were destroyed by the fire, were they?—A. Yes.

Q. Were they reproduced?—A. They were copied from the records here in Washington.

Q. That was the only mode of reproducing them?—A. Yes.

Q. After Mr. Blakely went out where did you go?—A. I came to Washington.

Q. At whose solicitation?—A. I cannot say at whose solicitation I received an appointment.

Q. In the Pension Bureau here?—A. Yes.

Q. Did you come here and make up these records after the fire had destroyed the records in Chicago?—A. In 1871 I did.

By Mr. HURLBUT:

Q. Did you make up Mr. Blakely's official account with the Government?—A. Yes; I did not complete it, because I left Chicago before it was entirely completed.

Q. Then he checked out (I suppose he had a right to do it) the sum of about \$3,000?—A. Three thousand dollars.

Q. It was a little over, was it not?—A. It was an even check, I think, for \$3,000.

Q. Which he thought he was entitled to?—A. Yes.

Q. Do you know whether that was disallowed or not?—A. Yes; it was thrown out of the account by the Third Auditor.

By Mr. FOSTER:

Q. Upon what ground?—A. He did not give any decided opinion as to it, but said it was beyond his jurisdiction to audit that \$3,000.

By Mr. HURLBUT :

Q. These ante-fire accounts had been settled under an act of Congress, had they not ?—A. No, sir ; they had not been settled under an act of Congress ; they were settled by the Department.

Q. Where did the Department get authority to settle without evidence ?—A. They had abundance of evidence. After the fire, as we had no evidence of the payment for September, we sent receipts to all the pensioners on the rolls for that month, asking them to sign for the September payments. Those receipts were returned to us and sent in as evidence of the payments.

Q. Was there not an act passed in the session of 1872 for a settlement of those ante-fire accounts ?—A. Not of the pension-agency accounts, I believe. There was of the other Government officers.

Mr. FOSTER. There was intended to cover the pension-agencies.

The WITNESS. If it covered them I never heard of it.

By Mr. HURLBUT :

Q. At what time did you leave the office ?—A. In April, 1874.

Q. What time in April ?—A. I think I left Chicago on the 29th of April.

Q. Did you leave before or after this amount of \$3,000 was disallowed ?—A. To the best of my recollection it was before that. I saw the letter, or a copy of the letter, in the Treasury when I came here.

Q. Miss Sweet, I think, states in her testimony that the office was in bad condition, and that she had to make new rolls. How was that ?—A. I saw no necessity for it.

Q. I call your attention to her testimony where she states, "The office was in a bad condition. I had to make new books, employ a large extra force of clerks to bring the office up to where it should have been." Do you know anything about that ?—A. No, sir ; I never saw that until last week, and I did not understand it then, and do not now. I don't know what it refers to.

Q. You don't know, then, whether it is true or not that she did make new books ?—A. No, I don't know anything about it.

By Mr. WILSON :

Q. Was there any occasion for making new books ?—A. The roll-books, after a few years' service, get pretty well filled, and also by usage get out of order. In such case new roll-books are made. They are generally made every few years, any way. I don't know whether she did it for that or not.

Q. I ask you whether there has been any stoppage of accounts, or any claims made upon Mr. Blakely, that you know of, in the finance division of the Pension-Office ?—A. No, sir. After an agent goes out of office the settlement of his accounts is turned over to the Third Auditor. We have very little to do with it.

Adjourned.

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WASHINGTON, July 7, 1876.

JOSIAH L. LOMBARD sworn and examined.

By Mr. WILSON :

Question. Where do you reside ?—Answer. In Chicago.

Q. What are your relations toward the estate of General Sweet ?—A. I am one of the executors of the estate.

Q. Were you an executor named in the will?—A. I was.

Q. And familiar with the extent of his estate?—A. Not familiar with the extent of his estate until after I came to act as an executor.

Q. Who has had the active management of his estate since?—A. I think Mr. Gary has had more the active management of it than I have. We have both been active, and have consulted together in important matters.

Q. What was the extent of that estate, as was understood, at the time that you became executor?—A. At the time the inventory was made we supposed that there would be something considerable of a surplus left for the heirs after all the debts were paid.

Q. About how much?—A. It is my present recollection that we estimated that there would be at least enough to clear a certain farm he had of an incumbrance of \$10,000, and perhaps more. I am not positive about this, but this is my present recollection.

Q. State whether or not Miss Sweet has at any time informed you what arrangement had been made between her and Mr. Blakely in relation to her procuring this office, and what she stated to you, and when.—A. I think that on the 20th of April, 1875, Miss Sweet told me the facts for the first time. I think that was the date, but I cannot absolutely fix it.

Q. Had you received any information on the subject prior to that time?—A. On the 19th of April Mr. Gary had told me something of the circumstance—pretty much the same as Miss Sweet did, although he did not go into it so fully.

Q. Did you, and Mr. Gary, and Mr. Blakely, and Miss Sweet have an interview at any time in regard to this matter; and, if so, when was that?—A. I am inclined to think that was about the 10th of May. There was such an interview.

Q. Tenth of May, 1875?—A. Tenth of May, 1875.

Q. State whether the subject was talked over at that interview at all.—A. It was.

Q. In this first interview she had with you what did she communicate to you on the subject?—A. In the first interview she communicated to me substantially what she has testified to here, with the exception that she told me nothing about the fact that when she receipted for this money she had to make oath that she did receive that amount of money; that is, she simply informed me that, in consequence of receipting for that money, she became in default to the Government, but she never told me that these returns were sworn returns. With that exception, I think her statement at that time agrees with her statement as she has made it in her testimony. I have read her testimony over.

By Mr. DEBOLT:

Q. In that connection, state fully what Miss Sweet said to you as near as you can remember.—A. Of course, it is quite a long time ago to remember. I think she told me that she applied for the office; that she did not succeed in getting it; that Mr. Blakely proposed afterward that, if she would turn over to him the emoluments of the office except a salary of \$1,500, which she was to retain for herself, that he would resign in her favor; that is, the emoluments of the office for the time that his term had yet to run, which was a little over a year; that she was pretty well satisfied that she would not get the appointment unless she made that arrangement; that it was a better salary than she was getting at the time, and that she assented to that proposition and did take the office; that afterward, at his request, she paid over certain sums, tell-

ing me what they were, to Marshal Campbell, of Chicago, under this agreement and as part of it; that afterward there was found to be a deficiency in Mr. Blakely's account; that he came to her and reported that he was in trouble on that account, and that she, after talking the matter over with him, becoming satisfied that there would be no trouble arising out of the matter and that he would stand by her in it, consented to assume that, at least, for a short time.

Q. Be particular and state, as near as you can recollect it, just what was said on that one point.—A. I cannot state just exactly what language was used; whether she used the words "receipt for" it or "assume" it, but it was one or the other that she used, I should say, at this present time. I think I asked her at that time what she expected she would do if he did not pay this money, and that she said she thought she was secure from the emoluments of the office, and that she would get it finally anyway. Then I talked with her about the profits of the office to know how much they had been. She had some figures, I remember, with her, but not as full as I should like to see, and my recollection is that I asked her to get me certain other figures, and that I would call and look them over again, or that she would send them to me. I forget whether she sent them to my office, or whether I called at her office either that day or the next, and looked over the figures to see how profitable the office had been, and to figure out from her statement of the case what I supposed Mr. Blakely owed her. I remember that we figured it two ways. In one way we made it about \$2,500, and the other way we made it about \$4,000. I do not exactly remember what caused this difference, but my impression is that the difference arose from the fact that perhaps Mr. Blakely would not be willing to allow her this \$1,500 salary; if that was allowed it would be \$4,000, but if it was not allowed it would be \$2,500. I am not positive that that was the difference, but I know that in figuring it up it was \$2,500 one way, and the other way it was \$4,000.

By Mr. WILSON:

Q. What do you mean by \$4,000 or \$2,500?—A. I mean that he would owe her \$2,500 or \$4,000.

Q. Owe her on what account?—A. Crediting him with all the profits of the office for the year and debiting him with this \$3,000 that she had paid out, and, possibly, also she added, though I am not positive whether she mentioned that then or not, a small amount that she had loaned him, and, perhaps, some other amounts, and, on the whole account between them, with this \$2,100 paid to Marshal Campbell, and all included, there was a balance due her of either \$2,500 or \$4,000. This time was about the end of the first year that she had held the office.

By Mr. HURLBUT:

Q. This was in 1875?—A. Yes, sir.

By Mr. WILSON:

Q. This figuring, then, was for the purpose of ascertaining whether or not she had overpaid him above the emoluments of the office; is that the fact?—A. It was for this purpose, perhaps. I wanted to know just how she stood. I had, previous to that, become responsible, as an executor of the estate, by advancing some money to her, and she called me in at this time. She had never before stated to me the facts in the case. She had kept them secret from me, and she called me in for the purpose of advice, and, in order to counsel her and tell her what her rights were, I needed to know just how she stood, and I got these figures

from her. I got her to make them on purpose for me, so as to understand just how she stood from her own statement of the case.

Q. This was her statement of the case at nearly the expiration of her year?—A. Yes, sir.

Q. In making up these figures, you made use of this \$3,000 which she paid out on account of this alleged deficiency?—A. Yes, sir.

Q. Did I understand you to say that she said in that conversation that she understood herself to be secure, because she would get that amount out of the emoluments of the office?—A. No, sir. She was speaking retrospectively then, and when I asked her as to why she made such an arrangement at the time—how she did make it, and how she considered herself secure at that time—

Q. So that when she went into the transaction, she went into it with the understanding she would get the \$3,000 out of the emoluments of the office?—A. I do not think she so stated to me. I think she gave me to understand that it was coming back to her any time when she needed it, but she thought she was secure from the emoluments of the office anyway. I wanted to know why, as a business transaction of hers, she should do this thing, and she said she thought she was secure, from the emoluments of the office, if Mr. Blakely did not refund it.

Q. She recognized, when she went into this transaction, the fact that she had made an arrangement with Mr. Blakely by which she was to turn over the emoluments of the office to him?—A. She always recognized that fact.

Q. And when she advanced this \$3,000 or receipted for it, or charged herself with it, or whatever she did do in regard to it, she did it with the understanding that she would at any rate get that money back, or at any rate, if she did not get it back from Mr. Blakely, she could retain it from the moneys she was to turn over to Mr. Blakely as part of the emoluments of the office?—A. I think I have stated it as nearly as I can.

Q. What was the occasion of that meeting between you and her at that time?—A. On the 17th of April, Mr. Gary sent word for me to meet him at his office on the 19th. I met him on the 19th at his office at 7 o'clock in the evening; before that time I had not been informed of these transactions at all; he told me about them and said he wished I would see Miss Sweet and get her statement of the facts and see just what I thought of it. This was all before this conversation that I told you about with Mr. Blakely.

Q. When was it?—A. On the 5th of October, 1874, Miss Sweet and Mr. Gary called to see me about advancing from certain moneys of the estate an amount of \$3,000 or \$2,300, as I had it.

Q. When was that?—A. The 5th of October, 1874. On the 6th of October, 1874, Mr. Gary gave me a check for \$700, and I gave my check to the order of J. L. Lombard and Elbert H. Gary, executors, for \$3,000, which we turned over to Miss Sweet. At that time Mr. Gary stated to me that Miss Sweet was behind, that the office had not paid as much as she expected, and that there were some matters of a political nature connected with her getting the office that I think he said she had promised not to tell about, that she had told him because she needed the money, but unless I insisted upon knowing the truth, she wished that I would not inquire into the particulars, and that there was nothing in the transaction to reflect upon Miss Sweet's integrity or ability. I told him I did not care to know further and was perfectly willing to assist him. At the same time, I think he told me that the

office was a good one and that there was no trouble in regard to the estate being secure from the revenues of the office.

Q. What did you understand at that time the office was worth ?—A. I do not think I went into that very particularly.

Q. Was there anything said to you about what the office was worth ?—A. There probably was, but I do not remember it.

Q. Do you remember anything about it at all ?—A. I would not like to say that I did, because my remembrance of what was stated to me at that time might get mixed up with what was told me afterward as the sum that it was worth. I might get the things confused. I think my recollection is not distinct enough in that regard to state anything about it.

Q. What occurred when you four were together—yourself, Mr. Gary, Miss Sweet, and Mr. Blakely ?—A. That, I think, was on the 10th of May. I am not very positive as to that date, but I have reason to believe that that is the correct date. I think Mr. Gary called for me, or it is possible that Miss Sweet sent for me, and I went over to the office. Mr. Blakely was either there or came in soon afterward—at Miss Sweet's office—the pension-office in Chicago. I think that all of us joined in a request that Miss Sweet should leave the room. I had heard Miss Sweet's story, and I wanted to hear Mr. Blakely's; and Mr. Gary wished me to hear it. Mr. Blakely, when Miss Sweet was not there, told his side of the story, substantially as he has given it here. He did not mention anything about these returns having to be sworn to, and I think he said nothing about the defalcation; but, in other respects, I think his statement was pretty nearly what he has stated here.

Q. You say Miss Sweet was not present at that time ?—A. Miss Sweet was not present for a while.

Q. During that time ?—A. During that time. Then, afterward, I think, I mentioned at that interview that Mr. Blakely's statement did not agree at all with Miss Sweet's statement to me, and that then Miss Sweet was called in. [Turning to Mr. Blakely.] I can tell you, I think, how you told me this matter. You commenced by telling what you had done in getting the appointment for Miss Sweet, and how you had always been her friend and her father's friend also. I do not know but that you mentioned that there were plenty of others that would take the appointment on the same terms, and that you mentioned that the office was worth, under your management, you having a chief clerk to attend to it, about \$6,000 a year; either \$6,000 or \$4,000 over and above all expenses, if I remember right. I am not positive whether you said \$6,000 or \$4,000, but I think, as you stated it, it was \$6,000. You thought Miss Sweet had been extravagant in the running of the office, or that she could have saved more money; and you made a statement as to the first bargain with her the same as she had stated it to me; in that respect there did not seem to be much discrepancy between you. When it came down to the \$3,000 transaction you stated that she assumed the payment of that absolutely, thinking that pecuniarily it was a profitable transaction to her and that she would save some money by it, and that you expected that that was the end of it; you said also that afterward, finding her in trouble, you had, out of the kindness of your heart, come to her relief and paid her, when there was no necessity for it, some \$2,000, or, at least, had given notes for that amount which were afterward paid, although you did not think that you were bound to make that payment; I think you said at the time that you rather expected she would pay back that money, but that you were willing as she had made a bad bargain out of the thing to call that an absolute payment and let it all go and let the thing be entirely

ended and give her that note absolutely. We were there quite a long time together. I think I remarked that. I said if your statement was true you had done very well and very properly in the matter, and that you had done all that could be asked of you. Then we called Miss Sweet in; you made partially the same statement before her that you did before us, but not going quite so much into particulars. Perhaps you did not say anything about her having run the office extravagantly; I think you did not mention anything about that before her, but I think you mentioned that she assumed this \$3,000 or receipted for it, though I do not know just what language was used. I think probably you said that she had assumed it, and that she did it voluntarily, and I remember, in closing, that you said that although you did not think it was your duty under the original transaction to do so, you were still willing as a voluntary gift to make this \$2,000 note over to her, and you said that you wanted us all to understand that you had been dealing fairly with her in this matter, and for us to feel satisfied all around. I think you mentioned in the course of the conversation that you had paid her father, on coming into the office, \$2,000, and I rather think she suggested that it was only \$1,500.

Q. That was for the books?—A. Yes, sir; and I know there was enough said by you to make me get the impression, when I went away, that Miss Sweet had substantially confirmed your story.

Q. Did she make any objection to that at the time?—A. I think the question was asked her—something about if that was so. She said perhaps, "Pretty much so." She did not absolutely confirm it all, but she did not deny any specific part of it, and I remember that at the time I left, I told Mr. Blakely that I thought he had done very fairly in the matter, and I have so expressed myself since, and I so thought down to the time that I was summoned to appear before this committee.

Q. Was there any intimation on her part that Mr. Blakely at any time had in any way misrepresented anything to her, or had taken any advantage of her in regard to these transactions?—A. No, sir.

Q. Did not the whole trouble, if there was any trouble, arise from the fact that the profits and emoluments of the office had not been as great as she had anticipated?—A. Probably that was a part of the trouble. I think, though, that the whole trouble, according to her statement, did not arise in that way. Some, or perhaps considerable of the trouble, according to her statement, arose out of her receipting for this \$3,000.

Q. The receipting for the \$3,000 was taken into consideration at the time this matter was gone over between you, when all four of you were there together?—A. Yes, sir; Miss Sweet at that time did not make any statement whatever. She had made the statement to me before. She simply sat still, and Mr. Blakely made this statement before her. She made no statement at all.

Q. He made the statement as to the manner in which the \$3,000 had accrued?—A. Yes, sir; and he made a statement of the whole thing, but I think he did not go into the particulars of it as fully as he did before Mr. Gary and myself. He went before us into the full particulars of it, just as he has testified here.

Q. And he did state there that she had assumed the \$3,000 as a part of the emoluments of the office?—A. I do not know that he used the words "as part of the emoluments of the office." I think he used the word "assumed." You must remember that this is quite a long time ago.

Q. He said that she had assumed that \$3,000?—A. Yes, sir.

Q. Did he make the statement there, in her presence, that that assumption of the \$3,000 was a pecuniary advantage to her because it re-

leased her from other payments that it was anticipated she would make ?—A. He certainly made that statement before Mr. Gary and myself, but I am not positive as to whether he made it before Miss Sweet or not.

Q. What is your best impression about that ?—A. I think he might have stated it, but I do not remember it. Still he might have done it ; I would not like to say that he did or that he did not.

Q. What was said there in regard to the assumption of that \$3,000 being a finality at the time it was done, and making an end of this whole business between them ?—A. Certainly, that was so stated to Mr. Gary and myself, but I think he did not go so fully into it in Miss Sweet's presence.

Q. What is your best impression about that ?—A. I can show what my best impression was, perhaps, best by saying that I thought, when I left the office, as I remember distinctly, that Mr. Blakely had done very well by her.

Q. You thought he had acted honorably by her ?—A. I thought he had acted honorably in paying back this \$2,000. I went out sort of discouraged, and I thought to myself, "Well, those statements of Miss Sweet and Blakely do not seem to agree anyhow, but hers is a woman's statement." I had heard before that the President had refused to appoint any woman to that office, and I remember that I said to myself on that occasion, "I guess the President is about right." I remember feeling that way as I left the office ; that is all I can remember about it.

Q. Did she intimate in any way at all or say that Mr. Blakely had taken any advantage of her, or had misrepresented anything to her in those transactions that had occurred between them ? I am speaking now of the time when you were all there together.—A. None at all. She did not make any complaints against Mr. Blakely at all when we were all together.

Q. State whether or not she regarded that original transaction at the time as having been one that it was her interest to make.—A. In her statement to me, I do not think that she so states it. I think that she spoke of it as she stated it to me in the first place as having been done out of kindly feeling and thinking that they were friends altogether.

Q. You mean the \$3,000 arrangement ?—A. Yes, sir ; that is what she said in regard to that.

Q. But I am speaking about the original transaction ?—A. She always expressed herself as satisfied with that original arrangement.

Q. She thought it was an arrangement to her advantage ?—A. Yes, sir.

Q. State from her conversations with you, and from what she said to you, if she said she had availed herself of that because she expected to hold office after the period when Mr. Blakely's time would expire.—A. I think she stated it to me in something like this wise : perhaps she might have said that Mr. Blakely thought that if she had this office at the expiration of his term she would be certain to be appointed her own successor, and she thought so, too, and I remember that I thought so too.

Q. We want to get at the exact truth of this whole matter, and I would be very glad to have your statement as nearly as you can recollect, of the language that she used to you with reference to her assumption of this \$3,000 ?—A. I think I have stated it as fully as I can.

Q. Did she tell you when that transaction had occurred between her and Mr. Blakely ?—A. I do not think she went into anything like exact dates. I don't think I asked her.

**Q.** What did she tell you in regard to the payment to Mr. Campbell—how she happened to make it, and what kind of payments she was to make to him, and on what account she was to make them?—**A.** It was on account of this trade with Mr. Blakely. I did not question her much as regards that. She seemed to regard that as all proper, and taking the first part of that transaction as a fair one, as they both understood it to be, the subsequent payment of money to Mr. Campbell never, I think, was talked of as anything wrong.

By the **CHAIRMAN**:

**Q.** Had you any idea where the money went that you advanced to her?—**A.** I don't think we talked about that much.

**Q.** But she paid that \$2,100 as part of the emoluments of the office that she would otherwise have had to pay to Mr. Blakely?—**A.** Yes; but that had all occurred before she told me anything about this matter.

**Q.** Bring that to your recollection. Are you able to state whether or not she paid the \$3,000 in the same way?—**A.** I think that according to her statement she did not pay that in the same way, and did not intend to, when she first made the payment. According to Mr. Blakely's statement, which was confirmed apparently by her silence when he stated it to us all, she did so regard it. According to my recollection, there was a total discrepancy between Miss Sweet's statement to me when alone, and Mr. Blakely's statement to Gary and myself, and Miss Sweet's silence, when Mr. Blakely stated what appeared to be substantially his side of the case in her presence, apparently confirmed Mr. Blakely's statement.

By Mr. **DEBOLT**:

**Q.** In relation to that \$3,000, did he make the same statement in the presence of Miss Sweet that he made to you and Mr. Gary, in Miss Sweet's absence?—**A.** I think not. I think that the statement of the whole of these things was very full and particular to Mr. Gary and myself; I am certain it was not nearly so full and did not go nearly so much into particulars before Miss Sweet. It went into them enough, as I supposed, to confirm his statement.

**Q.** Did not he go into it with sufficient particularity to indicate or show that that was his theory of the facts in the case when you were all there together, after she was recalled?—**A.** I could not say that he did. He said enough, taken into consideration with what he had just told us before, to make me think that his statement was confirmed.

**Q.** That subject was talked about, then, when she was present?—**A.** The \$3,000 matter was talked about, but he did not go into particulars about it. I should say that he said that she assumed that \$3,000 voluntarily, perhaps as much as that; I think that perhaps he did not go any further than that.

By Mr. **BLAKELY**:

**Q.** Did I also say that the \$2,000 that I had given her was given back to her over and above the original arrangement?—**A.** I think you expressed it as a gift before her, and you expressed the hope that that would end the matter entirely, and you wanted it so understood. I think she said that she would be satisfied with that, and would never make any further claim. I think that she stated that.

By Mr. **WILSON**:

**Q.** Have you read Mr. Gary's testimony?—**A.** I have.

**Q.** Have you any recollection different from his in regard to the mat-

ter; and, if so, what is it?—A. My recollection, I think, is of different transactions than those which Mr. Gary narrates. I think, as I remember running it over, that the principal difference between our testimony is in relation to this \$3,000 matter. He does not remember that Miss Sweet ever told him as fully as she told me the particulars of the \$3,000 matter. He puts it a little different from what I did.

By Mr. HURLBUT:

Q. Your first conversation, I think you stated, was in April, 1875, about this transaction with Miss Sweet?—A. Yes, sir.

Q. At that time did she state to you what the original bargain was between her and Mr. Blakely?—A. Yes, sir.

Q. State what she said to you as nearly as you can remember it.—A. She said that she was to have \$1,500 a year salary during the continuance of the time for which Mr. Blakely's term would run, if he continued to hold office, and that after deducting all expenses, the balance of the net emoluments of the office were to go to Mr. Blakely or to his order.

Q. Then the contract was in substance that the cost of the office was first to be taken out of its emoluments?—A. Yes, sir.

Q. Then her salary was to be taken out, and the balance was to be turned over to Mr. Blakely?—A. Yes, sir.

Q. Either in that conversation, or very soon after, did not you have some talk about this \$3,000 operation with Miss Sweet, and did not she state in that conversation to you that she had accepted, or become liable for this amount, and that Mr. Blakely was to repay her the amount?—A. That is my recollection.

Q. Without anything being said as to how it was to be paid?—A. I think so.

Q. And it was in that connection that she said that if he failed to repay it, she could still secure herself by the assets that would be left in her hands from the office?—A. I think I got that answer by asking how she expected to secure herself if he failed to pay.

Q. Then, is it not true, from your recollection of her conversation, that at that time she considered this \$3,000 was a loan to Mr. Blakely to be re-imbursed by him to her?—A. I think that was her version of the story at this time.

Q. Did she ever vary from that?—A. No, sir; not unless it was varying in not contradicting Mr. Blakely.

Q. Then the interview you speak of on the 10th of May, 1875, was after all these matters had occurred?—A. Yes, sir.

Q. After Blakely had paid in the \$2,000?—A. Yes, sir.

Q. And the statement which he made was a brief one before her, not going into particulars?—A. It did not go nearly as much into particulars as he did to Mr. Gary and myself.

Q. The substance was that Miss Sweet accepted that transaction as finished at that time; that was the end of it?—A. I think it went a little farther than that. I thought that looking at it in the light I did then, she apparently confirmed Mr. Blakely's statement.

Q. You spoke something about your figuring up the amounts which would be due from Mr. Blakely; at what time was that figuring up done?—A. I think it was the 20th or 21st of April.

Q. In the year 1875?—A. In 1875.

Q. How did you make up that account?—A. I think she made it up and sent it to me, or handed it to me when I came to her office. I asked her to make up an account of the receipts and disbursements of the office, and she made them up, showing how much the office had paid

for the year. Then I asked her to give me an account of the moneys she had paid to or for Mr. Blakely. She set those in another column. Then, I think, I deducted one from the other, and made this account.

Q. Can you state what the items were that went into the debit against Mr. Blakely in this account?—A. I can state that there were the moneys paid to Mr. Campbell.

Q. That was \$2,100?—A. Yes, sir; then there was \$3,000. I am under the impression that there were other moneys, but I cannot state that positively.

Q. You have no copy of that account?—A. I have no copy of that account.

Q. And upon footing up that account, what amount was found to be due from Blakely to him?—A. Either \$2,500 or \$4,000. I think the difference was as to whether she was to be allowed her salary or not.

Q. Then you stated your account on the double basis that if she were allowed her salary over and above the expenses of the office, that would make it \$4,000, and if that \$1,500 was to be counted in the expenses of the office, and not paid to her, it would be \$2,500?—A. I think that was the \$1,500 difference. I am not positive that that was the difference, but there was some difference of \$1,500, and my present recollection is that that is what caused the difference, whether she, having herself a chief clerk in the office, ought to be allowed a salary of \$1,500.

Q. Has Miss Sweet at any time during the progress of this matter ever admitted to you that this \$3,000 was assumed by her as her personal debt without any recourse from Mr. Blakely?—A. Unless her silence at that time could be construed into an admission, she has not.

Q. Did not she contend exactly the reverse when she made her statement to you?—A. I think so, in the first statement.

Q. What was the object of this meeting on the 10th of May, 1875?—A. I think that they both wanted me to learn the facts in the case.

Q. How did Mr. Blakely come to be in Chicago?—A. On the 22d of April, 1875, I got a note from Miss Sweet saying that Mr. Blakely was coming to Chicago, and, as nearly as I can recollect, that she wished I would see him and learn all the facts, or something like that, and I wrote to Mr. Gary asking him if he would not be there at the same time. I told him I thought it would be better, and when he did come either Mr. Gary notified me, or Miss Sweet notified me, and I was present.

Q. What was there settled between the parties at that time?—A. I think it was the renewal of the \$2,000 note. I had forgotten about that. I never knew much about these note transactions anyhow.

Q. That was the occasion of the meeting?—A. I think so now. I think perhaps that was correct; yes, sir.

Q. And the result of that meeting was that it was agreed that the thing should stand as it was?—A. That that note should be hers absolutely and the settlement should be a finality.

Q. The agreement was that they should call the thing even and done with?—A. Yes, sir; that both parties should be satisfied, and forever hold their peace.

By Mr. DEBOLT:

Q. You have made your statement very clear except on one point, to which I wish to direct your attention. You state at a meeting between you and Miss Sweet, she left a very clear impression upon your mind that the \$3,000 she assumed or receipted for only until Mr. Blakely would repay it to her?—A. Yes, sir.

Q. At a meeting at which you were all four together, you say that Mr. Blakely in her presence made his statement of this transaction, but not so full in regard to details as he had to you and Mr. Gary in Miss Sweet's absence, and your recollection is not very distinct as to the language used by Mr. Blakely in her presence when he came to repeat the transaction?—A. Yes, sir.

Q. What impression, since you fail to recollect the language, was made upon your mind at that time in regard to her assuming absolutely this \$2,000?—A. The impression made upon my mind was that Mr. Blakely's statement was correct. I went away from that interview so believing, and I so expressed myself to Mr. Blakely, that she did assume absolutely the \$3,000, just as Mr. Blakely has stated it.

Q. That impression was made upon your mind by her simply remaining quiet and not saying anything?—A. Yes, sir; he said enough, although not enough to absolutely confirm all that he said before, to partially contradict her, and she let it go by in silence, and I took that for a confirmation of his whole statement. He said enough to contradict, at any rate, her statement to me.

Q. Then the impression was left on your mind not by anything said by Miss Sweet, but by what was said by Mr. Blakely, and not contradicted by Miss Sweet?—A. By what was not contradicted by Miss Sweet. Indeed, I think she was asked if that was substantially true, and she said, "Probably, nearly so." She did not absolutely say it was true, but she said that it was pretty nearly the fact. That is my recollection of it.

Q. Then the money paid by Mr. Blakely to Miss Sweet, you understand at that time, from the conversation in presence of both of them, was made as a sort of donation by Mr. Blakely to Miss Sweet?—A. Yes, sir; and I thought he was very generous in making it, and so expressed myself, and have said so several times, up to the time I was summoned here.

By Mr. HURLBUT:

Q. Have you read the testimony of Miss Sweet with reference to the \$3,000 transaction?—A. I have.

Q. Does it correspond substantially with the statement she made to you originally?—A. I think it does.

By Miss SWEET:

Q. Did you read that statement of mine before you were summoned by this committee?—A. I did not.

Q. Have you not expressed an opinion before you read that statement, that I had been unjust to Mr. Blakely?—A. I do not think I expressed it in that way, but perhaps it amounted to the same thing. I expressed my opinion that the report of the committee, as reported in the newspapers, did Mr. Blakely an injustice, and expressed that opinion to my friends very freely.

Q. That was before you read my testimony?—A. That was before I had read your testimony, or before I had heard any explanation from you of any of the circumstances.

By Mr. WILSON:

Q. You expressed that opinion from your knowledge of the case as you had derived it from the parties and as you have detailed it here?—A. I expressed it, supposing that in the interview that took place between Mr. Blakely, Gary, and myself, his story was confirmed by Miss

Sweet. I always regarded that as, to use a common slang expression, the "true story."

Q. Having that knowledge in your possession when you read the report, you expressed the opinion that that report, as reported in the newspapers, did Mr. Blakely injustice?—A. Yes, sir; I expressed that opinion.

By Mr. HURLBUT :

Q. Have you ever, in an interview with Mr. Gary, stated that Miss Sweet had, in any interview prior to the interview between the four persons referred to heretofore, stated to you that she had assumed the \$3,000 temporarily?—A. I think I never did; Mr. Gary having first mentioned the subject to me, and I supposing that he knew a great deal more about it than I did, I never vouchsafed to give him any information, but always went to him to know about the subject. I think I never mentioned that thing to Mr. Gary at all. I had expressed myself to Mr. Gary, before he did so to me, that the committee had done an injustice to Mr. Blakely if the newspaper reports were true.

Q. Did you communicate to him what Miss Sweet had testified to you?—A. I think I never did.

By Mr. WILSON :

Q. The chairman asked you what this account that was made up and submitted to you by Miss Sweet was composed of, and you have stated that it was composed on the one side of the emoluments or profits of the office, and on the other of the moneys paid to or on account of Mr. Blakely, and you think that there were probably some other items, but you cannot recollect as to what they were; now, in making up that account as to the expenses of the office, state whether or not she embraced in them an item for a chief clerk in addition to a compensation to herself.—A. I think she did.

Q. What was the amount of that?—A. I do not remember what the amount of it was. I think she will know. My present recollection, though I will not be positive about it, is that that was the \$1,500. I think that I suggested to her that he having paid her \$1,500 salary as a chief clerk, and she having employed some one else as a chief clerk, perhaps he would object to that allowance, and she said, well, she would be very glad if she could get it settled without that. I am not positive that that was the \$1,500, but that is my best recollection of it to-day.

Q. Was not the original understanding, as you got it from both of these parties, that the office was to be conducted, she being the chief clerk, at a salary of \$1,500, just as she had formerly been?—A. I do not think that that was perhaps explicitly stated, but I rather considered it amounted to that, because the arrangement was that she was to receive a chief clerk's salary, although she was not prohibited, as I understood it, from hiring such clerks as she saw fit.

Q. It was contemplated that she should perform the duties of the chief clerk?—A. I suppose so, but that is only supposition on my part, and therefore the statement was made up in this double way, so that if Mr. Blakely objected to paying her this \$1,500, she would receive but \$2,500, and if he was willing to pay her the \$1,500 there would be \$4,000 due her. I supposed, until I met Mr. Blakely, there was no dispute about this account, and that it was a question simply whether he should pay her \$4,000 or \$2,500.

Q. What was said in regard to the expenses of the office, as she had been conducting it, by Mr. Blakely to you and Mr. Gary, and communicated by you and Mr. Gary to Miss Sweet?—A. Mr. Blakely claimed

that she had been running the office more expensively than he did, and then it did not yield as much income, but I think he did not go into that before Miss Sweet.

Q. Did you communicate it to her?—A. I do not know that I did, but before that time we had gone over the expenses of the office, in this formal interview with her, to see how she could cut down the expenses, and she said she had had many extra expenses in getting up the books, but in future she would reduce the expenses and change the office, which she did immediately, and reduced the expenses.

Q. Do you know what the parties themselves mutually understood the profits of the office would be from any statement of hers?—A. I think she stated to me that she supposed the profits of the office would be considerably more than they were; that there was a change in the law, which, though apparently a small change, made, I think, some \$1,500 difference in the receipts of the office.

Q. So that the emoluments of the office were not as great as she anticipated they would be when she took charge?—A. Yes, sir; or as they both anticipated, I think.

JOSIAH L. LOMBARD.

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WASHINGTON, D. C., July 7, 1876.

ADA C. SWEET recalled.

By Mr. HURLBUT:

Question. Have you had an opportunity of reading Mr. Blakely's testimony?—Answer. I have; and I would like to be permitted to make a statement which may save some time in this examination. I would like to say that I have carefully read all the testimony given by me before this committee on the 8th of May last, and that it is perfectly true, and that I could not conscientiously make any changes in it.

Q. Have you ever found, or have you in your possession, any memoranda by which you can refresh your recollection with regard to any of these transactions you have testified to?—A. Yes, sir.

Q. Have you any memoranda with regard to any money matters between yourself and Mr. Blakely?—A. I have no memoranda. The books at the pension-office show the transaction in regard to the \$3,000.

Q. Have you any memoranda in regard to private transactions between you and him?—A. In regard to a loan that I made to Mr. Blakely I have a certified copy of a check. I gave him a Government check for \$400. I anticipated that that matter would be brought up, and so I have had a copy of it made, with the indorsements.

Q. Having refreshed your memory about this memorandum, be kind enough to state to the committee what was the date at which you let him have that money.—A. The date of the check, I believe, is the 21st of May, 1874. There was no demand made on me, but Mr. Blakely was in town, and he came in and said he wanted some money, and would I let him have \$400, and he would return it as soon as he got back to Saint Paul. I gave him a check on the United States Treasury for \$400, payable to his order.

Q. That was a loan, was it?—A. Yes, sir; that was a loan.

Q. Is that the \$400 with regard to which you testified that it was an amount that he had obtained from you?—A. Yes, sir; I suppose so. That is the only \$400 that he ever received from me.

Q. Has that amount ever been repaid?—A. No, sir.

By Mr. DEBOLT :

Q. Do you say that that \$400 was a loan from you to Mr. Blakely ?—  
A. Yes, sir.

Q. And that check represents the amount you lent to him ?—A. I gave him a check, payable to his order, for \$400, of which the following is a certified copy :

STATE OF ILLINOIS, *County of Cook, ss :*

I, F. M. Blount, general teller in the United States subtreasury at Chicago, Illinois, do solemnly swear that the following is an exact copy of pension-check No. 15325, now in my possession :

[No. 15325. No stamp required.]

[United States agency for paying pensions.] (Eagle, &c.)

ASSISTANT TREASURER OF THE UNITED STATES, CHICAGO, ILLINOIS,  
*Chicago, May 21, 1874.*

Pay to the order of D. Blakely four hundred dollars.  
\$400.

ADA C. SWEET,  
*United States Pension-Agent.*

[Indorsed.]

A. WEST, *Cashier.*

D. BLAKELY.

[Stamp.]

Asst. treas. U. S.—Paid May 22d, 1874. Chicago.



F. M. BLOUNT.

Subscribed and sworn to before me this third day of July, A. D. 1876.

PHILIP A. HOYNE,  
*United States Commissioner, Western District of Illinois.*

By Mr. HURLBUT :

Q. State as distinctly as possible whether or not, in your original contract with Mr. Blakely for succeeding to this office, the \$1,500 of your salary was to be over and above the expenses of the office.—A. I so understood it; that it should be counted in with the regular expenses of the office.

Q. Then his net proceeds to come from that office would consist of the proceeds, less the regular expenses of the office and the \$1,500 salary for yourself ?—A. Yes, sir.

Q. Have you examined your accounts during that year so as to know how much your office netted you ?—A. I have.

Q. How much did it net ?—A. Three thousand five hundred and fifty dollars.

Q. After deducting what ?—A. After deducting all the expenses—not my salary, however.

Q. That does not include the \$1,500 salary.—A. No, sir; that includes the \$2,000 that I paid Mr. Blakely for the books, &c.

Q. What are the proceeds, less only the necessary yearly expenses of the office ?—A. Then you must add that \$2,000 right to the \$3,550. That would be \$5,550, but in the understanding between me and him I did not expect that that under our agreement I was to pay him this \$2,000, because if that were so I could not possibly have made that amount of money out of the office. I had to borrow the money to pay the \$2,000 to him, and I had to return it. I did not understand that I was to pay, in addition to this \$2,000, everything I earned over and above.

Q. Have you found any letters or memoranda relating to the transaction with regard to this \$3,000, or the deficit assumed ?—A. No; I have found a letter written by Mr. Blakely to me in October, 1874, from Ver-

mont, at the time that the deficiency was discovered, and when I was endeavoring to raise the money to make it up. That is the only letter I can find.

Q. Have you that letter?—A. Yes, sir; it was in reply to my telegram asking him for \$3,000, the amount of his deficiency. I have already in my previous examination given you his telegrams. At that time I had no idea that I had the letter, but I have found it since I have been here.

The letter is as follows :

BRADFORD, October 3, 1874.

MY DEAR MISS SWEET: I see you are in a peck of troubles, but I trust without any real occasion. I have telegraphed Baker, who is too good a friend of mine and yours to prosecute his inquiries further than I request. The result will be, probably, that he will detail me to go through your office. If he does that, then look out for breakers! You know how relentlessly I should treat you!

I sign my name to the back of this so that you can fill up over it with whatever you wish, though I confess I do not see how you can use my check. Do not have one moment's fear, however; for even if Lockey goes through your office carefully, it is no matter. I have explained all to Baker this morning, and he will stick by us just as a good friend always sticks by. I shall go right to Washington from here if necessary. I start for New York, any way, on Monday morning; you can telegraph me there for a day or two, care Grand Central Hotel.

I am dreadfully sorry you have been worried so. I only regret that you do not know as well as I do how little cause there is for it. I shall stick right to the case until I hear by telegraph that all is right.

Ever and affectionately,

D. B.

Q. Did you receive a blank check in that letter?—A. No, sir; I received a blank sheet of paper with Mr. Blakely's name signed on one side, just as if he had signed his name there. [Illustrating with half a sheet of note-paper.] That is the blank he refers to in his telegram.

Q. I wish to call your attention now to one other item—in regard to the original assumption, on your part, of this \$3,000 deficiency. Do you desire to make any change at all in the testimony you have already given on that subject?—A. No, sir.

Q. Having had your memory refreshed by the testimony of Mr. Blakely, do we understand you still to insist that that \$3,000 was simply a loan, to be repaid at the time that it was assumed?—A. Yes, sir.

Q. Did you, at the time Mr. Lockey was at your office, state the facts with regard to this transaction to him?—A. Yes, sir; that is, I stated that I had assumed this indebtedness for Mr. Blakely, at his request, and told him that it was not my indebtedness.

Q. Did you ever make any different statement from that to any persons?—A. No, sir.

Q. I want to call your attention to what took place on the 10th of May, at your office in Chicago. Prior to that interview that took place there, did you have a conversation with Mr. Lombard about your affairs?—A. Yes, sir.

Q. What, in that conversation, did you tell him with regard to this \$3,000?—A. I told him that I had assumed that \$3,000 for Mr. Blakely until he could raise the money, with the understanding that he would raise it as soon as possible, and repay it to me.

Q. Did you also tell him whether he had repaid it or not up to that time?—A. Yes, sir.

Q. What did you tell him upon that subject?—A. I told him he had not yet repaid it.

Q. What took place, so far as you are concerned, at the meeting there at your office when Mr. Blakely was present, and what was the upshot of the matter?

The WITNESS. Do you want me to tell exactly what took place?

Q. Tell it as nearly as you can.—A. Mr. Blakely came down there to get his note for \$2,000 renewed, and I wished to consult with Mr. Lombard and Mr. Gary, and they came and I left my private office for a little while, and those gentlemen talked matters over. When I came back, Mr. Blakely said he wished to give a statement, so that there would be a perfect understanding. To account for my action at this time, I shall have to go back some time, to where I left off in my last testimony. I will tell you, then, that on the 13th of November the money was raised, Mr. Blakely giving me a note for \$2,000 and I giving him a check for \$2,000 to make up the deficiency in the Treasury. In order to raise the money on it, I had to indorse this note of Mr. Blakely's. I have to confess my ignorance at that time in regard to a note. I supposed then it would have to be paid by the first drawer, and I had no idea that I was assuming a responsibility to pay that note by indorsing it. However, as it was not paid, and I did not hear anything about it from Mr. Blakely, I commenced, along when the note was coming due, to fear that I should have to pay it, and I wrote to Mr. Blakely, and finally received a letter from him in which he said that he was very anxious that the note should not come up to Saint Paul to be paid. I have that letter. The letter I received from him simply says that he could not meet this payment, and he wished me to renew the note. Well, I was getting frightened about it. I was afraid that I would have to pay this \$2,000 after all; so I went to Mr. Gary, and I told him that I had indorsed a note and I was afraid I would have to pay it, and I asked him what I ought to do about it. He said that of course I might be made responsible for it. I asked him then to go to Saint Paul and see the other indorsers on the note, and see if they would pay it. He went up there and saw those gentlemen, and they told him if he would extend it for 60 days they would pay it when it came on. Under that arrangement it would come due in April. In April they had it renewed again, and in May Mr. Blakely wished it to be renewed for 30 days more, and said he would then certainly pay it, and that I should certainly not hear of it after that time. I had been in a state of great anxiety all this while, so that on this day, when Mr. Blakely, Mr. Lombard, and Mr. Gary came to the office my whole mind was bent on getting the \$2,000. I thought if I could get that back I should be very fortunate. I thought it was slipping out of my fingers, and if I could only get it back, I would be perfectly contented to let matters rest; so I was not inclined to say anything in contradiction at that time to Mr. Blakely, and when he made his statement before me, I was conscious that he was putting the very best appearance on his actions, as we all of us always do, and I was willing that he should do so. I cannot remember what his statement was in regard to this \$3,000, but I can positively swear that he did not say that I assumed it as a finality, and that he did not in any way intimate it, because, if he had, it would have startled me very much. But I was ashamed of my part in this whole transaction, and I wanted to get rid of it, and to get it out of my mind, and I did not want to make any more trouble, lest there would be danger of my having to pay this \$2,000 note in the end. For that reason, I sat there and said nothing whatever to Mr. Blakely's statements, and at the end, when I was asked if it was true, I said, "Yes, substantially," or "That is just about how it was."

Q. Then at that time your object was to close up this matter, and get rid of it?—A. Yes, sir.

Q. You accepted that as the end?—A. Yes, sir; I thought that day that I should never hear of it again, and I was very much in hopes that I never

would. It had been a terrible trial to me. I was very glad to have it out of the way, and was willing that Mr. Blakely should put the very best construction on his acts, and was willing to do so myself.

Q. But you did not at all at that time waive or abandon the opinion you had of the transaction from your recollection of the facts, did you ?—A. That was impossible.

By Mr. DEBOLT :

Q. When you stated that you assumed to pay this \$3,000, did you wish to be understood, or did you understand yourself, that you had absolutely assumed to pay it, without ever looking to Mr. Blakely for it again ?—A. No, sir ; whenever I have said that I assumed this \$3,000 debt, I have always told the executors of this estate, or at least meant them to understand, that they were to look to me for this payment. I was afraid I could not get the money if I said they were to look to anybody else for it, and I meant, of course, that the Government should be perfectly safe in it, so I simply said to him that my accounts were short and I wanted some money, but I did not go into particulars about it at all.

Q. At the time when the four of you were present, and when Mr. Blakely talked about your assuming this \$3,000, did you understand him to mean that you had assumed it as a finality ?—A. No, sir.

Q. Had you so understood it, would you have remained quiet ?—A. No, sir.

Q. When you used the word "assumed," in conversation with these gentlemen or anybody else in regard to this \$3,000, what did you mean by it ?—A. I meant that I assumed the responsibility of paying that money to the United States Government.

Q. And that you in person would look to Blakely for it ?—A. Yes. When I said that I assumed it, I mean that I was responsible to the Government for that money. That was always in my mind, and at all times, and I did not say who I looked to for the money, but, of course, I meant to pay it myself, and get it from Mr. Blakely if I could. When I said to any one that I had assumed that \$3,000, I meant that I was responsible to the Government for the \$3,000.

By Mr. HURLBUT :

Q. I would ask, you having seen Mr. Gary's testimony, whether there is any correction you desire to make about your communicating these facts to any friends ?—A. I remember telling Mr. Gary in the first part of June or July, in 1874, that I did not have nearly as much money as I was supposed to have ; that I had made an arrangement with Mr. Blakely by which I received only \$1,500 a year, and for that reason they must not be surprised that I had not more money. I said that because I had been making some demands on them for myself. However, I do not think I went into the particulars of this transaction with him.

Q. Did you ever mention to any person anything about these transactions with Blakely, or either of them, until after they were completed ?—A. No ; I did not.

Q. Then you did not consult any of your friends at all during the time of the making of these contracts, nor did you have anything to say to them about the matter until those contracts were completed ?—A. No, sir.

By Mr. DEBOLT :

Q. In regard to the \$3,000, did you volunteer to receipt for that, or assume it as a finality, or did he ask you to receipt for it ?—A. He asked me to receipt for it.

Q. It was at his suggestion, then, that you receipted for it?—A. Yes, sir.

Q. When did you first make a statement in regard to this matter to Mr. Gary?—A. I think the first time I ever went into the matter and told him all about it—or a great deal about it rather for I never told him all about it—was about the 3d or 4th of October, 1874.

Q. How long was that after the transaction between you and Mr. Blakely?—A. About four months, perhaps five.

Q. Do I understand you that that was the first time that you mentioned the matter at all to him?—A. That was the first time I told him that I had assumed this amount, or receipted for it.

Q. When was the first time that you mentioned the matter to him at all?—A. October.

Q. When did you first tell Mr. Gary about the arrangement between you and Mr. Blakely?—A. I told him that we had an arrangement along in the summer some time, June or July.

Q. Soon after it occurred?—A. Yes, sir.

Q. In regard to keeping this matter secret from your friends, what was said between you and Mr. Blakely in that regard?—A. Mr. Blakely represented the propriety of keeping quiet about it. He said it would be misunderstood; that people would think there was some wrong arrangement, and that it was a good deal better that it should be kept entirely secret; that persons might hear part of it, and then it would be misrepresented, and it was very much better in every way that I should say nothing whatever to any one about it, and then there would be no danger.

By Mr. HURLBUT :

Q. Is there anything further that you desire to state?—A. I saw that some questions were asked from Mr. Gary about the check that they gave me in October. Mr. Gary testified that they gave me a check for \$3,000 in October, and I testified that I only had paid \$2,000. After Mr. Lockey had completed the examination of my office, he went to Iowa, and while I was telegraphing and writing to Mr. Blakely in Vermont, I went to Mr. Gary, and told him I had to raise money to meet this deficiency. I did not know of any one who would come to my relief, and Mr. Lockey had told me that I must deposit the amount in order that he could report that I was all right. I therefore went and got this \$3,000 through Mr. Gary, and had managed to borrow \$1,000 if they would not allow me to carry this one thousand also, as I hoped they would, so that when Mr. Lockey came back I would have it ready. I deposited it in my bank the 6th of October, and had it ready; but when Mr. Blakely came, I wanted to see if he would not pay; so I told him I could not raise more than \$1,000 or \$2,000. Then he said he would raise half and I half; he would raise \$2,000 and I would raise \$2,000, and I retained the other \$1,000 I got through Mr. Gary for my own purposes.

Q. That last transaction was in November?—A. Yes, sir. I thought I would mention it, as I saw there was a little trouble made about my receiving \$3,000 and not paying more than \$2,000.

By Mr. WILSON :

Q. So that Mr. Gary is correct in his statement?—A. Yes, sir; the check is for \$3,000, dated the 6th of October, 1874, payable on my order.

By Mr. DE BOLT :

Q. And you were mistaken as to the amount?—A. No, sir; I was not mistaken; I used only \$2,000 for the purpose of making up the deficiency.

By Mr. WILSON :

Q. What experience had you had in this pension-office before you became the agent yourself?—A. I was my father's chief clerk for about nine months, managing the agency entirely, keeping its accounts, signing his checks, and hiring clerks and paying them off, always under his immediate supervision, and always going to him for advice in all cases and at all times.

Q. You were, then, familiar with the office and the manner of discharging its duties?—A. I would state, further, that I was also chief clerk for Mr. Blakely for about nine months, performing the same duties for him that I had performed for my father.

Q. Then you were familiar with the routine of the office, were you?—A. Yes, sir.

Q. And also familiar with the expenses and income of the office, were you?—A. Yes, sir.

Q. Your experience had enabled you to know what it cost to carry on the office and what its receipts were?—A. I do not know what the expenses and income were in my father's time, really, nor do I know what they were exactly in Mr. Blakely's time.

Q. But you had all the means at your command, and such experience as enabled you to know what the profits of the office were?—A. Yes, sir.

Q. What, according to your best recollection, were the profits of the office during the time you had its management?—A. I do not know what the profits were; I did not keep any regular account; I kept an account from month to month, and as much as was due Mr. Blakely I would send to him, month by month; I never figured up how much Mr. Blakely received while I was there.

Q. At the time you took the office what were the profits of that office supposed to be? What did you and Mr. Blakely calculate it at?—A. I do not know that we made any calculation of that kind at all; I suppose there was between five and six thousand dollars profit above my expenses.

Q. Was that matter talked over between you and Mr. Blakely at the time?—A. No, sir; I do not know that the amount was mentioned between us.

Q. Which of you were more familiar with the office and its proceeds, you or Mr. Blakely?—A. I was more familiar with the office, and he was more familiar with the proceeds. I had done the work, and he had received the money.

Q. Which of you knew the most about what the office would produce?—A. I never knew how much Mr. Blakely did receive while I was there.

Q. You paid it over to him, however?—A. Yes, sir. I saw he had so many fees charged on such and such a month, and deducting the expenses of such a month, he had so much due. He used to send over word to me that he wanted some money. We had always something on hand, and I would send the money over to him. I never knew how much he received, or how much my father received from that office.

Q. But your opportunities to know what the office would produce per annum were greater than his.—A. No, sir.

Q. Why not?—A. Because he received the money.

Q. But you kept the books?—A. I had never settled in my own mind how much Mr. Blakely received.

Q. You knew, however, generally what the office produced?—A. Yes, sir; I had an idea what it ought to produce.

Q. You became an applicant for the office yourself, did you ?—A. Yes, sir.

Q. Who was the occupant of it at the time you became an applicant ?—A. Mr. Blakely.

Q. Failing in that application, this arrangement that he and you have stated was made between him and you ?—A. Yes, sir.

Q. What was your motive in making that arrangement ?

The WITNESS. What arrangement ?

Q. The arrangement that you did make with Mr. Blakely ?—A. My motive was to get the place, and make some money for myself.

Q. You wanted to make certain of getting the place after his term of office had expired ?—A. I did not regard it as a certainty, but I thought there was a good prospect of that.

Q. And you wanted to make it as sure as you could ?—A. Yes, sir ; certainly.

Q. That was one of your motives in making this arrangement, was it not ?—A. I took the risks of keeping the office. I thought if I had it once given to me, I would probably keep it.

Q. That was one of the considerations that moved you to make this arrangement ?—A. I presume so ; I do not remember its being a very great consideration, because I regarded it as a matter of very great doubt.

Q. Then there was another motive in the fact that you got an increased salary, was there not ?—A. Yes, sir.

Q. Did Mr. Blakely persuade you or coax you to go into this arrangement, or was it entirely satisfactory to you to go into such an arrangement ?—A. Yes, sir ; it was entirely satisfactory to me.

Q. Did Mr. Blakely use any undue persuasion to induce you to go into an arrangement of that kind ?—A. I regard your questions as very much out of place. I never have said anything that would give any such an impression. In my testimony, on page 2, I state as follows :

He said, too, that, so far as he was concerned, he would be glad to resign ; that he was very much in debt ; that he had failed in Chicago, and he wanted to get away. He also said that he had the offer of a very fine position in Saint Paul, on the staff of a newspaper there, and that he would resign in a moment if he could. In a few days after that he came to see me again ; it was two or three days after, I cannot remember which. This was in the first part of March. He made then this proposition to me : that he should resign, and that my friends, knowing of his resignation, and his friends should combine for my appointment ; and that the first year I was in office, that is, until April, 1875, and until his commission had expired, I should give him all the money I earned over and above expenses, saving a salary for myself, which we should agree upon. I asked him if he would require any of this money to be paid before it was earned or before it became due. He said no ; that we would agree upon the payments at stated periods and that I should send him the money. I agreed to this proposition, and agreed upon a salary of \$1,500 a year for me for that first year. I was then earning \$1,200. I had great need of the money. Fifteen hundred dollars was enough for me to live comfortably upon and help my family that first year.

These were my reasons for accepting this proposition.

Q. You did not want to get his office after his time was out ?—A. It is no matter what I wanted. Those were the considerations in my mind.

Q. Do you wish to be understood by this committee as saying that the holding the office after the period when his time would expire did not enter into the account at all with you ?—A. I wish to be understood by this committee as saying nothing whatever about it, and I refuse to answer any more questions regarding it.

Q. By your arrangement, you were to pay him for the books of the office, which were his private property ?—A. Yes, sir.

Q. Is it correct that \$2,000 is the sum agreed to be paid?—A. Yes, sir.

Q. Now, in making up the amount of the profits of the office for the first year, do I understand you to say that you deduct from the receipts of the office, over and above the expenses, that \$2,000?—A. That was the agreement.

Q. Do you say that that was the agreement between you and Mr. Blakely?—A. Yes, sir.

Q. Have not you stated that your arrangement with Mr. Blakely was that you were to have a salary of \$1,500 a year, and the expenses of the office, and the balance was to be paid over to him?—A. Yes, sir; deducting the expenses of the office, and I counted this \$2,000 in as a part of the expenses of the office.

Q. Did he assent to that?—A. I do not know that he did or did not. I think I told him that I could not have very much for a long time, and he said, "O, well; we are not going to quarrel about this;" or he said "We will agree upon those matters."

Q. But was there anything said by you to him about deducting \$2,000 for the emoluments of the office or not, for these books, &c.?—A. I do not remember.

Q. Did he say anything about it?—A. I do not remember.

Q. Did you say anything about it?—A. I do not remember.

Q. Did you expect that the profits of the office were to be construed as that which was received over and above expenses, after deducting the \$2,000?—A. Yes, sir.

Q. That was your understanding about it?—A. Yes, sir.

Q. But there was nothing said about it?—A. I do not say that.

Q. Do you say there was anything said about it?—A. No, sir.

Q. You were to get a salary of \$1,500 a year by this arrangement?—A. Yes, sir.

Q. That was the salary of the chief clerk?—A. Yes, sir.

Q. Did you understand that, in addition to that salary of \$1,500 for yourself, you were to keep a chief clerk, and pay that chief clerk \$1,500 a year?—A. I understood that I was to run the office according to my own ability and my own understanding of the way in which it should be run. I did expect to run the office, and be chief clerk as well, but my health did not permit of my doing it.

Q. And, therefore, you engaged another chief clerk?—A. Therefore I had a chief clerk.

Q. Did you understand, when you made this arrangement, that there were to be two chief clerks there?—A. No, sir; I did not consider myself chief clerk.

Q. Did you understand that you were to have a chief clerk at a salary of \$1,500, in addition to your salary of \$1,500?—A. I did not understand that, and what is more, I never did have that.

Q. Did you keep a chief clerk?—A. I kept one, but at a salary of \$1,200.

Q. Was there a clerk kept there at \$1,200 a year before you went in there?—A. There was a thousand-dollar clerk there.

Q. Did you understand that you were to have this salary of \$1,500, and be permitted to employ a chief clerk at \$1,500 a year?—A. Yes, sir; I understood Mr. Blakely was very glad to get what he could out of that office, considering that I did the work and hired the clerks, and did the best I could. I understood he was willing to take whatever I earned that year over and above the expenses and my salary, and make no criticisms upon it. I supposed that he would do that.

Q. Was there anything of that kind said between you?—A. No; but that was the understanding.

Q. That was your understanding?—A. Yes, sir.

Q. But there was nothing said from which you could get that understanding?—A. I do not know. I presume there was. Mr. Blakely was talking very fair, indeed, then, and so was I. I supposed he meant just exactly what he said. I knew it was an advantageous thing to him, and I thought it was so for me also.

By Mr. HURLBUT:

Q. Let us try to understand this. Who was to be the judge, in your opinion, of what were the proper and legitimate expenses of the office, you or Mr. Blakely?—A. Well, we did not say. I understood that I was to be.

Q. You were to pay over a certain amount after the expenses of the office were paid. Who was to determine what the expenses of the office were to be?—A. Of course I was to be the first to determine that.

By Mr. BLAKELY:

Q. Was not it expected that the expenses of the office would be about the same as in previous years, and that the emoluments of the office would also be about the same?—A. Yes; that is probably what we both understood.

By Mr. WILSON:

Q. When was it that you assumed this \$3,000 of alleged deficiency?—A. I do not know; it was in May, 1874. Really I never assumed or receipted for it until I sent my account-current for April, 1874, to Washington. That is dated the 19th of May, 1874. I then receipted for it.

By Mr. HURLBUT:

Q. That is the time you became responsible to the Government?—A. Yes, sir; that is the time I became responsible to the Government.

By Mr. WILSON:

Q. Did you tell Mr. Gary or Mr. Lombard that this \$3,000 was to be repaid by Mr. Blakely when you got the money for them?—A. If you mean, did I tell them that when I got the \$3,000 from Mr. Gary, I do not know.

Q. Did you tell him on what account you got it?—A. I told him I was short, on account of having signed receipts for Mr. Blakely, and that I wanted to make my books good and was very anxious about it. I guess that is about all I have told him.

Q. According to your own theory of this case you were advancing this \$3,000 for Mr. Blakely?—A. Yes, sir.

Q. Did you take any receipt, obligation, or anything of that kind from him?—A. No, sir; he took a receipt from me.

Q. Did you take any instrument of writing of any kind to indicate that he was to refund that money to you?—A. No, sir; I supposed it would be refunded in a month or two, and then we would go right on with our original agreement. I thought I would not pay him any more until the end of the year, and then I would know exactly what I had made over and above payments to Mr. Campbell.

Q. Did not you expect that this \$3,000 would go into that account?—A. No; I did not. By an act of Congress the fees were reduced from 30 cents on a voucher to 25 cents, which made a difference in my yearly receipts of \$1,500. I had also been obliged to have some addi-

tional help, and I saw I should not be able to make nearly as much as this \$3,000 would amount to with the payments to Mr. Campbell, and I expected him to pay that \$3,000 back, and he said he would pay it back.

Q. When did you make this discovery?—A. Very soon after I was in the office.

Q. Did you make it before or after the \$3,000 transaction?—A. I made it before.

Q. Then you assumed the \$3,000 for him and took no official receipt, or anything of the kind?—A. I took nothing whatever except his word.

Q. Did you take any paper from him at the time you let him have this \$400 Treasury draft?—A. No, sir.

Q. What was that \$400 really for?—A. I do not know. He came in and asked me if I would lend him the money, and he said he would send it back as quick as he got to Saint Paul.

Q. Was not this \$400 a part of the \$3,000?—A. It was not at all so understood.

Q. When did you pay him that \$2,000 on account of the books?—A. I paid him on the 1st of April. I have his receipt for the \$2,000.

Q. Have you got it here?—A. Yes, sir.

The receipt was produced, and is as follows :

OFFICE UNITED STATES AGENCY FOR PAYING PENSIONS,  
No. 85 Dearborn Street, Chicago, April 1, 1874.

D. BLAKELY, *Agent*.

Received of Miss A. C. Sweet two thousand dollars, in full for the skeleton vouchers, fixtures, safe, &c., owned by me, in the conduct of the Chicago pension-agency.

D. BLAKELY.

Q. Was there a safe in the office?—A. Yes, sir.

Q. What was that safe worth?—A. I sold it afterward for \$75.

Q. What was it worth?—A. I do not know. I sold it next spring, when I moved. I could make but a very little money over and above this \$2,000, and with the \$2,100 I paid to Mr. Campbell there would be \$4,000 that I paid the first thing.

Q. You expect to sell these books and papers you have on hand to whoever succeeds you, do you not?—A. Yes, sir.

Q. Your father had sold them when he went out of the office?—A. Yes, sir.

Q. You would not regard, therefore, that that \$2,000 was anything else than personal property that belonged to Mr. Blakely?—A. I did not so regard it; I supposed Mr. Blakely was willing to take what I earned over and above expenses—that is enough to take from anybody.

By Mr. BLAKELY :

Q. When you took the office you received as covered by that receipt the vouchers that had already been made out for the ensuing payment, and the work for which had already been done?—A. Yes, sir.

Q. The postage had been paid upon them?—A. There was no postage paid upon them. There is an envelope sent out, but no postage paid.

Q. There is an envelope which covers the voucher for the next payment?—A. Yes, sir.

Q. That voucher had also been made out by my clerk, and paid for by me?—A. Yes, sir; and it is so stated in my testimony.

By Mr. DEBOLT :

Q. Was this \$400 that you claim was a loan to Mr. Blakely any part of the \$2,000 that you were to pay him for the furniture?—A. No, sir;

it was entirely different. I paid him the \$2,000 for the furniture the 1st day of April, 1874. That was an entirely separate affair.

By Mr. WILSON:

Q. You sent Mr. Gary up to Saint Paul, and he came back and reported to you what Mr. Blakely had told him?—A. No, sir.

Q. Did not he tell you what Mr. Blakely told him?—A. He told me some things. He said Mr. Blakely had told him all about it, and then he went on and stated some things over to me.

By Mr. DEBOLT:

Q. State what he did tell you.—A. I cannot tell you.

Q. As near as you recollect?—A. The most that he told was about the trouble Mr. Blakely had had in getting his office for me. Really that was the most important thing. He told Mr. Gary how he had resigned, and how he had come down here and worked to get the office for me, and told him all the little incidents and things of that kind. That is really all I can remember about it. I supposed he had told it just as I understood it, and I did not pay any attention. There was no quarrel at all between us.

Q. Did he tell you that Mr. Blakely said that you had assumed that \$3,000?—A. No, sir.

By Mr. WILSON:

Q. Did you dispute what he did tell you that Mr. Blakely had told him?—A. I think not.

Q. So far as he told you what Mr. Blakely said, it was all right?—A. I do not know whether I disputed it or not. I do not know whether it was all right or not.

Q. Have you any recollection of his having told you anything that had been told him by Mr. Blakely which was not in accordance with your knowledge of the facts?—A. None. I remember he put the very best light upon it he possibly could. I remember remarking that, and thinking that.

Q. Did you remark that to Mr. Gary?—A. I mean I remarked it in my own mind; I remember thinking that.

Q. You remember that you did not dispute what Mr. Gary reported to you Mr. Blakely had told him?—A. No; I do not remember that I did not dispute it; he did not tell me very much.

Q. I will read from Mr. Gary's testimony. He says:

He told me of the circumstances in regard to it; said that the proceeds of the office were \$6,000 clear; that she had paid Mr. Campbell \$2,100, and that the balance of the proceeds of the office were going to him, and that she had agreed to assume the \$3,000 in lieu of the balance of the profits, as a finality between them; but he said she was hard up; the office did not pay as much as she supposed it would, and that therefore he had willingly gone forward to help her, although he was not under any equitable obligation to do so.

I then went down to Chicago and told her these facts, telling her that the note was perfectly good, and that I would be willing to cash it in my bank for her. I reported all that Mr. Blakely had said about it, and said that I thought he had been pretty generous under the circumstances. She seemed to be pretty much pleased with the result of my trip.

A. It is impossible that that should be entirely true. I think Mr. Gary has got in it something that happened subsequently. For instance, he says there that Mr. Blakely told him that she (Miss Sweet) had paid Mr. Campbell \$2,100. This was in February, 1875. I had not paid him that amount, and did not pay him that amount until the last payment, April, 1875. It was very improbable that Mr. Blakely should make such a statement to the effect that that had been paid at

that time. That is one of the little things that show that Mr. Gary did not get that whole impression from Mr. Blakely at that time; and certainly, if he did get it, he did not tell that to me.

Q. How much were you to pay Mr. Campbell?—A. I was to pay him \$2,100, but the sum was never mentioned between us.

Q. Did you know how much you were to pay Mr. Campbell?—A. I knew how much I had agreed to pay him.

Q. How much was that?—A. \$2,100.

Q. When was it you made the agreement to pay the \$2,100?—A. March, 1874.

Q. That was the time you went into the office?—A. Yes, sir.

Q. So that was understood between you at the time, and was understood by Mr. Blakely when he had this conversation?—A. Yes, sir; but, as I say, that is one of the things that show that Mr. Gary has got subsequent conversations with Mr. Blakely in his statement.

Q. You say now that Mr. Gary did not tell you that?—A. No, sir.

Q. Can you tell what he did tell you?—A. I cannot tell all that he did tell me.

Q. Can you give the substance of what he told you?—A. No, I cannot. He gave a sort of an apology of Mr. Blakely's, or a statement that Mr. Blakely made to him, but it was nearly all taken up with Mr. Blakely's statement to Mr. Gary about his own difficulties and troubles in getting this office for me, which brought Mr. Gary to believe for the first time that Mr. Blakely had really exerted himself in my behalf, which was something he did not think or understand before.

Q. Do you say now that Mr. Blakely did not exert himself in your behalf?—A. Certainly he did.

Q. He succeeded, too?—A. Yes, sir.

Q. State whether Mr. Gary told you that Mr. Blakely had told him that you had assumed this \$3,000 as a finality.—A. No, sir; he did not.

Q. But you did communicate to the executor that you had assumed this \$3,000?—A. Yes, sir.

Q. With reference to this matter of secrecy in regard to this transaction, when you and Mr. Gary had a talk about this matter, soon after the arrangement was made, you then told him the circumstances of those transactions?—A. No, sir.

Q. Did not you tell him what kind of a bargain you had made?—A. I told him none of the circumstances. I told him that I had made a bargain by which I would receive about \$1,500 a year. I might have gone on and told him a little more, but I never went into the circumstances, and never mentioned the assumption of the \$3,000.

Q. Because it had not occurred at that time?—A. It had occurred at the time I first talked with Mr. Gary.

Q. Did you tell him about the first arrangement between you and Blakely as to how you would procure the office?—A. I told him the first original arrangement.

Q. At the time you first talked to him you told him what the arrangement was between you and Blakely with reference to turning over the office?—A. Yes, sir; the thing uppermost in my mind was to let him know how much money I was to receive.

Q. What was said between you and Mr. Gary with reference to keeping this matter secret?—A. I do not know what was said about it.

Q. Did not Mr. Gary tell you at that time that the transaction was one that had better not be mentioned?—A. I do not know. He might

have said so. I relied on his own good sense, and he did on mine. Perhaps he did tell me that. I do not know.

Q. Have you any recollection about that?—A. No; I have not. I have had that impressed upon me, but I do not remember Mr. Gary's saying anything about it. He may have said so.

Q. Did not you know yourself that it was better to say nothing about an arrangement between you and Mr. Blakely, and were not you in that matter acting on your own judgment?—A. No; I would rather have advised with somebody about it.

Q. With whom had you advised?—A. I say I would have advised with somebody I had confidence in.

Q. Did you advise with any one?—A. I did not.

Q. Were you not acting upon your own judgment with reference to this matter of keeping this thing secret?—A. I thought it might be as well to keep it secret, but I had a desire to consult with and speak to some one about it and to see what would be the end of it; a very strong desire.

Q. Did not you, in obedience to your own judgment on the subject, consider that it was better for you to keep it quiet?—A. Well, I considered it was better for me to keep it quiet, but I did not consider it was better not to tell any one at all about it.

Q. In keeping quiet were not you acting on your own good judgment rather than on anything Mr. Blakely said to you?—A. In keeping it quiet I was, but not in not consulting with any friend who would keep it just as quiet as I would.

Q. Instead of Mr. Blakely's impressing upon you to keep it secret you were acting on the dictates of your own judgment?—A. Mr. Blakely did impress it upon me, in the very first interview that we had, that it was a matter of a great deal of importance, and it was at that time I thought myself it should be kept secret, but when it came to these other matters, it was not in accordance with my judgment that I should enter into these arrangements without consulting with somebody. I thought, of course, it was better to keep it from almost everybody.

Q. Do you mean to say that he told you not to consult with anybody in reference to the other transaction?—A. I do; he told me not to consult with anybody about any of those transactions.

Q. What transactions do you particularly refer to?—A. This whole business between me and him. I have a letter from him after it came out, where he told me that somebody had let it get out. He blames me directly. He says in that letter it is a matter that will be misunderstood, and that I was very much to blame.

Q. How did it get out?—A. I do not know. I presume through the bank. I have always thought the payments to Mr. Campbell at the bank at Chicago excited some remark, but I have never known exactly how it was.

Q. How did the arrangements that had been made between you and Mr. Blakely come to be made public?—A. I think I never told it to a living soul, that is, the whole thing from beginning to end, until I testified before this committee, except the two persons with whom I advised before I left Chicago after I was summoned.

Q. Who were those persons?—A. Judge Drummond and Mr. Claflin.

Q. Who is Mr. Claflin?—A. He is a friend of mine.

Q. Did he come with you to Washington?—A. Yes, sir.

Q. You told the whole story to him?—A. Yes, sir.

Q. Did he come with you at your solicitation or on his own motion?—A. I asked him to come with me.

Q. Did you tell him about it before you came?—A. Yes, sir; I had told him about it some time before.

Q. How long before?—A. April, 1875.

Q. Were you summoned then?—A. No; I was summoned in May, 1876, but I never sat down and told this whole transaction to anybody from beginning to end until after I was summoned, as it looks to me now.

Q. You told this gentleman, Mr. Claflin?—A. I told him little by little, first about the Campbell matter and then about the other \$3,000 matter, and then different things.

Q. Do you know whether he communicated the matter to this committee?—A. I know that he did not.

Q. Did you communicate it to this committee?—A. No, sir.

Q. Do you know who did?—A. No, sir.

By Mr. BLAKELY:

Q. Did you ever write to me in regard to this \$400?—A. No, sir; I do not think I did.

Q. Why have you never asked me for it if it was a loan?—A. Because I had a little delicacy about asking for it, and we had so much trouble that I did not say anything about it even to my friends.

Q. When you were in need of money, why should you not have asked for it?—A. Because you represented to me that you were in very great need of money and that you could not raise money.

Q. I did raise you \$2,000 when you needed it, and if I had owed you \$400 why should not I have raised that also?—A. You certainly did owe it to me, and you must give the reason why you did not pay it.

By Mr. DEBOLT:

Q. Why did not you call on Mr. Blakely for that money?—A. I have given my reasons.

Q. Why should you first say anything about it to this committee?—A. I saw that Mr. Blakely testified that I never lent him the money and I wished to make my word good.

Q. Blakely did not testify until long after you had testified, but when you first testified you brought in this \$400; if that was a private matter between you and Mr. Blakely, why did not you call on Mr. Blakely for it?—A. Because I did not think he would pay me any more money. I was discouraged, about, and I did not care much about it.

Q. He had not refused to pay you any money?—A. Perhaps I was very foolish that I did not make some demand on him. I gave it up. I thought he never intended to pay it.

Q. Was that your reason for producing it before this committee?—A. My reason for producing it before this committee was that this committee required me to tell all the money I paid to Mr. Blakely.

Q. And you claim that this was a loan, simply?—A. Yes, sir

By Mr. BLAKELY:

Q. If this \$3,000 assumed by you was not a final assumption, what was it that after you had assumed it you went on paying to Campbell?

A. Because I had made that agreement and I told Mr. Campbell that I should; when I signed those receipts I expected to get back the money in a little while, and at the end of the year when I had finished paying Mr. Campbell and I found out what I had made I expected to turn over the rest to you.

By Mr. WILSON :

Q. Do you recollect Mr. Blakely showing to you that by the assumption of this \$3,000 you saved \$1,200 ?—A. No, sir; he never showed me any such thing.

Q. No calculation of that kind was ever made?—A. No calculation was ever made. We did not make this agreement on the basis of figures and money.

By Mr. BLAKELY :

Q. You say that the receipts of the office were \$5,500 the first year, over and above the expenses, excluding the \$2,000 ?—A. Yes, sir.

Q. Then you paid Mr. Campbell \$2,100 and assumed this \$3,000 in addition, making \$5,100 ?—A. Yes, sir.

Q. And the \$400 that you say you loaned me would make \$5,500 ?—A. Yes, sir.

Q. So that, in point of fact, supposing I had not paid you back \$5,500, the receipts are no more or less than equivalent to the money you actually paid out ?—A. Yes, sir; but when you come to count in this \$2,000 there is nothing left for me.

Q. Then I paid you back \$2,000 ?—A. Yes, sir.

Q. So, that, in point of fact, you paid me \$5,500, including the \$400, and I paid you back \$2,000, so that you only paid me \$3,500 ?—A. Yes, sir.

Q. Then you received \$5,500, so that you were, in point of fact, \$2,000 ahead of the original agreement ?—A. Very well.

Q. In point of fact, then, you have paid less than what you agreed to pay. Is that true ?—A. I suppose that is true, and my statements are just as true, notwithstanding.

Q. You have, in point of fact, paid me less than the receipts of the office for the first year.—A. No, not when you charge my salary of \$1,500 per year, all the interest, and everything I have had to pay out.

Q. There was no interest in the transaction.—A. Yes, there was.

Mr. BLAKELY. We will not dispute about it.

By Mr. WILSON :

Q. In this arrangement, where is it that you claim Mr. Blakely has wronged you ?—A. I make no such claim.

Q. Do you make no such claim ?—A. I prefer to say nothing about it. I have simply given a true statement of certain facts that hurt me as much as Mr. Blakely.

Q. If there is anything wherein he has wronged you, outside of any considerations such as the manner in which the office was procured, I would be glad to have you state it.—A. I prefer to make no statement about it.

Q. Do you know, in fact, that there was any complicity between Mr. Baker and Mr. Blakely to do any wrong to you, or to embarrass you in any way ? If you do, state what it is.—A. Nothing, except Mr. Blakely's word, and then the fact that they came together to the office. I have never been able to form an opinion about Mr. Baker. I never have understood what his motives were.

Q. Have you any knowledge of General Baker knowing anything about the condition of affairs of your office prior to this time ?—A. No, sir; I have not.

By Mr. BLAKELY :

Q. Did General Baker treat you otherwise than kindly in regard to  
H. Mis. 182—8

this whole matter when he did find it out?—A. General Baker has always treated me with perfect courtesy.

Q. And after this matter was settled—on the day it was settled—you attended with him a dinner-party at the hotel?—A. Yes, sir.

By Mr. WILSON:

Q. Did General Baker ever do anything to injure you in this matter? If he did, tell what it was.—A. I do not think he did. I do not know whether what he did was best or not. I suppose he meant it for the best.

By Mr. DEBOLT:

Q. Do you know anything about his purposes in doing it?—A. I do not know anything about his purposes.

Q. What did he do?—A. I have already testified to that.

ADA C. SWEET.

The chairman then presented the following telegrams:

THE WESTERN UNION TELEGRAPH COMPANY.

WASHINGTON, October 3, 1874.

To DAVID BLAKELY, *Bradford, Vermont*:

I have so telegraphed. What can you mean?

J. H. BAKER,  
*Com'r Pensions.*

THE WESTERN UNION TELEGRAPH COMPANY.

BRADFORD, VT., October 3.

Gen. J. H. BAKER, *Com. of Pensions, Washington, D. C.*:

Everything perfectly correct. I have sent explanation by mail.

D. BLAKELY.

THE WESTERN UNION TELEGRAPH COMPANY.

BRADFORD, VT., October 3.

General J. H. BAKER,

*Com'r of Pensions, Washington, D. C.*:

Telegraph Lockey to pass over Miss Sweet's office, for reasons which I explain by letter. Important. Answer.

D. BLAKELY.

C

PENSION AGENCY AT MACON, MO.

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TESTIMONY

TAKEN BEFORE THE

SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES

APPOINTED

*To investigate "any and all matters touching the official misconduct of any officer of the Government of the United States, &c.," and under resolution of the House of April 3, 1876.*

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JULY 12, 1876.—Recommitted to the Select Committee on Real Estate Pool and Jay Cooke Indebtedness and ordered to be printed.

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[This case relating to the alleged irregularity and official misconduct of any officer of the Government having any connection with the appointment of the pension-agent at Macon, Mo.]

BEFORE THE COMMITTEE ON REAL ESTATE POOL AND JAY COOKE INDEBTEDNESS.

WASHINGTON, D. C., April 29, 1876.

ZACHARIAH CHANDLER sworn and examined.

By the CHAIRMAN:

Question. Mr. Secretary, you are now at liberty to present any statement you may desire in reference to the matter now pending before this committee in regard to the appointment of John T. Clements as pension-agent.—Answer. The statement I desire to make in reference to that appointment I have here in the shape of a synopsis, showing the full statement of the case, with the letters of recommendation in his behalf, and affidavits, &c.

By Mr. NEW:

Q. Are those the original letters?—A. Yes, sir; the original letters of recommendation. I have also copies of some correspondence on the subject, and an original letter from Ebert to Mrs. Boggs, with an indorsement by her upon the back of it. This synopsis is as follows:

*Recommendations of John T. Clements, pension-agent at Saint Joseph, Mo.*

For his original appointment: Hon. J. B. Henderson, M. C.; Hon. J. F. Benjamin, M. C.  
For his retention: His letter; affidavit giving the names of thirty-six democrats who voted for him on personal grounds at a municipal election in Macon, Mo., in 1870.  
For his re-appointment: Hon. J. B. Henderson, M. C.; Hon. I. C. Parker, M. C.; Hon.

E. O. Stanard, M. C. ; Geo. Fishback, Saint Louis ; Jeff. Chandler, Saint Joseph, attorney ; Dan. M. Draper, Saint Louis ; Henry A. McGindley, Saint Louis, attorney ; James S. Botsford, Jefferson City, United States district attorney ; H. B. Johnson ; A. Krokell ; seven republican senators and seventeen republican representatives in the twenty-seventh general assembly of Missouri ; C. Maguire, Saint Louis, collector internal revenue ; F. A. Jones, Macon, editor ; Jno. M. London, Macon, editor ; Albert Blair, Macon, secretary republican county committee ; A. N. McGindley, Macon, United States commissioner ; R. W. Caswell, Macon, postmaster ; R. Wright, Macon, assessor ; Chas. J. Carlin, Macon, collector ; I. Hays, Macon, mayor, and eight others.

For his retention : His letters.

The WITNESS. I know nothing personally of this case, as it occurred before I took possession of the office. The letters of which the above is a synopsis or list are all here, the original letters.

On the 13th of March, 1876, I received a letter, of which the following is a copy :

EXECUTIVE MANSION,  
Washington, March 13, 1876.

DEAR MR. SECRETARY : Father directs me to say that it has just come to his notice that the pension-agent at Macon, Mo., has been paying a portion of his salary to some one rendering no service in the office, on the supposition that he holds the office through that influence. Will you have him notified *most positively* that if such is the case, or if he after this pays any one anything, except for legitimate services, it will be regarded as good grounds for his removal ?

Very respectfully,

U. S. GRANT, JR.

Hon. Z. CHANDLER,  
*Secretary of the Interior.*

On the same date, (March 13,) I wrote this letter to Clements :

DEPARTMENT OF THE INTERIOR,  
Washington, March 13, 1876.

SIR : I am informed that you have been paying a portion of your salary to some person rendering no service in your office, on the supposition that you hold your position through his influence.

I am unwilling to believe that such is the case, but desire from you exact information upon the subject ; and if it be true that you have paid to any person any portion of your salary for, or on account of, any supposed influence of such person, you are requested, upon receipt of this, to inform me the name of the person, and the dates and amounts of such payments.

You are also informed that if such payments be continued, or any like payment be hereafter made, it will be considered sufficient ground for your immediate dismissal.

Your early reply is respectfully requested.

I am, sir, very respectfully, your obedient servant,

Z. CHANDLER.  
*Secretary.*

JOHN T. CLEMENTS, Esq.,  
*United States Pension-Agent, Saint Joseph, Missouri.*

By the CHAIRMAN :

Q. Did you receive any reply to that letter ?—A. No, sir. Seven days after this letter was written, or on the 20th of March, I received from the Executive the following letter :

EXECUTIVE MANSION,  
Washington, March 20, 1876.

DEAR MR. SECRETARY : The President desires you to send in to-day a nomination of pension-agent for Macon, Mo., vice Colonel Clements.

If no one is sufficiently recommended, General Benjamin, a former Congressman from Macon district, now a banker in this city, would be able to name a good man.

Very respectfully,

U. S. GRANT, JR.,  
*Secretary.*

Hon. Z. CHANDLER.

The WITNESS. I had recommendations on file in the Department which were sufficient, and I did not call upon Mr. Benjamin, and sent up the name that day of a successor for Colonel Clements in accordance with that request.

After that the President (and I cannot state how long afterward) showed me this letter, which has been already read before your committee, and the original of which I have here, signed "E." with the indorsement of Mrs. Boggs upon the back of it.

By the CHAIRMAN:

Q. To whom is that letter addressed?—A. To Mrs. L. Boggs. This is the original letter. She inclosed it to the President, and on the back wrote as follows:

This is one of Ebert's missives to me. His "future course," alluded to in the last line, refers to his meditated attack upon you, in which he proposes to show the public that there was venality in Major Clements's appointment. Judge Long says that he and Colonel Easton and others can testify that it was done at their special and earnest request.

A few of my confidential friends, who have read Ebert's letters, also Judge Long and Colonel Easton, pronounce him a most contemptible and dishonorable man.

Excuse the careless appearance of my letter. I would write it over, but am anxious to get it off to you to-night. It may be important to you to know what the man is doing, or rather threatening to do.

He seems to be in a rage because his name was withdrawn, again being put in, and accuses me of being the cause, when I did not even know it until it was all over.

L. B.

The WITNESS. As I have stated, that is an indorsement upon the following letter, which I will now read:

(Copy of printed heading.)

J. R. WINCHELL, *President*.  
G. B. HERENDEN, *Secretary*.

W. C. EBERT, *Vice-President*.  
M. L. PIERSON, *Treasurer*.

THE WINCHELL AND EBERT PRINTING AND LITHOGRAPHING COMPANY,

Lithographers, printers, binders, blank-book manufacturers, and dealers in miscellaneous books, stationery, and legal and commercial blanks. Publishers of the Hannibal Daily and Weekly Courier.

(Copy of letter.)

HANNIBAL, MO., March 11, 1876.

Mrs. L. BOGGS, corner Sixteenth and Pine streets, Saint Louis, Mo.:

MADAM: In our interview I did not say all I desired for want of time, and because the subject was unpleasant to you and embarrassing to me. I only gave you a *partial outline of the situation and the remedy*. I was not at liberty to say more. I will now, however, say that a particular and influential friend of mine will visit Washington next week, and if you incline to remove all hindrances, the *responsibility* for the change can be attributed to him."

This course, I think, will *quiet* all investigation, and prevent any complication of the *President* and a certain *high officer* of the *Government* in our own city, (with whose participation in your interest I am fully acquainted,) as well as *your own good name from serious complications*.

The President is considering my appointment; his mind *may* be made up by the time my friend reaches Washington. *If you think it will*, please answer whether my friend shall call on the President or not. Please answer yes or no, as you think best. My future course depends entirely upon your answer.

E.

I should hear from you on Monday or Tuesday at farthest.

The WITNESS. Mrs. Boggs was an applicant for the office, and the President declined appointing her because she was a woman. Afterward, some lady was appointed to some position in Chicago, (whose name I forget,) and the application for Mrs. Boggs was renewed, and an indorsement put

on it, requesting me to give her a clerkship or something of that kind. The first intimation that the Interior Department or the President had that she was receiving compensation, except as a clerk, came at that time.

Q. "At that time" refers to the date of this letter, March 13?—A. Yes, sir.

DEPARTMENT OF THE INTERIOR,  
*Washington, May 1, 1876.*

SIR: Referring to the inquiry addressed to me while before your committee on the 29th ultimo, relative to the nomination of W. C. Ebert to be pension agent at Saint Joseph, Mo., I have now to inform you that the nomination of Mr. Ebert was sent to the Senate on the 17th day of January last.

Very respectfully, your obedient servant,

Z. CHANDLER,  
*Secretary.*

Hon. J. M. GLOVER,  
*Chairman, &c., House of Representatives.*

APRIL 22, 1876.

JOHN T. CLEMENTS sworn and examined.

By the CHAIRMAN:

Question. Where is your residence?—Answer. Saint Joseph, Mo.

Q. And your occupation?—A. United States pension-agent.

Q. You understand the object for which you have been subpoenaed here. The committee would like you to make a statement as to your knowledge of the matter under investigation, as to what connection Mrs. Boggs has with the pension-agency and her compensation, &c.—A. I understand the object for which I have been subpoenaed. I had been United States pension-agent up to 1870—

Q. When were you first appointed?—A. I was first appointed pension-agent in 1865 for the State of Missouri. There had never been but one agency in the State up to that time. The State was then divided so as to make two agencies, the northern part being made for me by Mr. Lincoln. I had been a friend of Mr. Lincoln's. I held the office until August, 1866, and was removed by Mr. Johnson, on account of my favoring the Freedmen's Bureau bill and those other kindred measures at that time. The Senate refused to confirm any successor, and in 1867 I was re-appointed by Mr. Johnson, in April, on the last day of the extra session of Congress held at that time. I held the office until January of 1871. I was removed by President Grant, on account of favoring the enfranchisement of the disfranchised in my State. I had taken a position in favor of the enfranchisement of the colored people in 1866, and lost by it, and in favor of the enfranchisement of the white people in 1870, and lost by that. Mr. Ebert was appointed my successor, and held the office until January, 1875. I, in December, 1874, was appointed and confirmed by the Senate, but his four years did not expire until January, 1875, and on the 21st January of that year I took possession of the office again.

By the CHAIRMAN:

Q. Have you any knowledge of any arrangement of any kind between Mrs. Boggs and Mr. Ebert to retain that office?—A. I know of none whatever.

Q. You have no personal knowledge of anything of that sort?—A. No,

sir; I have no personal knowledge of anything of that sort. In 1873, I invested everything I had in the North Missouri Insurance Company, and, that company failing, I determined to try and get my old office back, for I ought to have had it anyhow. I lost it in a good cause, and ought to have it back, and I went to work and got every member of the senate and of the house of representatives of the State of Missouri who were republicans to indorse me for the position, and nearly every prominent man besides in the State. I at that time obtained the knowledge—I do not know how—that Mrs. Boggs had a daughter living at Macon, (now Mrs. Brown.) She was living then with her uncle and aunt, Rev. J. P. Nolan, of the Southern Methodist Church there. I understood that Mrs. Boggs had been trying to secure a clerkship under Mr. Ebert, and I had got all these indorsements I have referred to, and I said to myself, “If she wants a clerkship—she may have some influence with the President, (she may or may not)—I can give her one.” I had known her some time and had known her daughter formerly and my wife had known her. They were very nice people. I wrote her in regard to the matter, and told her I was going to Washington, and that if I could serve her in any way I would do so with pleasure. She had asked me to call on my way to Washington. At any rate, I did call at her house. She was teaching Mrs. Cuthbert’s school in Saint Louis. I told her whom I had to indorse me, &c., and told her that I had been appointed two years prior, which I had in 1873, but, Mr. Ebert’s term not having expired, my nomination was withdrawn. It had been sent to the Senate two years before, but Colonel Benjamin had it withdrawn because of Mr. Ebert’s term not having expired. Therefore I had been expecting this all the way through. In the course of conversation, if I remember correctly, she mentioned this matter of having made an application to Mr. Ebert for a clerkship, and I told her that if I obtained the position, she should have a clerkship under me and I would give her a hundred dollars a month. When I returned from Washington with the appointment, she told me she was in the school there, and all that sort of thing, and I said to her, “Mrs. Boggs, this is a matter that comes out of my own pocket, and does not come out of the Government funds nor out of any pensioner or anything of that sort. If you do not do a great deal of work in the office, it does not make any difference to me, I am going to have my private clerk anyhow, and I prefer to have a gentleman, and I suppose it does not make any difference to you whether you perform the duties or not so long as you have the salary.” She said it did not.

By Mr. NEW:

Q. What further conversation was there between you and her at her house before you went to Washington?—A. I cannot remember the conversation, but that was about the substance of it.

Q. What, if anything, was done by her?—A. She never did anything for me, I am pretty sure, though she gave me a letter of introduction to the President.

Q. Did you read the letter?—A. I do not remember that I read it; I did not even deliver it, if I remember correctly.

Q. She gave you a letter of introduction to the President?—A. Yes, sir.

Q. You do not remember whether you read it or not?—A. I do not remember whether I read it or not.

Q. Do you know from anything she said what the contents of the letter was?—A. I could not tell you.

Q. Did you bring the letter to Washington with you ?—A. Yes; I am pretty sure I did.

Q. What did you do with the letter after you got here ?—A. I cannot tell you; I do not really remember. If I did anything with it I must have given it to Mr. Price, the door-keeper, because I never presented it to the President.

Q. Did you part with the letter while you were here ?—A. I cannot tell you what became of it.

Q. Did you take it back with you to Missouri when you went back ?—A. I do not recollect about that.

Q. State your best recollection as to what you did with the letter here.—A. My best recollection is, though I could not tell you really, that I gave it to Mr. Price at the President's door.

Q. Who was Mr. Price ?—A. The President's usher, the door-keeper.

Q. How long were you in Washington at that time ?—A. I think I was here about a week.

Q. Did you see the President while here ?—A. Yes.

Q. Did you talk to him about your appointment ?—A. Yes.

Q. What conversation took place between you and him on the subject of your appointment ?—A. I called in to see the President on Friday morning, the 17th of December, I am pretty sure it was.

Q. On what day in the week did you come here ?—A. I think I got here on the morning of the 7th of December; that was Monday.

Q. Was it the next Friday you saw the President first ?—A. I am not certain, but I remember that when I saw him it was Friday; it was a Cabinet day; it was either a Friday or a Tuesday.

Q. That was the first day that you saw him after you got here ?—A. That was.

Q. Did you have more than one conversation with him after you got here ?—A. No, sir.

Q. What conversation did you have with him then ?—A. I told him why I came here.

Q. What did you say ?—A. I told him I came to make application for the office of pension-agent, and called his attention to the fact that he had appointed me once before and that my name had been withdrawn. The nomination had been made out; I do not know whether it went to the Senate or not, but it was withdrawn.

Q. What occurred between you and him? What was said ?—A. He asked me what indorsements I had. I mentioned that I had every prominent republican in the State, with all the members of the senate and all the representatives who were republicans, and he said that was "pretty good indorsement," or something to that effect.

Q. What conversation, if any, occurred at that time between you and him about Mrs. Boggs ?—A. Mrs. Boggs's name was never mentioned between me and the President in the world; not a word, nor a line, nor a syllable ever passed between us about Mrs. Boggs.

Q. What further conversation was there between you and him ?—A. I think I was there probably ten or fifteen minutes, not to exceed that time. I do not know that I was so long.

By the CHAIRMAN:

Q. Did the President show you a letter from Mrs. Boggs ?—A. No, sir; he never showed me any letter from Mrs. Boggs.

Q. How long after that was it before you got your appointment ?—A. I got my appointment that very day. The President looked at the clock before I left the room, and said, "Mr. Delano will be here in about

twenty minutes; this is Cabinet day, and I will tell him that he may make this appointment." Mr. Delano had always privately wanted to appoint me.

Q. Where did you see Price at the President's mansion?—A. At the door; nowhere else.

Q. You then handed him the letter?—A. I think I did; I do not know for certain.

Q. How long after that did you see the President?—A. Just as soon as those who were ahead of me passed out. I think I staid there probably half an hour.

Q. Before you saw him?—A. Yes.

Q. You do not know of your own personal knowledge whether Price had delivered your letter to the President in the mean time before you saw the President?—A. I do not know. I could not really tell you whether I delivered that letter to Mr. Price or not. I certainly did not deliver it to the President.

Q. I understand you to say that your best recollection is that you gave it to Price?—A. Yes; that is my best recollection.

Q. The letter was not returned to you?—A. No, sir. On reflection, I think differently about this matter; I think I called at the President's mansion—in fact, I know I did—two or three times before I saw him, and I gave the letter to Mr. Price, I think, two or three days, or maybe a week, before I saw the President. That is my impression about it now.

By Mr. PRATT:

Q. I understand you to say that you called two or three times at the house before you saw the President?—A. Yes. I got here on the 7th and did not get away till the 24th.

By Mr. NEW:

Q. And you gave Price the letter the first day you called?—A. Yes; that is my impression, that I did so. When I delivered the letter, as I say, I saw the President. He said the Cabinet would be coming in in about twenty minutes, and he would have Mr. Delano make the appointment. After the appointment was made, I went to Senator Schurz and Senator Bogy, and told them that my name was sent in, and that I wanted the confirmation. The matter hung in the Senate one or two days. I saw Judge McDill, and told him that I wanted him to go and see his friend Allison, on the committee, about it; and, if I remember right, I came to Judge Glover here, [meaning Mr. Glover, the chairman of the committee,] and told him that I wanted him to see some of the Senators in regard to it. I went to see whoever I knew in Congress, and asked them to see any friend whom they had in the Senate. I wanted to get home for Christmas time with my family. After I was confirmed, I filed my bond and went home and went to work.

By Mr. NEW:

Q. Had you any personal acquaintance with the President before you met him and had the conversation with him?—A. I had met him at various times.

Q. He knew you personally?—A. Yes; I have met him in my own town, Macon.

Q. Tell the committee what transpired after you went back to Missouri.—A. I opened my office there as soon as the time came for me to take possession of the office, and appointed a clerk.

By the CHAIRMAN:

Q. Did you see Mrs. Boggs on your way home from Washington?—A.

My impression is that I called. But I could not say positively whether I called at her house or not; my impression is that I called at her house, and talked with her, because it would be natural that I should do so, being in the same city.

By Mr. NEW:

Q. What is your best recollection of what you said to her when you called?—A. I could not tell you; I do not remember.

Q. Have you no recollection as to the subject upon which you conversed?—A. No, sir; I do not remember, really; I got to Saint Louis on Christmas morning, which was on Friday. I had remained in Washington while this matter was pending in the Senate, and while I was here I was having my old accounts settled up; my old accounts had never been fully settled up. I got a full settlement of my accounts at that time, and my recollection is that I called on Saturday at Mrs. Boggs's house, the day after Christmas, but I am not certain.

Q. You say you cannot remember upon what subject you conversed?—A. No, sir; I cannot remember on what subject we conversed. I remember that at one interview, either that time or a short time afterward, she told me that Mr. Ebert had made some very strong charges against me, and that I could not be confirmed by the Senate because my accounts as pension-agent prior were not correct.

Q. You do not remember whether that was in that conversation?—A. It was either in that one or the one after that.

Q. Do you not remember whether or not you told her that you had your appointment?—A. I think likely I did, if I stopped at her house.

Q. What is your best recollection as to whether you did stop there or not?—A. I cannot tell you positively whether I called at her house or not. I remember it was Christmas, and we were having a good time.

By the CHAIRMAN:

Q. You finally came to an agreement with her about her compensation?—A. Yes.

Q. When did that take place?—A. The time I was on my way to Washington I saw her at her house, and told her if I could get the appointment I would give her a compensation, as clerk, at \$100 a month; and my impression is that I told her, either then or at my next visit to Saint Louis, that it would not make any difference to her whether she performed the duties or not.

Q. You did pay her?—A. I paid her.

Q. When did the payments commence?—A. I never had any time for paying her. She would ask me for some money, and I would give it to her.

Q. Her payments commenced from the time you took the office?—A. Yes.

Q. At the rate mentioned?—A. Yes, until January last, and I then saw her in Saint Louis, and told her I was going to move to Saint Joseph along about the 15th or 20th, or somewhere about that time, and that my expenses were going to be heavy, &c., and that I did not feel like continuing the payments unless she could perform the duties as clerk, and that unless she meant to come to Saint Joseph and perform the duties as clerk I could not afford to pay her; that I had in good faith done what I said I would do in the beginning.

By Mr. NEW:

Q. How much money had you paid her up to that time?—A. I can-

not exactly tell, but I think it was just about at the rate of \$100 a month.

Q. How many hundred dollars do you think you have paid her?—A. I was trying to think of it to-night. I have paid her about \$1,000. That is my memory.

Q. What was said between you and her about your removal to Saint Joseph; what reply did she make?—A. She acquiesced to an extent in what I said.

Q. What did she say; do you remember?—A. I cannot tell what she said. I did not pay much attention to it, only I told her those were the circumstances of the case.

Q. Do you remember whether this was after the Belknap trouble began or not?—A. No, sir; it was long before that, because I did not hear of the Belknap case until, if I remember rightly, in February.

Q. The next month, you mean?—A. Yes.

By the CHAIRMAN:

Q. What time did you move to Saint Joseph?—A. The 1st day of February, but I had been there before, and had purchased an interest in the Saint Joseph Herald, and had written to the Department asking for a transmission of the agency, and I believe the order for the transmission of the agency was made on the 11th of February.

By Mr. NEW:

Q. Did you see her in February and talk with her?—A. I do not remember.

Q. When did you have your last interview with her before coming here?—A. The last interview I had with her before coming here was on Sunday, if I remember correctly, the 19th of March.

Q. Had you seen her between that date and the time in January of which you have spoken, when you saw her and had the conversation with her about moving to Saint Joseph?—A. I do not remember having seen her between those two dates.

Q. Where did you see her in March?—A. At the school-house where she was teaching, in Saint Louis. I was then on my way to Jefferson City to prosecute a couple of parties who had been swindling pensioners.

Q. Did you have conversation with her about the pension-agency?—A. Yes.

Q. As I understand you, in the conversation you had with her in January, in which you said you could not afford, or was not inclined, to pay her any more unless she could go to Saint Joseph and discharge the duties of clerk, as you understood it, she seemed to acquiesce in that, did she?—A. Yes; she acquiesced in it, as near as I can remember.

Q. What was that in connection with the pension-agency that made it necessary to talk with her on that subject again in March?—A. I received a letter from the Secretary of the Interior, stating that charges had been preferred against me; that I was paying somebody for their influence in putting me in office, or holding me there, and that the President had notified him that such report had come to him, and that I must give an account of it, to let the President know whether any such thing as that had occurred.

Q. Now, what conversation took place between you and her?—A. At that time, I said to her, just about this: said I, "Mrs. Boggs, how did a matter of this kind ever come to the ears of any one, an arrangement that I made with you which was entirely private, and I have made it a rule to inform no one at all in regard to this matter, hardly allowed my own clerk to know it?"

Q. What reply did she make to what you said ?—A. She said she had been very particularly careful in what she had said, and had never mentioned it, but that Mr. Ebert had been writing to her, intimating that he knew that such was the case.

Q. You say you got a letter from the Secretary of the Interior ?—A. From the Secretary of the Interior, Mr. Chandler.

Q. Have you got that letter with you ?—A. No, sir.

Q. Where is it ?—A. It is at home.

Q. Will you be kind enough to send it to the committee for the purpose of attaching it to your evidence ?—A. I will, sir.

By the CHAIRMAN :

Q. Mr. Chandler informed you by letter that the President had said he had heard of those things and wanted you to account for them ?—A. Yes.

Q. Was not the President aware that Mrs. Boggs was a beneficiary ?—A. If he was he never allowed me to know it, because he never said anything to me directly or indirectly about it—never mentioned her name to me directly or indirectly.

Q. Have you any reason to think that he knew of it ?—A. Well, I have an idea that he did, but I could not say that he did positively.

Q. Did Mrs. Boggs tell you that he did know of it ?—A. She told me that the President knew that my appointment was going to be a benefit or friendship to her; but further than that she did not tell me anything more. I had no other knowledge than the statement she had made.

Q. Have you had any interview with the President about this matter ?—A. No, sir.

Q. He did not send for you to make an explanation to him ?—A. No, sir.

Q. Did you have an interview with Mr. Chandler about it ?—A. I did. Not in regard to this matter, but when Mr. Arnholt's name was sent in for the pension-agency I came to Washington and called on Mr. Chandler.

Q. When was that ?—A. About three weeks ago.

Q. And you have been here continuously since ?—A. No, sir. I left Saint Joseph on Friday, the 23d, I think, of March, but afterward went home and returned here on last Tuesday. I saw Mr. Chandler and told him I thought it was very wrong, this removal of myself. Mr. Ebert's name had been sent in in January, 1876.

Q. Was that with the approval of the President ?—A. I suppose so.

Q. It is usual for the President to make the nomination ?—A. Certainly; he makes the nomination. Mr. Ebert's name was sent in in January, and I came on here then and saw the President and straightened up everything that there was against me, and he said that that was the end of it, and that I would hear no more in regard to it.

Q. Was that after the letter you got from the Secretary of the Interior ?—A. No, sir; that was prior. Then, after I returned home, I found by the papers that Arnholt's name was sent in. I came on here again, and I said to Mr. Chandler, "I think it is very strange on the part of yourself and the President, this action with regard to myself." Said I, "I did not come here 'to bend the supple hinges' at all, but I came here to know the causes of my removal;" and I said, "Are there any charges against me?" He says, "No charges at all." Said I, "Are there any reasons alleged for my removal?" He says, "No reasons." Said I, "It is very strange. I am the only pension-agent in the State of Missouri who, on the settlement of his accounts, has shown a clear state-

ment. I have always come out straight and have never done anything wrong, and I do not think it is right to remove me without charges or some reason being assigned."

Q. The conversation you had with Mrs. Boggs, about your going to Saint Joseph, occurred before the nomination of Arnholt?—A. Yes.

By Mr. NEW :

Q. And before Ebert's, also?—A. No; I think not; I think it was after Ebert's name had been withdrawn that I had this conversation.

Q. Have you any copies at home of letters that you sent to Mrs. Boggs?—A. No, sir; I have not.

Q. Have you any letters at home that you received from her?—A. I may have, possibly.

Q. Did you receive any letters from her?—A. Yes, sir; she would write to me, for instance, if she wanted some money, that she had an obligation to meet at a certain time, asking if I could not let her have some money.

Q. Have you any recollection of having destroyed any of those letters or returned any of them to her?—A. I never returned any of them to her. I am very strange in regard to my letters. I destroy all my letters after I get through with them.

Q. Have you any recollection of having destroyed any of her letters to you?—A. O, yes; I have destroyed all the letters I ever got from her, probably—tore them up and put them in the stove, perhaps.

Q. Your best recollection is that you have destroyed every letter that you have received from her?—A. Yes; I think I have; that was my intention, at any rate. I may possibly have left some in my desk, but I do not remember of leaving any.

Q. Did you write her any letters?—A. I would always answer her letter.

Q. You did not preserve any copies of those letters you wrote to her?—A. No, sir.

Q. Were any letters that you sent to her returned by her to you?—A. To the best of my knowledge, I never had a letter returned that I ever wrote her. That is my impression; if I did, I do not remember it. She may have sent me some letters back, but if she did, I do not remember having received any.

By Mr. PRATT :

Q. You were detailing this conversation with the Secretary of the Interior when you were interrupted. I would like to have you complete that.—A. I had completed that. He said that there were no charges; said I, "I would like to have the matter investigated." He says, "We are not making investigations."

By the CHAIRMAN :

Q. What is the status of things now; do you understand that this gentleman's name is still pending?—A. Yes; still pending in the Senate.

Q. Is the President still urging the nomination?—A. I do not know whether he is urging it or not. I have been urging him to withdraw it, but I have not succeeded so far.

Q. Have you seen the President since you came?—A. No, sir; I have not seen him. I have felt a little indignant about the matter, because I thought I had been rather badly treated about the matter, and I did not feel as if I ought to go around, as though I were begging for the place, so I did not go to see the President. I went up on Wednesday,

I think, of this week, and sent in my card; but there were about forty or fifty others there ahead of me, and I did not get in to see him.

By Mr. PRATT:

Q. At the time you had this conversation with Mrs. Boggs, in Saint Louis, on the 19th of March, in regard to the letter of the Secretary of the Interior, stating that charges had been made, do you remember whether there was anything said in that conversation about the Belknap exposure?—A. My impression is that, in connection with that matter, I showed her the letter from the Secretary of the Interior, and I think I mentioned the Belknap exposure. I do not know but I suggested to her, "Here is another Belknap affair," or something to that effect, and she remarked that there was nothing of that kind in a matter of this sort; that the matter between us was a very different matter entirely; that there were no soldiers being swindled by this arrangement; that it was money out of my own pocket I had given her, and I said, "I understand that entirely," that there was no Belknap affair in this matter or I would not have gone into it.

Q. But I understand that before that the payment to her was discontinued?—A. Well, I never paid her since the 14th or 15th of December.

Q. And when you made the arrangement to discontinue these payments, the only reason assigned was that you were going to move the office to Saint Joseph?—A. Yes; and that my expenses were going to be heavy. I did remark to her this much, that the President had removed me, and had put in Mr. Ebert. He had, at that time, nominated Mr. Ebert, though his name was withdrawn.

Q. All the money you paid Mrs. Boggs you paid out of your own pocket?—A. Yes, sir; out of my own pocket.

Q. Was she ever on the rolls of the office?—A. No, sir; never on the rolls of the office.

Q. Did she ever draw any public salary?—A. Never any public salary; all the money I gave her was out of my own pocket. The pension agent has to pay all his expenses out of his own salary; he has to pay his clerks and to pay for his lights, and his rent and everything.

Q. Nothing is allowed him?—A. We get twenty-five cents under the law for every payment that is made. The maximum salary is \$4,000, and then we get twenty-five cents for every payment made, to cover all incidental expenses.

By the CHAIRMAN:

Q. What is the number of pensioners on your roll?—A. I have about 3,000.

Q. What are your aggregate receipts, salary and allowances of every kind?—A. Salary, fees, and everything amount to about \$6,500. Out of that I pay my own rent, light, fuel, and stamps. My postage-stamps cost me about \$600 a year. Everything I send to a pensioner has, of course, to be stamped.

By Mr. NEW:

Q. Have you a memorandum or anything with you from which you can refresh your recollection as to how much you paid to her or when?—A. No, sir; I had no idea that this thing was coming up until this morning.

Q. State whether it was or not a fact that you paid her quarterly.—A. No, sir; I did not pay her quarterly.

Q. Was it or not the understanding between you and her that you

were to pay her quarterly?—A. I told her, when I came back to Saint Louis, that it would be more convenient for me to pay her quarterly.

Q. That is, after you got your appointment?—A. Yes; pretty soon after that, I said that it would be more convenient because my salary would be quarterly.

Q. You say now that you told her that when you called on her after you returned from Washington with your appointment?—A. Yes.

Q. It was either then or pretty soon afterward?—A. Yes.

Q. You are not sure which?—A. No.

Q. Do you remember whether your first payment to her was a quarterly payment?—A. No; it was not a quarterly payment.

Q. What was your first payment?—A. My first payment, I think, was of a fractional quarter. I came into the office on the 21st of January, and my impression is I paid her for the fractional period of the quarter, from then to the end of March, but I cannot tell.

Q. That is to say, you paid her for a quarter less the portion of the quarter that had expired before your appointment?—A. Yes.

Q. The next payment you made to her, was it a quarterly payment?—A. My impression is that it was.

Q. That would have been the second payment?—A. Yes.

Q. Was the third payment a quarterly payment?—A. I cannot tell, but I think it was; I think all the payments were quarterly payments, for I paid her as she wanted the money. She would write to me that she wanted to meet some obligation.

Q. You say the last payment was in December, 1875?—A. Yes.

Q. How much did you pay her then?—A. I think I paid her \$300.

Q. Then you must have paid her in all over \$1,000?—A. My impression is it must have been about \$1,000; somewhere about there.

Q. Was it not more than \$1,000?—A. Well, I see now that I made a mistake; my impression was that I paid her \$133 for the first payment, but it must have been \$233; that would make it about \$1,133 that I paid her.

Q. The last payment you made her you made in December, and it was a quarterly payment, because that was the time to make a quarterly payment?—A. She was in Macon at that time; had come to visit her daughter. My impression is she was there for the Christmas holidays.

Q. That would have been before the expiration of the last quarter?—A. Yes.

Q. And you think you paid her that, and that she happened to be in Macon at the time?—A. Yes, I think so. I contemplated carrying out my agreement in good faith, and believed it was all perfectly right.

By Mr. PRATT:

Q. I understand you never read that letter that Mrs. Boggs gave you; that letter of introduction to the President?—A. I do not remember of ever having read it; my impression now about it is that she rather wanted me to take this letter of introduction to the President, and that I did not care about doing it, because I told her I had met the President, and that I would go and see him, and she said, "You had better take it, as they are very often crowded there at the door, and perhaps this may facilitate your entrance to the place;" but as it turned out my impression is that I did not see the President for a week after I sent the note in.

Q. And you do not know anything about the contents of the note?—A. No, sir; I do not. I cannot tell anything about that.

Q. Do you know whether Mrs. Boggs wrote a letter to the President and sent it by mail in your behalf?—A. I do not know. I know she told me that she would write to the President, and she hoped I would get the place. She said the President was an old friend of hers and of her family.

Q. She told you distinctly that she would write to the President?—A. Yes; she told me she would.

Q. Did you say that Mrs. Boggs told you that the President knew that you were paying her?—A. No, sir. [With emphasis.] No, sir.

Q. Have you any information on that subject?—A. No, sir; I have none, and my impression was when the President removed me and put this man in instead, that he did not know it, or if he did that all he imagined was that she was a clerk of mine, because otherwise I thought he would not turn around and remove me.

Q. Mrs. Boggs never told you, then, that the President knew that she was receiving money for this thing?—A. No, sir; she never told me. I have no recollection of her ever telling me that the President knew she was receiving money from me.

Q. Have you any knowledge or information or intimation from any source that the President knew anything about it or had any knowledge then of the relation between you and Mrs. Boggs?—A. No, sir; I have never had any intimation that the President knew just exactly the relation. I had from her an intimation that the President knew I was befriending her, but *how* she never said. Of course she never went into any details with me in regard to it.

By Mr. NEW:

Q. As I understand you, you do not claim to have any positive knowledge as to whether the President did, in point of fact, have any knowledge about it?—A. No, sir; I have no positive knowledge of that kind.

By the CHAIRMAN:

Q. Do you recollect in what attitude you were in the President's office when you talked about that matter; was he sitting on one side of the table and you on the other?

The WITNESS. What matter?

The CHAIRMAN. The matter of your agency—when you came on here to see him.

The WITNESS. When I was first appointed?

The CHAIRMAN. No; but your appointment over a year ago.—A. Well, I remember very distinctly where the President sat; he sat at the end of the table. You know where he sits in his room?

The CHAIRMAN. Yes.—A. He sat at the end of the table, and I took the seat that the reporter has here, [the next seat on the right;] after I had talked with him a little bit I withdrew. I felt very pleasant at the cordial reception I had had, the cordial manner in which he received me, and I thought I would not occupy much of his time. I could see that I was going to succeed in what I came for, and I felt elated. I held my hat in my hand while we talked, and after we had talked a little while I went out.

Q. You do not recollect that he held a letter in his hand at the time you were talking to him?—A. No, sir; he did not do it.

By Mr. NEW:

Q. How long had you been in conversation with the President at that time before you discovered or learned that you were going to get the

appointment?—A. As I stated, about ten or fifteen minutes. He asked me very quickly these questions in regard to indorsements and what kind of indorsements I had, and all that sort of thing, and I told him I had every man of prominence in Missouri, and every man in the legislature of Missouri who were republicans.

Q. Did you produce those recommendations?—A. No, sir. I had at that time, though, quite a number of letters from prominent gentlemen in the State.

Q. Did he examine any of them?—A. No, sir; he did not examine any of them that I remember. I had them out, and showed him while I was sitting there.

Q. And in about ten or fifteen minutes after the conversation began he told you you would receive the appointment?—A. No; he said, looking at the clock, "Mr. Delano will be here in twenty minutes." These were his very words. I remember that distinctly. He said, "Mr. Delano will be here in twenty minutes, and I will tell him that he may make that appointment." That is just what occurred.

WASHINGTON, D. C., *April 22, 1876.*

Mrs. LOUISA BOGGS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Saint Louis, Mo.

Q. How long have you resided there?—A. Twenty years.

Q. Do you know a gentleman by the name of W. C. Ebert, of Hannibal, Mo.?—A. Yes, sir.

Q. Have you had any communication with him on the subject of the pension-agency in Missouri?—A. Yes, sir.

Q. Please state what have been the communications and what understandings you have had with him in respect to it.—A. I wrote to Mr. Ebert first, for the reason that after my husband's death I was left alone, and having a daughter and sister living in Macon, Mo., I wished to go there, and desired to get a place in his office. I wrote to him to that effect, telling him that I wished to go to Macon on account of my daughter and sister being there, and that I felt very lonely in Saint Louis. I inquired whether I could get a position in his office—a clerkship—and told him that I might be of service to him. I do not remember exactly what I did say; but he knew the substance already, as I had had one personal interview with him before. He knew of my relationship to General Grant, and that I might be of service to him, and he kept up the correspondence for a while—followed it up very closely after I first broached the subject to him. He seemed very anxious to make an arrangement with me, and he kept writing to me about it even after my letters had ceased.

Q. What was the nature of the correspondence between you and him?—A. As one instance, I will mention that he wished me to get names transferred from Colonel Easton's list to his list—"surreptitiously" is not the word; perhaps that would not describe it—but it would have that bearing. He wanted to get the names transferred from one district to another—from Colonel Easton's district to his own.

Q. How many names?—A. Eight hundred or a thousand. I am repeating it merely from my memory of the letters. He wished me to keep this proposition to myself entirely. After I received those letters, and while

considering it, as Colonel Easton was my husband's old friend of many years' standing, I went and laid the matter before him, and asked him what kind of an offer it was—whether it was honest and honorable and whether it was a kind of thing that I ought to agree to. It did not strike me that it was so, although I did not know much about such things. He said it was very dishonorable indeed, considered it very much so; and I wrote to Mr. Ebert. I do not remember exactly what I wrote him, but it was to the effect that I could not do what he wanted. I do not now remember whether I said to him that I had told Colonel Easton or not, nor whether I had had an interview with Colonel Easton. Colonel Easton was the pension-agent in Saint Louis. Mr. Ebert, as I had heard, was under obligations of some kind to General Benjamin, of Missouri, and did not dare, as I understood it, (though as to that I may be wrong,) to have any clerk that General Benjamin disapproved of. Perhaps it will be more correct to say that he felt under obligations to refer to General Benjamin before employing any clerks; and in an interview that I had with General Benjamin, though not exactly in reference to the subject, he expressed himself very strongly opposed to what Mrs. Benjamin called nepotism, and she told me that she could not give me any aid at all, stating that there had been enough of that already, referring to nepotism. Mr. Ebert said that if the President would express his pleasure at my appointment, he would give it to me. I told the President so. I said that his wish would, I thought, procure me the appointment, and he wrote a memorandum to that effect.

Q. Whom did he write to?—A. To Mr. Ebert.

Q. Did you see that letter?—A. Yes; he sent it to me to show to Mr. Ebert. I think the memorandum was, "I have known Mrs. Boggs for twenty years; I have no doubt she would make an efficient clerk in your office, and it would gratify me if you would give her the position." Mr. Ebert has since told me that that was a threat—that it was threatening an officer of the Government. However, he took it in very good part at that time, and said that it would give him very great pleasure to comply with the President's wishes, if it were not for Mr. Benjamin.

Q. Was there any expression as to what Mr. Benjamin's wish was—what was his particular opposition—was that developed?—A. No, sir; I do not think I know. I do not think I ought to say that I know, because I do not think I do know.

Q. Have you any reason to believe that his opposition was other than what was said by Mrs. Benjamin, possibly by himself, that there had been too much nepotism?—A. No, sir; I have no reason to know that it was anything else but that.

Q. What occurred between you and Mr. Ebert?—A. He kept holding me on by promises—said he thought that by the ensuing year he could arrange it. It drew on toward the time for his re-appointment, and I think he thought that I might be able to assist him in getting his re-appointment; so he gave me vague promises—I never could really know what they meant—and spoke of its being an advantage to me if I would use my influence toward procuring the re-appointment for him. At one time, however, it did become so definite as this, that he said he would give me \$50 a month.

Q. If you could procure the appointment?—A. Yes; \$50 a month for clerking in his office. I wrote back to him to say that I could not afford to take that, because, although it would be an object, of course, to be there, and write, and earn the \$50, yet, I told him that I had too many claims upon me.

Q. Did that end it entirely?—A. It did, at that time; but I think I

had a letter afterward, in which he said that if the appointment could be procured through my influence he would give half the income. Out of that half I believe my share of the clerk-hire was to come—something of that kind. I have the letter with me at the hotel.

The CHAIRMAN. We would like to see that letter, if you please.

The WITNESS. I will furnish it. The correspondence ceased when I told him that.

By Mr. NEW :

Q. Did you answer that letter?—A. I do not remember whether I answered it or not ; I presume I did. I do not really know, however, for I never kept any copies of my letters.

Q. What is your best recollection as to whether you answered it or not?—A. I do not know. I shall have to say that I cannot recollect.

Q. Did you see him afterward, and talk to him about the proposition he made in that letter, about giving you half?—A. I do not remember that either ; it is over two years ago.

By the CHAIRMAN :

Q. Did he state what the half of the salary would be?—A. Yes ; he said it would be \$2,000.

Q. Do you know what the salary of that office is?—A. No, I do not, exactly. I have been told that it was \$7,000 ; but he said to me that it was \$4,000.

By Mr. NEW :

Q. Less the clerk-hire?—A. Less the clerk-hire.

By Mr. PRATT :

Q. Do you mean to say that the salary was to be \$4,000 less the clerk-hire?—A. He said "my salary is \$4,000, and we will share it, less the clerk-hire," or something of that kind. There was something in it about the clerk-hire, anyway.

Q. I understood you to say that he stated to you that the salary was between \$6,000 and \$7,000?—A. O, no ; not at all. He told me it was \$4,000 ; but I have since understood that it was nearly twice that sum. Then there was no correspondence between us until a little more than a year ago, when he wrote me that his four years had expired, and he had made an effort, as I knew he had, to get the re-appointment, and had failed to get it, and that Major Clements had got it, and Mr. Ebert intimated that I had yielded to Major Clements's offer, instead of to his own, he supposing that as Major Clements had got the position it had been through my efforts ; but whether that was so or not—perhaps so, and perhaps not—still if I yet thought of making an arrangement with him, he thought he knew enough or could trump up enough about Major Clements to have him rejected or ejected from the office. I wrote him back that I had heard that Major Clements had not only been appointed but had given his bond and received his commission, and that I did not think it was possible for us to attempt anything of the kind. That was the last letter, I think, that I had from Mr. Ebert until about a month or five weeks ago, may be longer, in which he wrote me very offensive and threatening letters, stating that I was then connected with the office of Major Clements, and that I was liable to be indicted for it. I was very much afraid, from the way his letters were written, and I sent one of them to the President, telling him that, of course, if Mr. Ebert carried out these threats, it might result injuriously to him, and he could judge

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from those letters and from what I told him whether to meet this man with conciliation or with contempt; that I could not judge at all how it was to be met, and left it with him.

Q. What did the President say in reply?—A. He wrote back, saying, "Your letters concerning Ebert have been received, and are under consideration," and then went on to refer to some other little matters of a different nature. That was all there was in reference to that.

By Mr. NEW:

Q. You say you have at present some of these letters you have spoken of?—A. Yes; he wrote some in pencil on very thin paper, so that, as I suppose, in a little time they would be effaced and could not be read. He asked me to return them, and is quite offended that I have not returned them to him. The one I sent to the President I have a copy of.

Q. Will you furnish to the committee the copy?—A. I will, sir. The letter in which he wrote me this proposition to have the names transferred, (that seems to be the most heinous thing of all, from the comments that I have heard others make upon it, though I do not understand the matter, I suppose,) I do not know whether I have that letter or not, because I left in a hurry, and gathered up all his letters that I could put my hand on. I think I have the letter; but at any rate Judge Long and Colonel Easton can testify to the contents of the letter; Judge Long remembers exactly what it was, because he repeated to me the words of the letter a few days ago, when I was in Saint Louis.

Q. Does that dispose of all you have to say about Mr. Ebert?—A. I think it does; I do not recall anything else.

Q. Did you have any relations with Mr. Clements in connection with this office?—A. Yes.

Q. Will you state to the committee what transpired between you?—A. Mr. Clements, knowing that I had been trying to get the post-office at Macon City, Mo., that fact, I suppose, suggested to him that I might like to have some connection with the pension-agency. General Jones there had suggested to me that I might get the agency through a friend. Not knowing that there was anything nefarious in that sort of arrangement, as it has turned out there is, I readily assented to it. He said that when Mr. Ebert's time was out, as it shortly would be, it would then be the proper time to attend to it.

Q. That proposition was first suggested by General Jones?—A. Yes. When I failed to get the post-office, he says, "Never mind, Mrs. Boggs, perhaps we can get you an interest in the pension-agency, or perhaps the agency itself."

Q. State your relation to Mr. Clements in the matter, and how it happened that you and he got conferring on the subject.—A. Mr. Clements wrote me first.

By the CHAIRMAN:

Q. What are the contents of the letter?—A. That he was going to make application for the pension-agency, and that I might aid him in getting it; and, if so, that he would give me a position in the office—a lucrative one, or would give me part of the proceeds of the office in some way.

Q. Did he say how much?—A. Yes; he said that my salary should be at least \$100 a month. I was very glad to get the position, though afterward it happened that I did not go into the office to do anything. He said that I should have that much either as clerk or otherwise.

Q. Then what occurred?—A. Then I went to Judge Long and showed him the letter, and asked him if it was a proper thing to do, and he said

he thought it was. I told him I was going to write to the President. He said he was writing that very day, and he would inclose my letter with his. Judge Long is another old friend of my husband's.

Q. Did you write to the President?—A. Yes; and I told him, I think, that Major Clements's appointment would be an advantage to me.

Q. Can you state what you communicated to the President?—A. I do not remember; Judge Long may remember. I know what I stated, or rather, I think I can recall what I said in the letter I gave to Major Clements when he went to Washington. I think I said, "Major Clements visits Washington on business, the accomplishment of which will be a great advantage to me. I hope you will be able to favor his application"—something to that effect, or about that tenor. Mr. Clements was well indorsed; he had the best indorsement of his party, I believe. The President asked him, I understand, what his indorsements were, and he gave them.

By Mr. NEW:

Q. Where were you living at the time this arrangement was entered into between you and Clements?—A. In Saint Louis.

Q. Where was Mr. Clements living at the time?—A. His residence was at Macon.

Q. Have you ever lived at Macon during the time that Mr. Clements has held the agency?—A. I have only been there for a month at a time.

Q. Has it been your residence at any time since?—A. I call Macon my residence. I have interests there, although I am teaching school in Saint Louis. I go to Macon whenever I can, whenever I have a day off, or anything of that sort. I consider Macon really my residence.

Q. Have you ever discharged any duties in connection with the office since Mr. Clements has had it?—A. No, sir; I have not. Upon refreshing my recollection, I now remember that in Judge Long's office, when submitting to him a letter that I wrote to the President, I erased two or three words, and added, "Major Clements's appointment would be an advantage to me, as he will give me, or has promised me, a clerkship or its equivalent," (that is about it, I think,) "which will accomplish the great desire."

Q. Was Major Clements appointed?—A. Yes; the President knew that I had long been anxious to go to Macon and live with my sister and daughter—"that will accomplish the great desire I have long had, as you know, to go to Macon to live with my daughter and sister."

Q. Did you afterward go to Macon to live with them?—A. I did not go there to stay permanently, although, as I tell you, I have some little interests there, and I consider it my home. I consider when I am in Saint Louis teaching that I am away from home.

Q. Major Clements was appointed, you say?—A. Yes, sir; he received the appointment.

By the CHAIRMAN:

Q. What compensation has he given you?—A. He has given me at the rate that he promised until last December. He has not paid me anything since last December.

Q. What does he say about that? Why has he not paid you?—A. He had paid me quarterly before.

Q. The time has not arrived yet for the next quarterly payment, has it?—A. The time has passed; but on account of this Belknap affair, it was thought that a great deal might be made of this little matter, and

it is tacitly understood between us that it might be suspended, or that it might be altogether done away with.

Q. When did this compensation begin?—A. When he entered upon his office?

Q. When was that?—A. A year ago last January.

Q. When did this conversation occur, of which you have just spoken, as to suspending the payments?—A. That occurred a few weeks ago, in February.

Q. How did he pay you—by checks or otherwise?—A. He paid me in money. I believe I did receive one check from him, however.

Q. He came to Saint Louis to hand you the money?—A. I think it was in Macon.

Q. Did you go there regularly to receive your pay?—A. No, sir: I did not, but it just happened that I was there. As I have said, I go there whenever I can get off for a week. I went up before Christmas, in the latter part of December, and he handed me the money.

Q. He paid you at the rate of \$1,200 a year?—A. Yes; he handed me \$300 in money. The vacation began at the end of June, and in the beginning of July he paid me \$300 in money.

Q. How much has he paid you altogether?—A. He has paid me altogether \$1,100.

Q. He has not paid you fully, then?—A. He did not enter upon the duties until the latter part of January.

Q. He received his appointment in December, did he not?—A. Yes.

Q. His commission was dated in the latter part of January, and he did not enter upon his duties until then; but during this time, from the 1st of January a year ago, you continued your teaching in Saint Louis?—A. Yes.

Q. And only went to Macon as you could get off from your employment in Saint Louis?—A. Yes.

By Mr. NEW:

Q. Have you been teaching continuously since Mr. Clements got his appointment?—A. Yes, sir.

By the CHAIRMAN:

Q. The vacations you have spent at Macon?—A. Yes.

By Mr. NEW:

Q. When and where occurred between you and Mr. Clements the conversation which you say you had with him as to the suspension of the payments to you for the time being on account of the Belknap exposure?—A. In Saint Louis, on his way home from Washington.

Q. About when?—A. I think about the middle of January. I had forgotten the fact, which this letter will show, that Mr. Ebert wrote me that I was to blame for his name being withdrawn. It was sent to the Senate on the 18th, and withdrawn on the 23d, and Major Clements was re-instated. That I know nothing at all about. Major Clements has influential friends in Washington himself.

Q. Do you know it to be a fact from any source that Ebert was nominated in January?—A. It was stated in the paper that it was in January that he was nominated, and afterward Major Clements happened to be here, and through the influence of his friends and a personal interview of his own with the President, he was able to have it withdrawn.

By Mr. LEWIS:

Q. When was the last nomination?—A. It was withdrawn immediately—a few days afterward.

By Mr. NEW:

Q. State as nearly as you can the conversation that took place between yourself and Mr. Clements upon his return from Washington in January last, the conversation to which you have just referred, in which the Belknap exposure was talked of.—A. It was, that in the present state of public feeling we would have to discontinue this arrangement; that, as it was, he still believed that it was as harmless as he first believed it to be, but that mischief might be made out of it; and, on account of the phase that it might be made to have before the public, it would have to be discontinued. I said that I supposed it would.

Q. What, if anything, was said at the time as to whether the discontinuance was a temporary or a permanent one?—A. Nothing of the kind was said.

Q. It was not said whether it should be temporary or permanent?—A. No, sir.

By Mr. LEWIS:

Q. Did you have suggestions from anybody other than Mr. Clements that it would be advisable to discontinue this arrangement?—A. I do not think I had. I saw it myself as soon as I saw those things come out. I thought that a great deal might be made of this.

Q. You had no suggestion from Washington?—A. O, no, sir; not at all. I made suggestions to the party you have in your mind myself.

By Mr. NEW:

Q. What party do you refer to?—A. I would rather not say. I think I am the one that is wholly to blame in the matter. That is why I have come to Washington. I can say that for myself better than Judge Long could do it for me.

Q. Please state the name of the party to whom you refer.

The WITNESS. Cannot the gentleman (Mr. Lewis) state the party to whom he refers, and I can then state whether it is the same one or not?

Mr. LEWIS. You had better state the person to whom you refer.

The WITNESS. I had no suggestion from the President, if that is what you mean.

By Mr. NEW:

Q. Who did you make your suggestion to? You said a moment ago you made a "suggestion" to some party that Mr. Lewis had in his mind. Who was that party?—A. I suggested to several of my friends. There would be quite a list of them, if I were to mention them all. I suggested it to several.

Q. Did you make a suggestion to any of your friends who reside in Washington? If so, please give their names.

The WITNESS. Did I suggest what?

Mr. NEW. That you thought the arrangement between you and Mr. Clements had better be discontinued on account of the Belknap disclosure.

The WITNESS. Far more pure and honorable were the President's motives than mine.

Q. Will you please state the names of any persons to whom you

talked in Washington after the talk with Mr. Clements?—A. I sent Mr. Ebert's letter of threats to the President.

Q. Is there any person in Washington City to whom you stated, or with whom you communicated, to the effect that you thought that the arrangement between you and Mr. Clements had better be discontinued?—A. No, sir; there is not. I did not make use of any such language as that. I did not say "discontinued." It would be difficult to put in words just what was said.

Q. Give your best recollection of what was said, and to whom you said it or communicated it.—A. I think in my note to the President I said, "Here is a letter from Mr. Ebert threatening great harm to you and me on account of Major Clements holding this office. If his holding it is harmful, or if there is anything in what Mr. Ebert has threatened, he had better be supplanted," or some word like "supplanted." My letter was something to that effect.

Q. You have referred to something of that kind before.—A. That was all.

Q. What I now inquire of you is whether, after the conversation you had with Mr. Clements in January, upon his return from Washington, you communicated, or offered, or in any way sent word, by letter or otherwise, to any person in Washington, that you thought that the arrangement which existed, or which had existed, between you and Mr. Clements had better be discontinued?—A. No, sir; that is all I ever said. I never wrote but one letter, in which I stated, "Here is Mr. Ebert's letter making these threats," and so forth.

Q. Was that letter sent by you before or after your conversation with Mr. Clements upon his return from Washington in January?—A. I do not remember whether it was or not.

Q. What is your best recollection, if you have any recollection about that, as to whether it was before or after that conference between you and Mr. Clements?—A. I think it was after, but I am not positive.

Q. How did you send the letter?—A. I sent it by mail.

Q. You received an answer to it, such as you have already stated in your evidence?—A. Yes.

By Mr. PRATT:

Q. Do you say you sent the letter in January?—A. I think it was in January that I sent the letter.

Q. Was it after you had heard of the Belknap exposure?—A. Yes. Was not that in January?

Mr. PRATT. I think it was some time later.

The WITNESS. Well, I am only speaking from memory, and my memory is not good at all; I might make a month's difference.

Q. Had you seen the Belknap exposure in the newspapers at the time?—A. Yes.

The CHAIRMAN. That will fix the date.

The WITNESS. And I said this little matter might be made something of.

Q. Who did you say that to?—A. I do not know whether I said it to the President or not.

Q. Do you remember saying anything in your letter to the President about your business arrangements with Mr. Clements?—A. No, sir; I do not remember that I did.

Q. Do you know whether the President knew of your arrangements with Mr. Clements?—A. I think he did, from the fact of the letter.

Q. I ask whether you know, as a matter of fact, whether the Presi-

dent knew what Mr. Clements was doing for you?—A. O, no, sir; I do not.

By the CHAIRMAN:

Q. Did you ever inform the President that Mr. Clements was complying with his agreement?—A. Yes, sir. I never got any answer back. I do not know whether he received it or not.

By Mr. NEW:

Q. How you did inform him—by letter?—A. Yes.

Q. The letter was mailed, was it?—A. Yes; it was just a little note mentioning the fact, in another letter.

By Mr. PRATT:

Q. What time was that letter sent?—A. Some time during last summer.

By Mr. NEW:

Q. You say that was in a note in another letter?—A. It was added by a little note; it was not written expressly for that purpose; it was a mere line added in another letter.

Q. You may state whether or not the President has known, since the appointment of Mr. Clements, that you have been teaching in Saint Louis?—A. Yes, sir, he knew it—at least I suppose so; I suppose he knows I am in Saint Louis.

By the CHAIRMAN:

Q. This salary that you have been receiving, or this payment, from Mr. Clements, is not in consideration of any services that you have rendered as clerk?—A. It has happened to turn out that it is not. The arrangement was not defined in the beginning; it was to be paid either as salary or otherwise. I was ready at any time to take the place; and, probably, if I had gone to Macon to live I would have taken the place as clerk in his office; but he was to pay me whether I was there or not. I continued teaching in Saint Louis, because my salary, in connection with what I got from him, enabled me to do what I could not do upon the amount alone which I got from him; that is, to educate my nieces and nephew. I therefore continued teaching in that way.

By Mr. NEW:

Q. It was understood at the beginning, between yourself and Mr. Clements, that it was to be a clerkship or an equivalent?—A. Yes, sir.

By Mr. LEWIS:

Q. How long have you known the President?—A. Twenty-five years.

Q. He was a former partner of your husband?—A. Yes. The President yielded to my suggestions. I wish to say here, that I consider myself the guilty party in this whole matter; that I consider myself the party most to blame in urging the President to do this. I urged upon him such claims and recollections as no tender-hearted or kind-hearted man could resist. I was, in the first place, the widow of his dead friend.

Q. Are you any relation by blood or marriage to the President?—A. Yes; my husband and Mr. Grant were cousins. The President knew of my very long struggle in the unremunerative occupation of teaching. I have been occupied in that way for over twenty years, and he was willing to give me this aid in this way, inasmuch as the money came from no one's pocket except Mr. Clements's; no pensioner got a cent less; the Government paid not a cent more; and not a cent ever went in the

President's pocket. Mr. Clements gave me this money out of his own salary; and, with his own salary, after it went into his pocket, I supposed he was at liberty to do what he pleased. That was the erroneous supposition under which I acted.

By Mr. NEW:

Q. Have you any other letter in your possession here or at home, received from any source, relating to the matter about which you have testified, other than the letter already named by you?

The WITNESS. Do you mean other than Mr. Ebert's letter?

Mr. NEW. I am not sure but that you have spoken of letters received by you from Mr. Clements.—A. I think I have; I never kept all the letters, but I think I have. I did not look for his letters at this time. I have not looked at them for a long time.

Q. Be good enough to listen carefully to my question. You have in your testimony referred to certain letters that you have here with you, and certain others that you may have at home; and I think you have spoken of certain letters received by you from Ebert and some from Clements. Now, I ask you whether you have in your possession here or at home, or under your control anywhere, letters other than those which you have referred to, received from any person, no matter whom, and relating to the matter about which you have testified?—A. Yes; I think I have; I am almost sure that I have some letters.

Q. From whom are those letters?—A. From Major Clements.

Q. Any others?—A. I have not any others.

Q. The Ebert and the Clements letters, you think, are all you have?—A. Yes.

Q. And you will furnish us with those you have in Washington; and, when you go home, those you will find you will send to us?—A. Yes.

Q. Have you a copy here of a letter that you wrote to the President?—A. No, sir; but a letter which Mr. Ebert wrote to me, and which I forwarded to the President.

Q. You will furnish us with that copy, also?—A. Yes, sir.

By the CHAIRMAN:

Q. Do I understand you that Ebert wrote to the President?—A. No, sir; but he wrote to me, and I sent the letter to the President; that is, sent Mr. Ebert's original letter to the President, and I retained the copy of it. I would like to say here what I had meant to say in another part of the testimony, but was interrupted, that I made a very strong appeal to the President in this matter, as I have said before—such an appeal as no kind-hearted man could resist—and I consider myself much more to blame than any one else in doing that. I appealed to him from this point of view, that I was the person who took care of his little children while he (the President) was fighting for his country. I nourished his little boy Fred through a long and severe illness, when he (Fred) had just returned from Vicksburgh, having been with his father, as you know, through the siege. He was then but a boy, and was run down with camp dysentery, and had a very severe attack through the winter. I nursed him through long nights of sickness, giving him his medicine every hour, and, when my night's watch was over, went to my school in the morning at 9 o'clock, and did that for a week, until his mother came. He was six weeks very ill, indeed, and needed very close attention, and I suppose any of you gentlemen would have felt like doing as the President did under similar circumstances.

By Mr. PRATT :

Q. You called the President's attention to all these things, did you?—  
A. I did. Well, I could not say that I called his attention particularly, in detail, to all these matters, but, of course, he knew as well as I could tell him.

The following letters were handed in by the witness, in compliance with the request of the committee :

[Confidential.]

UNITED STATES PENSION OFFICE, MACON, MO.,

December 8, 1873.

DEAR MADAM: Your letter of the 29th received. My absence has caused some delay in answering. I can assure you that the President's wishes would be my pleasure; and the slightest intimation from him that it would be a pleasure to him to give you a place, and that he would remember when the pressure comes for my removal, (which is again on foot,) would be all the guarantee I would require. Your compensation would be liberal and commensurate with the services rendered. If you desire to lend a helping hand, now is the opportunity, as another raid is about to be made, by whom I do not know. It is on account of my clerk. I have decided to remove him at once, and your appointment may come much sooner than anticipated by either of us. I shall be compelled to have two in place of one, if I still remain in my place. The chance for you to save something for the future is now open. Can you secure it? Answer at Hannibal.

Yours, truly,

WM. C. EBERT.

Mrs. LOUISA BOGGS,  
*Saint Louis, Mo.*

The above letter is indorsed on the back as follows :

I have no doubt but Mrs. Boggs, whom I have known for many years, would make a most efficient clerk in the Macon pension office.

Dec. 23, 1873.

U. S. GRANT.

The following additional indorsement is found in pencil under the first indorsement :

The above is the threat referred to in one of Mr. Ebert's letters.

L. B.

[United States pension office, Wm. C. Ebert, agent.]

[Confidential.]

MACON, GA., Dec. 17, 1873.

Mrs. LOUISA BOGGS, *Washington, D. C. :*

Yours of the 13th just to hand, and contents noted. It is so entirely at variance with the one received a few days prior, that I am at a loss to know how to answer. Owing to the "political shysters" (not a very elegant word, but more expressive than any other) of Macon, who "howl" for my place, and can find no other reason for my removal, and have so annoyed General Benjamin in regard to my "rebel" clerk that he has requested me to remove him, and I have so done, to take effect January 1. This is not in accordance with the "civil-service reform" by any means, and I believe that is something which the President prides himself on—the best officials that can be obtained; neither is it in accordance with the wishes of any who do business with this office, unless it be those who desire my place, and not his. A better or more competent clerk never filled a position of trust than is Mr. Howe, and that I, or any other officer of the Government, should be annoyed or threatened with decapitation for employing the most competent help in their power, because that help is not of their political persuasion, smacks a little too much of that spirit that controlled the old dominant party, the "rule or ruin," that has, I trust forever, passed away. The same "howl" would follow me from "early dawn to dewy eve," should I dare to employ you as an assistant in this office. First, that you was a rebel; and second, that you was forty-fifth cousin to the President. While these things are of no significance in point of political effect, at home or abroad, still they are the foundations upon which two or three designing villains do, can, and will build a full-grown political scare-crow, but which in point of fact will not influence a single vote against the republican party, of which the President is the great central head, and we "office-holders" his subjects, to whom his smile or his frown is official life or death.

The President's referee here is General Benjamin, to whom all applications for appointments is referred; and as he is true and tried to the best interests of the service, it would not be policy on the part of the administration to ignore his wishes or recommendations; and should I fail of retaining his influence, or what would be still more certain official death, get his ill-will from any cause, and he should recommend a successor, the President would doubtless comply with his recommendations without delay or investigation, because he has confidence in the judgment of Mr. Benjamin, and taking it for granted that a change would not be recommended unless for *good* cause.

I have thus been somewhat minute in detailing the situation here, that you may fully know how I am situated in regard to making you a definite proposition. I have employed Mr. John M. Wilson, a thorough republican, in the place of Mr. Howe, and should there be any other change now looking to a place in the office for you, I think it would be attended with danger to me and certain defeat of my re-appointment. There can be but two ways that I can now think of in regard to the matter: one would be for you to obtain the indorsement of Mr. Benjamin for the place, or await the expiration of my present term, and then I would, if you procured my re-appointment, divide the salary by two, and give you and Mr. Howe one-half, or \$2,000, for your proportion, or in consideration of services rendered and from the performing the labors of the office, most of which could be done by Mr. Howe himself. If you desire employment after your engagement in the seminary is filled, say to commence September 4, and the political situation will permit, I will, at that date, give you the place formerly filled by Mrs. Harrison, and it would give you employment, with a moderate compensation, until such time as our new arrangement went into effect, if you procure the personal interest in yourself from the President that you hope to do, and his assurance such as he gave in person last March when I visited him, namely, to "go home and rest easy, he would protect me." I do not think he will be "scared" into a repudiation of his promise by any little breeze that might chance to rise, or be set in motion by disappointed office-holders. Hoping this will be satisfactory to you. and that your success will equal your expectations,

I remain yours, truly,

WM. C. EBERT.

UNITED STATES PENSION-OFFICE,  
*Macon, Mo., November 19, 1874.*

DEAR MADAM: There will be a determined effort made by Jones, Caswell, and Clements to get the pension-agency for "Jones," and, if not for him, for any one of their cliques to defeat me. I shall want all your personal influence and friendship. Will you be free to give them? Will you also be free to use such personal efforts as in your judgment may be best calculated to defeat *their* scheme? You can reach the President by a personal letter that will explain the situation more fully, and make my defense more satisfactory, than I could myself. If you will so interest yourself, I will come down at once and see you, and give you more details as to what course we can pursue that would be likely to secure all the objects sought to be obtained than I can by letter. Please advise me as fully as possible by return mail whether your friendship will prompt me, while we are at the same time dealing a blow at those who first struck you in order that they might profit by your defeat.

I believe you understand me fully in regard to the place you once desired in the pension-office. Let me hear from you at Hannibal by return mail, and I will come down at once if desirable.

Yours, very truly,

WM. C. EBERT.

Mrs. LOUISA BOGGS, No. 1409.

[United States Pension-Office, Wm. C. Ebert, agent.]

[The word "Macon" erased.]  
HANNIBAL, MO., *November 24, 1874.*

DEAR MADAM: Your favor of the 22d to hand, and contents noted. I infer from your letter that you will be a candidate for the pension agency yourself. While this is surprising to me after your letter a few days ago, telling me of your willingness to help me secure the re-appointment, there is nothing, however, but fairness in your letter. At the expiration of my term of office, it is fair for any person to use all honorable means to secure the appointment. I do not hesitate to say to you that if I am to be beheaded, that I would sooner see you succeed me than any other person among the candidates. Your treatment of me in all our varied trials has been fair and honorable, and I have endeavored to be a true friend to you. If I have seemed to hesitate to agree to your wishes as promptly as you might desire,

it was for fear of local difficulties, and not out of disrespect for you or the wishes of the President. I trust that neither you nor he feels so. If such is the feeling of U. S. G., I hope you will do me the justice to place me right in his mind, whether I am to be re-appointed or not.

In view of the annoyance of giving a bond for \$150,000, beside the responsibility of the office, cannot we make some arrangement that will save you this annoyance, and at the same time be satisfactory to you, and thereby enable us to double our influence and secure the appointment? There will be an effort made to remove the office to Kansas City, and appoint an agent from there; and I learn that the effort will likely succeed, unless something is done to stop it. If you can join me in a united effort for a re-appointment, and will go to Washington with me, or if you cannot do so, and think it best that I should go, in order to defeat the removal scheme and secure the other, I will do so. With your help I can get the place. If we divide our strength both may fail. Will you think the matter over a little more, and let me have a personal talk over the situation before you make any further move? I will come down and see you if you so desire, and I think something can be arranged that will be satisfactory to us both, and at the same time a programme made that will defeat the well-laid plans of "Jones, Clements, and Caswell."

Yours, very truly,

W. C. EBERT.

Mrs. LOUISA BOGGS,  
No. 1409 Chestnut Street, Saint Louis, Mo.

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[Agency for paying United States pensioners—William C. Ebert.]

MACON, MO., December 4, 1874.

DEAR MADAM: Your favor of the 27th has reached me here, and I reply at my earliest opportunity. You request me to give you a definite proposition. This would be impossible without more information from you upon which to base a proposition. There are other seekers after the place besides you and myself, (some half dozen,) and I do not think we can afford to make separate applications. Your confirmation would be bitterly opposed in the Senate and might be defeated, while my confirmation might be more easily obtained than the nomination. Thus you see we both have something to gain by mutually helping each other. I could not, however, make you a definite proposition while you are seeking the appointment for yourself, and only to be accepted or rejected at your pleasure. I am willing, however, to do all that is fair in connection with the whole matter, and to put it in such shape as to gain your approval. You must bear in mind that I am not advised as to what you *can* or are *willing* to do to secure my re-appointment, and therefore to make you a definite proposition would be making a bid for an article without knowing its worth, and therefore almost certain to be *wide* of the mark. I have desired to make a visit to Saint Louis and talk the matter over with you, but I have felt from the tone of your letter that such would not be agreeable to you, and therefore have not done so. I think we could much better arrange our business proposition in that way than by correspondence, and then, if we cannot agree, I shall not feel unkindly toward you for seeking by fair and honorable means to secure the place for yourself, when a new agent is to be appointed.

With the utmost regards, I am yours, very truly,

WM. C. EBERT.

Mrs. LOUISA BOGGS,  
Saint Louis, Mo.

Mark your answer "personal." Direct to Hannibal.

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THE WINCHELL & EBERT PRINTING AND LITHOGRAPHING COMPANY.

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HANNIBAL, MO., December 4, 1875.

Mrs. LOUISA BOGGS,  
1409 Chesnut street, Saint Louis:

I do not wish to inquire into any arrangements that you may have made with Mr. Clements in regard to the pension agency. Indeed, I do not know that you have made any at all, but, if so, they are matters of your own; but if you have not made any, and have any reasons to think you could upset his appointment by a visit to Washington, if it was to your interest to have it done, I will come down and see you in regard to the matter. I

cannot make known to you by letter what I have in my mind, as such things are better understood by talking the whole matter over than by writing, and if you have any encouragement from the President upon which to act, I can help you.

Yours,

WM. C. EBERT.

Answer by return mail.

March 11.

MADAM: In our interview I did not say all I desired, for want of time, and because the subject was unpleasant to you and embarrassing to me; I only gave you a partial outline of the situation and the remedy. I was not at liberty to say more. I will now, however, say that a particular and influential friend of mine will visit Washington next week, and if you are inclined to remove all hindrances, the responsibility for the change can be attributed to him. This course, I think, will quiet all investigation, and prevent any complication of the President and a certain high officer of the Government in your own city, with whose participation in your interests I am fully acquainted, as well as your own good name from serious complication. The President is considering my appointment. His mind may be made up by the time my friend reaches Washington. If you think it will, please answer whether my friend shall call on the President or not. Please answer yes, or no, as you think best. My future course depends entirely upon your answer.

E.

I shall hear from you on Monday or Tuesday at furthest.

The following pencil memorandum found at the foot of this letter:

"Exact copy, spelling and all.

"L. B."

HANNIBAL, MO., February 23, 1876.

MADAM: You will doubtless be surprised at receiving a line from me at this time, and especially one on the old subject that has been the theme of so much correspondence between us. However, I have concluded to address you a few lines for your own personal consideration, thinking you might be interested in knowing something about the political situation in North Missouri and elsewhere in this State. The republicans in this congressional district very justly regard the removal of the United States pension office from Lincoln City to Saint Joseph as a great outrage, and they are in the right spirit for a revolt, should an opportunity occur. The removal of Mr. Clements from the agency would have prevented this. It has been freely stated that it was through your interference that he was re-instated last month, in opposition to the expressed wishes of leading republicans both in North Missouri and in Saint Louis. It is also hinted at that your influence is bought and paid for monthly by this man, and that if it was not for your influence he could not hold the office one month; and, further, that unless something was done to induce the President to reconsider his decision, that the whole matter should be laid before the United States grand jury for investigation. This should not be, and it is your privilege to prevent it. Clements has been so imprudent as to say publicly, in the Macon City post-office, "that the President dare not remove him." This boast, taken in connection with the current report in circulation in Macon, that you are paid \$100 per month for your influence, is very injurious to the President and his fair name, and especially is this so in view of the fact that at the request of his personal friends he removed Clements on the 14th ultimo, and that your request re-instated him on the 18th; that re-instatement all turning on the letter from you telling him (the President) that "he was doing you a great personal injury by making the change." I received a letter to-day from the editor of the leading daily paper in Saint Louis, asking for such facts as I could give him in regard to your connection with the retention of Clements, and the cause of my name being withdrawn from the Senate on the 18th ultimo. To his inquiry I have given reply that there was nothing of interest to the public at present. I do not desire to make charges against any one in regard to this matter, but I think both yourself and your friends have been very indiscreet in allowing so much to be known in regard to your interest in the pension agency; and, indeed, I think Mr. Clements himself is entitled to your contempt for the freedom with which he has made his boast, and the suspicion that he has thrown around you, that you and he are alike interested. I believe it is within your power to stop any legal investigation and exposure, and also to silence scandal, thus saving the President from the humiliation he must necessarily feel when he learns that his efforts to help you have been made public and his official action in connection therewith likely to be made the subject of unfriendly criticism in the daily papers. This you can prevent if you desire to do so. Allow me to ask that you consider this information strictly confidential in the light of friendship, and after a careful perusal return it with such comment as you may think it merits, and, should any suggestion contained therein be thought worthy your consideration, remember that I simply desire to

help you in any manner consistent with your good name and the integrity and honesty of the administration.

Yours, very respectfully,

WM. C. EBERT.

Mrs. LOUISIA BOGGS,  
Saint Louis, Mo.

Confidential.—Return.  
Adjourned.

DEAR PRESIDENT: Inclosed is a petition from Mrs. Louisa Boggs, whom you personally know, asking the appointment of a Major Clements to the office of "pension agent" at Macon City, and as he has promised per his letter to her (in the event of his appointment) to give her a clerkship in the office at a salary of \$1,200, I most cordially indorse her application. Of Mr. Clements's political antecedents I know nothing; he is said to be honest and to possess ability. But my main object is to benefit Mrs. B., who has been struggling with the wide world many years to support an invalid husband, an adopted child, and herself; hence my full and unqualified indorsement of her prayer.

Very truly, your friend,

JOHN F. LONG.

WASHINGTON, D. C., April 22, 1875.

JOHN F. LONG sworn and examined.

By the CHAIRMAN:

Question. State your residence and occupation.—Answer. I reside at Saint Louis. I am at present receiver of that port and distributing agent for the Government.

Q. How long have you lived at Saint Louis?—A. Nearly 60 years; I was born there.

Q. Do you know a gentleman named W. C. Ebert?—A. Only from reputation. I do not think I ever have seen him to know him.

Q. Do you know whether he held the office of pension agent in Northern Missouri, at Macon City?—A. He was so reported to me by Colonel Easton, the pension agent at Saint Louis, and by others.

Q. Have you ever had correspondence with Mr. Ebert?—A. No, sir; not with him.

Q. Have you had any communication indirectly with him?—A. I cannot say I had any communication with him at all. Mrs. Boggs, who is the widow of Harry Boggs, a former partner of Captain Grant, (now President Grant,) at Saint Louis, about twenty years ago, came and exhibited to me a letter from Mr. Ebert to her, part of which was about in these words: "Mrs. Boggs, if you will get the President, through his friendship for you, to continue my appointment as pension agent and will have one hundred names transferred from the Saint Louis to the Hannibal or Macon district, I will give you half of the profits." When I read the letter I said to Mrs. Boggs: "Madam, that is a very dishonorable proposition, deceiving the President and deceiving your friends. I would do no such thing." The letter went on to say: "This is confidential; please return the letter." I said to her, "Madam, do not return the letter. I either wrote or indorsed a letter of hers, directed to the President, in behalf of a different man for the pension-agency, by the name of Clements, (whom I see here this morning.) She had told me that Mr. Clements said if she would use her influence to get him appointed after Ebert's time would be out, which was very close, he would give her a clerkship. I then told her that I believed the President could safely appoint Mr. Clements if he would give her a clerkship, or some means by which she could support

herself and child, and I either wrote a letter myself, or indorsed her letter to the President in behalf of Clements, whom I did not personally know. Subsequently, a few months ago, Mrs. Boggs presented me with another letter from Mr. Ebert, quite a lengthy one, stating, "You have, or your friends have, put things in the way of having my appointment to this office, and now if you don't do thus and so I will expose you to a certain gentleman connected with public office in Saint Louis." In this letter he says, in two instances, "This is confidential; return it to me. If you do so and so it will be all right. If not, I will expose you in Washington." I said to her, "Madam, hold on to that letter." I told her to take all these letters with her to Washington, and she said that she was willing to show the committee every letter in the business. Colonel Easton wrote for her to the President, and I wrote for her to the President, that if he could give the appointment to Clements that we would be glad if he would do so, as it would benefit her by giving her employment as clerk.

Q. At the end of Mr. Ebert's term, he went out of office, did he?—A. At the end of Mr. Ebert's term he went out and Clements went in. Clements was the gentleman whom I had recommended.

By Mr. NEW :

Q. How long after you wrote to the President was it before Clements was appointed?—A. Probably a month or two.

By the CHAIRMAN :

Q. When did this first correspondence take place with the President?—A. I think in the latter part of 1874.

Q. Had you any response from the President to that communication?—A. I never had. I understood that Mr. Boggs had a response from him.

Q. Do you recollect the date of the appointment of Mr. Clements?—A. I do not.

By Mr. NEW :

Q. Where was Mrs. Boggs living at the time you wrote to the President?—A. She was then in Saint Louis, but she was on the eve of going to Macon, because her step-child was there.

Q. Had she lived at Macon before that?—A. I think she had.

Q. Did she live at Macon after Clements was appointed?—A. I do not think she did.

Q. Where did she live after Clements was appointed?—A. In Saint Louis.

Q. Did she continue to live in Saint Louis after that?—A. I think so.

Q. Has she lived in Saint Louis from that time until now?—A. So far as I know she has.

Q. Is Mr. Clements still the agent at Macon City?—A. I think not. The agency has been removed to Saint Joseph, and I think Clements has been removed.

Q. Has Mrs. Boggs been living at Saint Joseph at any time?—A. No, sir; not at any time.

Q. Do you know whether or not since Clements's appointment Mrs. Boggs has discharged the duties of a clerk in the pension-office?—A. She has not lived there, and I cannot see how she could have done so.

Q. It is then your opinion, from the facts in your possession, that she has not done so?—A. I think she has not.

By the CHAIRMAN :

Q. Do you know whether she has lived continuously in Saint Louis for the last twelve months?—A. I would not like to say that positively. But I have met her time and again there. She was a teacher in a private school at least part of the time.

Q. Is she in the city now?—A. Yes; she came with me. I left her at the hotel, and told her I would report her presence to the committee.

Q. Are you able to state whether Mrs. Boggs received any compensation from Mr. Clements?—A. I do not recollect that she ever told me whether she did or not; but she told me that he had said he would give her a clerkship.

By Mr. NEW :

Q. In your letter to the President, or in your indorsement of her letter to the President, you represented that she was to receive a clerkship in the pension-office?—A. Yes; that she was to have a clerkship in the event of Clements's appointment.

By the CHAIRMAN :

Q. And all that you know as to the result of that arrangement is that Mr. Clements was appointed?—A. Yes.

Q. What is the degree of relationship existing between the President and Mrs. Boggs?—A. The President's wife, who was a Miss Dent, and Harry Boggs were consins. Harry Boggs is dead, but while he was living he and Captain Graut were partners in business in Saint Louis, and Mrs. Boggs is his widow. I thought it was a very worthy thing for the President to do, to make an appointment which might benefit her in a roundabout way by giving her a clerkship.

Q. What has been her employment since the appointment of Clements?—A. I believe she has been a teacher in a private school at Saint Louis.

Q. Have you had any conversation with Mr. Clements in relation to the compensation which he was to furnish Mrs. Boggs in the shape of a clerkship, or otherwise?—A. I certainly had no conversation with him, but I may possibly have told her that "Mr. Clements has promised you a clerkship; hold him to it."

By Mr. NEW :

Q. If you had any such conversation with her as that, was it before Clements's appointment?—A. Yes; before Clements's appointment.

By the CHAIRMAN :

Q. You had no communication with him since his appointment in regard to the execution of that promise?—A. I do not think I ever wrote him a note in my life, and I certainly never spoke to him till here to-day.

By Mr. NEW :

Q. Has Mrs. Boggs made any complaint to you since Clements's appointment, that he had not fulfilled his promise to her?—A. Not a word.

Q. You do not know whether there has been any other consideration than that clerkship promised to her by Clements?—A. No, sir; I do not know anything except that promise to her.

By the CHAIRMAN :

Q. Are you able to say what the value of that clerkship was to be?—

A. About \$100 a month. That was the understanding she gave me, that she would make \$100 a month, and that that was better than teaching school at a nominal sum of \$55 or \$60 a month.

By Mr. PRATT:

Q. Do you know whether Mrs. Boggs has been appointed to a clerkship?—A. I do not know.

Q. Do you know what the pension-agency which Clements received was worth?—A. No, sir.

Q. What would be your best judgment about it?—A. I suppose it would be worth from \$3,000 to \$3,500 a year with the present list of pensioners.

By Mr. NEW:

Q. What is your best recollection or impression, that you wrote to General Grant yourself on the subject or that you simply indorsed the letter which Mrs. Boggs wrote to him?—A. My strongest impression is that I wrote a letter. I have copies of all the letters that I have written.

Q. If you have a copy of that letter at home will you send it to the committee on your return?—A. Certainly.

By the CHAIRMAN:

Q. If you wrote to the President, did you have any reply to your letter?—A. No, sir; he would not be likely to reply to me, inasmuch as I was writing on behalf of Mrs. Boggs. He probably replied either to her or to Clements. I have got every letter which I have received from him for the last five years. I have been his agent in some matters out there for the last fifteen years. If I find that I have written such a letter to him, or have received any letter in reply, I will transmit copies to the committee.

By Mr. PRATT:

Q. Have you any recollection of seeing that letter that Mrs. Boggs wrote to the President in behalf of Clements?—A. I think that I indorsed her letter and that I wrote one myself.

Q. Have you any recollection of the contents of any letter that she wrote?—A. Only that I indorsed Mr. Clements as a man who stood fair in the community, and that he would make a good officer, and probably she said something detrimental to the reputation of the other gentleman, who had offered to give her half the profits.

Q. Do you recollect whether she mentioned in that letter the fact of the inducement of the clerkship offered to her by Clements?—A. I believe she did.

Q. Has she ever informed you whether the President replied to her letter or not?—A. I am inclined to think she did, and that she received a favorable answer.

Q. Did she tell you in detail what the answer was?—A. No, or if she did I would not probably remember it. I have got the impression from her that the President gave her a favorable answer.

By Mr. NEW:

Q. Do you know anything else on the subject that we have inquired of you about that would be pertinent or material to the inquiry?—A. I do not. I had a conversation with Mrs. Boggs this morning on the subject, and she said that Clements had promised her a clerkship, and that it would be worth in the neighborhood of \$100 a month.

Q. Did she tell you whether she had or had not got that clerkship; or that she had or had not got its equivalent?—A. I do not think she did, but I heard Mr. Clements say this morning that he had paid her some money.

Q. In the conversation that you had with her did she make any complaint that she had not got the clerkship?—A. Not at all.

Q. Did she make any complaint of Clements at all in the matter?—A. Not against Clements; she did against the other party. I do not think I had any definite information from her, but I took it for granted that Mr. Clements had stood by his promise, and I heard him say this morning that he did pay her some money; I do not know whether for labor of that kind or not. I really do not know whether she did act as clerk for him.

Q. On what subject-matter was Clements talking about when he said he had paid her money?—A. On this very subject.

By Mr. LEWIS:

Q. Do you know anything about the matter referred to in your subpoena?—A. No, sir; I do not.

WASHINGTON, D. C., April 24, 1876.

J. P. NOLAN sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. At Macon, Mo.

Q. What is your occupation?—A. I am a minister.

Q. Please tell us what you know about the manner in which Mr. Clements procured the pension agency for North Missouri, if you have any knowledge in regard to that matter; state it in your own way.

The WITNESS. Do you refer to hearsay evidence or to what I know?

The CHAIRMAN. If you know anything, we would like to have that.

A. I cannot say that I know anything about it except what I have heard.

Q. From whom did you hear?—A. All that I have heard was from Mrs. Louisa Boggs.

Q. You can state what you learned from her.—A. I understood from her that she had been, in a sense, instrumental in procuring that pension agency for Major Clements, and that he was to compensate her for her influence in the case.

Q. What was the consideration?—A. I think it was \$1,200.

Q. Twelve hundred dollars a year, or that round sum?—A. Twelve hundred dollars a year, as I understood it. I know nothing about it, further than I have heard.

Q. Was anything further said by her or Mr. Clements?—A. No; I think not; I think that is the substance.

Q. Did she say how she procured it, what means she used?—A. Yes; I think she wrote a letter to the President.

Q. Did you see the letter?—A. I did not.

Q. Did you see any reply of the President?—A. No, sir.

Q. Have you heard Mr. Clements say anything about it?—A. I heard Mr. Clements speaking with Mrs. Boggs during last winter about the removal of the agency from Macon City to Saint Joseph. I happened to be present at the interview.

Q. What was said about the removal?—A. That conversation was altogether upon the subject of removal.

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Q. Was Mrs. Boggs appealed to to use her influence in procuring the removal?—A. I cannot say that she was. It was merely mentioned to her that there was a project up for removal.

Q. He was going there himself to live, was he not?—A. Yes, sir.

By Mr. NEW:

Q. Please state just what was said by and between them, as you remember it, upon that occasion.—A. I think the substance of what was said was wholly touching the removal of the office from Macon City to Saint Joseph, and the reasons which influenced Major Clements to desire the removal of the office.

Q. So I understand; but what was said?—A. I cannot recall any specific words, only the fact that the conversation was upon that point of removal, and the reasons in Mr. Clements's mind for expecting or desiring the removal.

By the CHAIRMAN:

Q. Do you recollect what was said as to the reasons why he desired it?—A. I think they were political. I think he was looking to an editorship there, and it was supposed that he could best serve the party of which he is a member by being in Saint Joseph.

Q. Do you recollect the name of that paper?—A. If you will tell me the name of the republican paper there, I can do so.

Q. Is it the Saint Joseph Gazette or Herald?—A. Whichever is the republican paper, is the paper I refer to. I am not familiar with the names of the papers.

By Mr. NEW:

Q. Was the office afterward removed to Saint Joseph?—A. Yes, sir; I so understood.

Q. Did he afterward become the editor of that paper?—A. I think such is the fact.

Q. Where did this conversation occur between them?—A. In Mr. Clements's house.

Q. In Macon City?—A. In Macon City.

Q. Do you remember how they happened to meet there?—A. They met by request of Mr. Clements.

Q. How was his request communicated to Mrs. Boggs?—A. I think by a note. She was at my house.

Q. Did you go with her to Mr. Clements's house?—A. Yes, sir; she was going that night to take the train for Saint Louis, and I accompanied her to the depot by way of Mr. Clements's house.

Q. You say you do not remember just what was said between them, but you remember the subject talked of, and something of the reasons that he gave for wanting to make the change. Please state whether, as you remember it, he was seeking to obtain her consent to the removal or change of the agency?—A. Well, sir, I could hardly say whether I think it was for the purpose of obtaining her consent or not.

Q. If there was any other purpose, was it made manifest in the conversation that occurred between them?—A. The impression made upon my mind was, that he consulted her with reference to the removal, and advised her of it; because she was interested in the proceeds of that office. That was the impression upon my mind.

Q. Do you remember anything else, not as a conclusion, but as to the language made use of, at that time, in conversation between them on the subject?—A. I cannot remember any specific language just now.

Q. And from your recollection generally of what transpired there, do you remember of any other object or purpose that he could have in view than what you have already stated?—A. I do not remember any other object.

By Mr. PRATT:

Q. When did this conversation occur?—A. I think it occurred during the last Christmas holidays.

Q. Do you know whether that was the first interview that Major Clements had had with Mrs. Boggs upon the subject of removal?—A. I do not know, but I think it was.

Q. Do you know whether he had a subsequent conversation with her upon that subject?—A. I do not know.

Q. And have you no information?—A. I cannot say now that I have.

Q. Was the subject of Mrs. Boggs's compensation or interest in the office mentioned and talked over at that time?—A. I think it was not.

Q. Do you remember of any suggestion on the part of Major Clements to Mrs. Boggs, that on account of the expense of the removal, he could not continue to pay her any longer?—A. No, sir; there was nothing of that sort said that I can remember.

Q. You have stated that you have had some conversation with Mrs. Boggs in regard to her influence in procuring Major Clements's appointment.—A. Yes, sir.

Q. When was the first conversation you had with her on that subject as nearly as you can remember?—A. If I could just now recollect when he procured the office I could answer that question more definitely.

Q. Was it about the time that he procured the appointment?—A. Yes, sir; about the time he procured the office.

Q. Where was that conversation?

The WITNESS. That I had with her upon the subject?

Mr. PRATT. Yes.

The WITNESS. I think every time at my house. She is a sister of my wife, and spends her summers at my house.

Q. Did you have a number of conversations with her upon the subject?—A. I cannot say how many.

Q. But more than one?—A. We must have had several.

Q. Can you remember definitely what she stated that she had done to assist Major Clements in procuring that appointment?—A. I think the basis of her influence—you refer to that in your question?

Q. I would like to know what she represented to you that she had done in Major Clements's behalf.—A. Ah! I understood that it was on the score of her old acquaintanceship with the President. Her husband was a cousin to the President's wife, and the President and her husband were partners in business many years ago; and in view of that old association, acquaintanceship, and relationship, she felt free to appeal to the President for this office for Major Clements.

Q. And that she had done so?—A. And that she had done so.

Q. Did she state to you what representations she made to the President?—A. I cannot say that she ever told me any specific representation which she made to him further than I have already mentioned—a general statement, as I would say—that it might be to her interest that Major Clements should receive the appointment, as I understood.

Q. Do you remember that she told you that she represented to the President that Major Clements's appointment would be advantageous to her?—A. That was the inference I received.

Q. Do you remember it simply as an impression, or have you any distinct recollection that she made some such statement to you?—A. I have some distinct recollection that she made some such statement.

Q. Do you know in what manner her advantage would arise; did she explain to you how she explained the matter to the President, or was it simply that statement?—A. I do not know that she ever did; I do not remember.

Q. Has she ever explained to you just in what manner Major Clements's appointment was advantageous to her as a matter of fact?—A. Yes, sir.

Q. What was that?—A. That she received a certain compensation at the hands of Major Clements.

Q. And did you understand from her conversation what the full extent of the agreement between her and Major Clements was in that respect?—A. Yes, sir.

Q. What did she state it to be?—A. I understood it to be what I have already said—that she was to receive \$1,200 per annum as long as he retained the office.

Q. But was that in consideration purely of her assistance in getting him the office, or was it to be the consideration of any service rendered in the office?—A. In consideration, as I understood it, of the influence which she might have exerted in the procurement of the office on the basis of which I have spoken—the old relationship between her husband and the President.

Q. That is the way that she represented it to you?—A. Yes, sir; that the President desired to do something for her, she being a widow, and on account of her husband having been an old partner in business with him—as a relative, indeed. I never understood that the President had any further interest in it than what is implied in those words.

Q. You have always understood that the President knew of the interest she had in the appointment?—A. That is the impression I received, yet I had no further knowledge of it than I now have, that I can recollect, except the impression that I received.

Q. Do you know, as a matter of fact, whether Mrs. Boggs still continues to receive that compensation?—A. I do not think that she has received anything for a few months.

Q. Do you know when the payments were discontinued?—A. I think, if I remember what was said in my hearing, that the 1st of January last, perhaps, was the last time a payment was made to her.

Q. What conversation do you now refer to, when you say if you remember what was said in your hearing?—A. I refer to the conversation I had with Mrs. Boggs on the subject, incidentally, some ten days ago.

Q. And will you please state that conversation?—A. So much of it as I now remember, bearing upon this point, made the impression that she had received nothing since the first of January.

Q. Did she state to you why she had received nothing since then? Did she give you any reason why the payments were discontinued?—A. On account of the contemplated investigation, as I understood.

Q. Did you understand that she was aware, about the 1st of January, that her relationship to this pension-agency was to be investigated?—A. I did not understand that she knew it as far back as that time. I could not say when she first became conversant of that fact, because my own attention was not directed to it.

Q. But you understood, in a conversation you had with her some ten

days ago, that the payments were discontinued after the first of January?—A. I understood that she had received nothing since January.

Q. On account of a contemplated investigation?—A. Yes, sir.

By the CHAIRMAN :

Q. Did she state whether the payments were discontinued on her account, or that of Mr. Clements?—A. I do not remember whether she stated that it was on this account or on that.

By Mr. PRATT :

Q. In that conversation you had with her ten days ago, was she then aware that this matter was to be investigated?—A. Certainly not in the sense in which she supposed it would be subsequent to the time of her return to Saint Louis.

Q. Did she say anything in that conversation, ten days ago, about the subject of the investigation?—A. She made reference to the subject.

Q. What did she say about it?—A. She merely referred to the matter as an investigation threatened.

Q. As a threatened investigation?—A. As a threatened investigation perhaps.

By Mr. NEW :

Q. Had there been any newspaper agitation of the matter at or before that time in that part of the State?—A. Yes, sir; for during the time that she was at my house, before she came up the last time, some ten days ago, I heard my wife say that there was a reference to the subject in the town paper where we lived, and a few days after that I was at Chillicothe, sixty miles west of Macon City, and on taking up a town paper there I saw a reference to the subject.

Q. Do you know whether this newspaper agitation of the matter there had been called to her attention, or that she probably had knowledge of it, when you had the conversation with her to which you refer?—A. She had knowledge of the subject before the conversation.

By Mr. PRATT :

Q. That is, knowledge of the newspaper agitation?—A. Yes, sir.

Q. Do you know, from what she said, whether that is the only reason she had to think there would be any investigation?—A. I think she mentioned something about an interview she had with Major Clements some weeks since her return from Washington, in which the subject of the investigation of this matter came up between them, as I understood, because there had been nominations made, I think, looking to a new appointment to the office.

Q. Was that conversation about ten days ago, the first you knew of the fact that the payments to her had been discontinued?—A. Yes, sir.

Q. You had not been aware of it before that time?—A. No, sir; I had not been aware of it before that time. I have had no correspondence with her on the subject one way or the other from the last holidays until some ten days ago.

Q. And the only reason she gave you then why the payments to her had been discontinued was that she understood that there might be an investigation?—A. That is my impression.

Q. And she gave you to understand that there had been a conversation between her and Major Clements prior to that, in which the probability or likelihood of an investigation had been talked over between them?—A. Yes, sir.

Q. And for that reason the payments had been discontinued?—A. Such was the impression I received.

Q. Have you had any conversation with her since on the subject?—  
A. No, sir; she left my house a week ago to-night, and I have not seen her since.

Q. And this conversation referred to was at your house the last time she was there?—A. Yes, sir.

By the CHAIRMAN:

Q. Do you know in what periods these payments were made, whether monthly, quarterly or annually?—A. I think they were made quarterly.

By Mr. PRATT:

Q. Do you know when Mrs. Boggs left your house a week ago to-night, whether she was at that time aware of the fact that she was to go to Washington?—A. I think she was not.

By Mr. NEW:

Q. Have you ever seen any correspondence between Major Clements and Mrs. Boggs upon this subject?

The WITNESS. You refer to written correspondence?

Mr. NEW. Yes.

A. No, sir; except I should say the note to which I referred a while ago, requesting an interview.

By Mr. PRATT:

Q. Do you know whether Mrs. Boggs has, since January or at any time during the past winter, addressed the President on this subject of her relations to this agency?—A. I think she told me that she had written to the President.

Q. Did she tell you what she had written?—A. I think the purport of the letter, if I remember, was that if this arrangement between herself and Major Clements should be any disadvantage to him, I understood it should be ended; or maybe she suggested to him to make a new appointment if it were disadvantageous to him.

Q. Do you know when she sent that letter?—A. I cannot say when she did that.

Q. When did she tell you?—A. During this last talk we had some ten days ago.

Q. Did you get any impression or idea when she had so written to the President?—A. I could not come any way near the time, because my own attention was not called to that in any way since Christmas until the first of this month, when I remember that I was in a part of my district, and happened to take up a paper and saw a reference to the nomination of Mr. Arnholt, of Saint Joseph, as pension-agent, and of course it arrested my curiosity.

By Mr. NEW:

Q. State whether you learned from her, or got the impression from your conversation with her, that the letter to which you have referred was written by her to the President since the newspaper agitation of the subject to which you referred a few moments since.—A. I could not say when that newspaper agitation first began.

By Mr. PRATT:

Q. Did you understand from her that she had any reply from the President to her letter?—A. Yes, sir.

Q. Did you understand what the reply was?—A. I heard from herself, I think, that she received a letter from the President through his

youngest son, perhaps; but what the nature of that reply was I know only by inference.

Q. How did you arrive at your inference? Did she tell you what the nature of it was?—A. I do not remember that she did.

Q. What did she say to you about it?—A. She told me she had written to the President, I think, a letter of the purport that I stated a moment or two since, and that she had a reply from him through his youngest son, perhaps; but I say the nature of that reply I know only by inference.

By Mr. LEWIS:

Q. What do you mean by that?—A. I mean this: I suppose that he took up with her suggestion, or what I suppose was her suggestion, in her letter to him to make another appointment, if it would relieve him in any way.

By Mr. PRATT:

Q. What do you infer that from?—A. From the fact that he had made another appointment.

Q. How recently had he made it at that time? Had the appointment been made at the time you had this conversation?—A. Yes, sir; that occurred about ten days ago, as I said, and the nomination was some weeks since. That is the way I infer it.

Q. Did she tell you when she wrote that letter to the President that she had also sent a threatening letter that she had received from a Mr. Ebert?—A. I think she told me that she had sent Mr. Ebert's letter.

By the CHAIRMAN:

Q. Did you see Mr. Ebert's letter to her?—A. She showed me one or two letters from Mr. Ebert; which one of those she sent to the President, I cannot say.

By Mr. PRATT:

Q. Do you know whether she sent either of those that she showed to you?—A. I cannot say now.

Q. She showed you these letters at the time you had the conversation with her?—A. Yes, sir; or during the time she was at my house.

Q. Did she say to you that she had sent to the President Mr. Ebert's letter to her at the time she wrote to the President?—A. Such is my impression.

By Mr. NEW:

Q. Did she say that the letter she had sent to the President from him was a threatening letter?—A. I cannot say that she said to the President that "this is a threatening letter."

Q. That is not what I mean. Did she say to you that she had sent to the President a threatening letter, which she had received from Ebert?—A. I cannot remember that those were her words.

Q. Was the letter spoken of at all as a threatening letter?—A. It was spoken of; that is, she had sent a letter to the President that she had received from Ebert.

Q. Can you state from the conversation you had with her whether you had before that seen the letter that she had sent to the President?

The WITNESS. Before the conversation?

Mr. NEW. Yes, or at the time.—A. Certainly not before the conversation I had with her. I could not be positive that she told me that

the letter or letters I read were the letter or letters that she had sent to the President. I cannot be positive about that.

By Mr. LEWIS :

Q. Did she characterize the letter in any way that she had sent ?—

A. I think she used some epithet about it.

By Mr. NEW :

Q. Did she say whether or not she had retained a copy of the letter she had sent to the President ?—A. No, sir ; I think not.

Q. That is, a copy of the Ebert letter she sent to the President ?—

A. I do not remember that she so said.

By Mr. LEWIS :

Q. You say that she had characterized it by some epithet. What was the nature of that—as a threatening letter ?—A. Yes, sir ; of that import. The letter I read from Ebert to her was of such a character.

By the CHAIRMAN :

Q. Would you know the letter if you were to read it ?—A. I think maybe I should.

By Mr. PRATT :

Q. That is, you would know the letter that you saw ?—A. Yes, sir ; I think I would know that, because it was pencil-writing on paper used in newspaper-offices.

[Letter written in pencil dated Hannibal, Missouri, February 23, 1876, signed W. C. Ebert, and addressed to Mrs. Louisa Boggs, Saint Louis, Missouri, was exhibited to the witness.]

The WITNESS. I should take this to be the letter I read.

By the CHAIRMAN :

Q. Do you understand that to be a copy of the letter she sent to the President ?—A. I have said that I do not know.

By Mr. NEW :

Q. Do you understand that that is the original letter from Ebert to her, or that it is a copy of the Ebert letter ?—A. I understood this to be the original letter which was shown me ; if this is the letter I saw, and I believe it is, I understood it to be an original letter, as it purports to be.

By Mr. PRATT :

Q. Did Mrs. Boggs ever speak of this to you as a second edition of the Belknap affair, or compare it to that exposure in any way ?—A. The Belknap affair perhaps was mentioned by herself in connection with this matter, and I remember the reply I made to her, and that is the reason I remember her reference to that affair. Perhaps I should say, in justice to myself, if the committee please—

The CHAIRMAN. Yes, make any statement you desire.

The WITNESS. Perhaps I should make an additional explanatory remark. I remember her naming the Belknap affair in connection with this, because I said in my reply that the two had no sort of connection ; that they were in no way related to each other.

## OMAHA BRIDGE, UNION PACIFIC RAILROAD.

MAY 20, 1876.—Referred to the Committee on the Pacific Railroad and ordered to be printed.

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### OMAHA BRIDGE OF UNION PACIFIC RAILROAD.

In the United States circuit court, district of Iowa, 1875.

UNITED STATES *ex rel.* HALL *et al.* }  
vs. }  
THE UNION PACIFIC RAILROAD COMPANY. }

1. The charter of the Union Pacific Railroad Company (12 Stats. at Large, 489, sec. 12,) required its "Iowa branch" to be constructed westward "from a point on the *western boundary of the State of Iowa* to be fixed by the President of the United States." Held, on a consideration of various provisions of the charter, that the eastern terminus of said branch was on the Iowa shore of the Missouri River, and not on the Nebraska shore, nor at a point on "the middle of the main channel" of the river, although that was the legal western boundary of the State of Iowa.

2. The right to erect a bridge across the Missouri River to the western terminus of the Iowa branch on the Iowa shore was given to the Union Pacific Railroad Company by implication in the original charter of the company, and was expressly conferred by the ninth section of the amended charter of the company of July 2, 1864, (13 Stats. at Large, 356;) the powers given and the duties imposed by these acts, in respect to bridges, were recognized, increased, and regulated, but not repealed, by the special act of February 24, 1871, entitled "An act to authorize the Union Pacific Railroad Company to issue its bonds to construct a bridge across the Missouri River at Omaha, Nebraska, and Council Bluffs, Iowa." (16 Stats. at Large, 430.)

3. This last-named act construed in connection with the other legislation of Congress, and held not to change the eastern terminus of the Iowa branch of the Union Pacific Railroad Company from the Iowa shore of the Missouri River, nor to disconnect the bridge from the road of the company, so as to relieve the company from the duty imposed by its charter and other acts of Congress to operate its whole railroad as "one continuous line."

4. A peremptory mandamus to compel the Union Pacific Railroad Company to operate *its road over the bridge* in the same general manner that it operates the other portions of road, was granted, and the device of a separate transfer over the bridge by local trains held to be in violation of the duty of the company to the public.

5. Amendments in form and substance may be allowed in mandamus proceedings in any stage thereof, where justice will be thereby promoted. In this case the alternative writ was amended, by leave of court, by

striking out part of its mandate, and the peremptory writ, instead of being denied because the alternative writ was too broad, was ordered to be issued in conformity to the alternative writ as amended.

[*Before DILLON and LOVE, JJ.*]

*Eastern terminus of the Union Pacific Railroad Company.—Power of company to bridge the Missouri River.—Mandamus to compel the company to operate its whole line.*

ON MOTION FOR A PEREMPTORY WRIT OF MANDAMUS.

This is a proceeding by mandamus to compel the Union Pacific Railroad Company to operate its road as a continuous line by running its regular through trains to and from the Iowa shore of the Missouri River, at a point within the corporate limits of Council Bluffs, in the State of Iowa, and which point the relators claim to be the eastern terminus of the road. On the other hand, the company insist that the eastern terminus—that is, the legal as well as actual terminus of the company's road proper—is on the *western* shore of the Missouri River, at a point within the corporate limits of the city of Omaha, in the State of Nebraska. Between the Iowa shore and the Nebraska shore the company has constructed a railway-bridge, the eastern terminus of which and the approaches thereto are within the limits of the city of Council Bluffs, while the western end and the approaches thereto are within the limits of the city of Omaha. The western end of this bridge is near the passenger-depot of the company in Omaha, and the rails of the company's road are extended or prolonged over the bridge, so that the company *could*, if it desired, run its regular trains each way, without change, over the bridge. The bridge is located about two miles south of the point, in section 10, township 15, range 13, known as the initial point of actual construction, but the road between that point and the machine-shops of the company, in Omaha, has been taken up and abandoned. The company, instead of running its regular trains to and from the Iowa side of the river, stops them at and starts them westward from Omaha; and it crosses passengers and freight over the bridge by means of separate and distinct trains called "transfer trains," under the management of a "Bridge Transfer Company," an organization of its own employés, charging therefor special rates, viz, fifty cents for each passenger and ten dollars for each car, and keeping a separate account of the earnings of the bridge. Through passengers and freights each way cross the bridge by the agency of this transfer company. Passengers from any of the Iowa roads terminating in Council Bluffs, at or near the eastern end of the respondent's said bridge, intending to go West by the respondent's road, instead of directly getting on the regular trains of the respondent, are required to get on a local or transfer train, and on arriving at Omaha to change to the regular train of the company, which is made up and operated from the company's depot in that place. And a like change is necessary to be made by passengers on the respondent's road arriving at Omaha from the West and going East.

The present proceeding is instituted by the relators under the act of Congress of March 3, 1873, (17 Stats. at Large, 509, sec. 4, last clause,) which provides that "the proper circuit court of the United States shall have jurisdiction to hear and determine all cases of mandamus to compel said Union Pacific Railroad Company to operate its road as required by law."

The relators claim, under the various provisions of the acts of Congress applicable to the respondent, that it is bound to operate its regular through trains over the bridge to and from the Iowa side, and that operating bridge in the manner stated through the agency of the transfer company is in violation of the act of Congress.

Indeed, the relators claim that the bridge is, in fact, an integral part of the road of the company, and must be operated as such; and that the company has no legal right to exact or charge special rates or tolls for freight or passengers carried thereon.

The alternate writ of mandamus (upon which, and the return and answer thereto, the relators now move for a peremptory writ) commanded "the Union Pacific Railroad Company to operate the whole of its railroad from Council Bluffs westward, including that portion of the road between Council Bluffs and Omaha, and constructed over and across said bridge, as one continuous line for all purposes of communication, travel, and transportation, and especially to start its regular through freight and passenger trains westward-bound from Council Bluffs, and to run its eastward-bound trains, of both descriptions, through and over the said bridge to Council Bluffs, and to operate its said trains to and from Council Bluffs under one uniform time-schedule and freight and passenger tariff, with the remainder of its said road, and to wholly desist and refrain from operating said last-mentioned portion of said road as an independent and separate line, and from causing or requiring freight or passengers bound westward or eastward to be transferred as aforesaid at Omaha," or that the company appear and show cause to the contrary. The company has appeared, and for cause shows substantially the facts herein stated.

The Union Pacific Railroad Company was chartered by Congress July 1, 1862, (12 Stats. at Large, 489.) The 1st, 7th, 8th, 9th, 12th, 13th, 14th, and 17th sections—particularly the 12th and 14th—bear upon the present company. The act provided for a main trunk-line to run westward from a point on the one hundredth meridian, at which point it was to connect with branch roads converging there, the northern one having its eastern terminus at Sioux City, Iowa, the southern at the mouth of the Kansas River, on the south side thereof, and the central (the one here in question) "from a point (sec. 14) *on the western boundary of the State of Iowa*, to be fixed by the President of the United States."

On the 17th day of November, 1863, President Lincoln, by an executive order, fixed "so much of the *western boundary of the State of Iowa* as lies between the north and south boundaries of the United States township within which the city of Omaha is situated, as the point from which said line of railroad shall be constructed." But this point is as indefinite north and south, as the township was six miles in length; and on March 7, 1864, the same President, "on the application of the company," did "designate and establish such first above-named point *on the western boundary of the State of Iowa, east of and opposite to the east line of section 10, township 15, range 13, in the Territory of Nebraska.*"

The legal western boundary of the State of Iowa is "the middle of the channel of the Missouri River." (9 Stats. at Large, 52.)

On the 2d day of July, 1864, (13 Stats. at Large, 356,) the charter of the company was materially amended by giving to the company increased aid in lands and bonds, and by several specific provisions.

The original charter contained no express provision as to *bridges*. The amended charter (sec. 9) on the subject was as follows: "That to enable any one of said corporations to make convenient and necessary connections with other roads, it is hereby authorized to establish and

maintain all necessary ferries upon and across *the Missouri River, and other rivers which its road may pass in its course*, and authority is hereby given said corporation to construct bridges over said *Missouri River, and all other rivers, for the convenience of said road* : *Provided*, That any bridge or bridges it may construct over the *Missouri River, or any other navigable river on the line of said road*, shall be constructed with suitable and draws, &c., and shall be built, kept, and maintained at the expense of said company in such manner as not to impair the usefulness of said rivers for navigation."

The company commenced in 1869 the construction of the bridge here in question at the point where it now is ; but before it was completed Congress passed an act, approved February 24, 1871, having a material bearing upon the present controversy. (16 Stats. at Large, 430.) This enactment is as follows :

"An act to authorize the Union Pacific Railroad Company to issue its bonds to construct a bridge across the Missouri River at Omaha, Nebr., and Council Bluffs, Iowa.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the more perfect connection of any railroads that are, or shall be, constructed to the Missouri River at or near Council Bluffs, Iowa, and Omaha, Nebr., the Union Pacific Railroad Company be, and it is hereby, authorized to issue such bonds, and secure the same by mortgage on the bridge and approaches and appurtenances as it may deem needful to construct and maintain its bridge over said river, and tracks and depots required to perfect the same as now authorized by law of Congress. And said bridge may be so constructed as to provide for the passage of ordinary vehicles and travel, and said company may levy and collect tolls and charges for the use of the same; and for the use and protection of said bridge and property the Union Pacific Railroad Company shall be empowered, governed, and limited by the provisions of the act entitled 'An act to authorize the construction of certain bridges, and to establish them as post-roads,' approved July 25, 1866, so far as the same is applicable thereto: *And provided*, That nothing in this act shall be so construed as to change the eastern terminus of the Union Pacific Railroad from the place where it is now fixed under existing laws, nor to release said Union Pacific Railroad Company, or its successors, from its obligations as established by existing laws: *Provided also*, That Congress shall at all times have power to regulate said bridge, and the rates for transportation of freight and passengers over the same, and the local travel hereinbefore provided for. And the amount of bonds herein authorized shall not exceed two and a half millions of dollars: *Provided*, That if said bridge shall be constructed as a drawbridge, the same shall be constructed with spans of not less than two hundred feet in length in the clear on each side of the central or pivot pier of the draw."

Under the authority thus conferred to mortgage the bridge, the company, April 1, 1871, mortgaged the same and its tolls and income to secure bonds to the amount of \$2,500,000 in gold, which bonds are now outstanding. But before the said bridge was commenced, viz, November 1, 1865, the company, under authority given by the tenth section of the act of July 2, 1864, had mortgaged to trustees "all and singular the railroad and telegraph of said company, heretofore constructed or hereafter to be constructed, from a point on the western boundary of the State of Iowa, heretofore fixed by the President of the United States, to wit, *at the city of Omaha*," &c., with all lands, rights of way, easements, depot-buildings and franchises, for building and operating the

said road, &c., to secure first-mortgage bonds, of which \$27,000,000 are alleged to be outstanding, and the Government has a subordinate lien for many millions of dollars to secure the repayment of the bonds it issued to the company.

The twelfth section of the original charter of the company contained, *inter alia*, this provision :

"The whole line of said *railroad and branches and telegraph* shall be operated and used for all purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one connected, continuous line."

The fifteenth section of the amended charter of 1864 contained the provision, "The several companies authorized to construct the aforesaid roads are hereby required to operate and use said roads and telegraph for all purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one continuous line; and in such operation and use to afford and secure to each equal advantages and facilities as to rates, time, and transportation, without any discrimination of any kind in favor of the road or business of any or either of said companies or adverse to the road or business of either of the others."

As late as the 20th day of June, 1874, and by an act entitled "An act making additions to the fifteenth section of the act approved July 2, 1864," the amendatory act of 1864, above referred to, (Stats. at Large, 1873-74, 111,) the said fifteenth section is amended by the addition thereto of the following :

"And any officer or agent of the companies authorized to construct the aforesaid roads, or of any company engaged in operating either of said roads who shall refuse to operate and use the road or telegraph under his control, or which he is engaged in operating, for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line, or shall refuse in such operation and use to afford and secure to each of said roads equal advantages and facilities as to rates, time, or transportation, without any discrimination of any kind in favor or adverse to the road or business of any or either of said companies, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding \$1,000, and may be imprisoned not less than six months."

Further provisions are made for suit by the party aggrieved, (prescribing the courts in which suit may be brought and the mode of service therein,) "in case of failure or refusal of the Union Pacific Railroad Company or either of said branches to comply with the requirements of this act and the acts to which this act is amendatory."

On other questions this proceeding has already been several times before the court. (2 Dillon, C. C. R., 527; *ante*, p. —.)

A return has been made to the alternative writ and an answer thereto been filed, and the case is now before the court, on the motion of the relators for a peremptory mandamus.

JOHN N. ROGERS,  
For the Relators.  
J. M. WOOLWORTH AND  
A. J. POPPLETON,  
For the Railroad Company.

**DILLON, circuit judge :**

In a controversy which has excited intense local feeling, and one involving such large interests, and to which so much attention has been drawn on the part of the public and of Congress, and which has been so fully argued at the bar, the court would be justified in stating with more than usual fullness the grounds of its judgment. But as its determination is not final, and as it is understood that the unsuccessful party, whichever it may be, will carry the order here made for revision to the Supreme Court, it is not our purpose to discuss the case with that degree of elaboration we should otherwise do and which its intrinsic importance would well warrant.

We now proceed to notice the material questions involved in the application for the peremptory writ. If the road which the respondent is bound to operate has its *terminus* on the *western* shore of the Missouri River, as its counsel have contended; in other words, if, under the acts of Congress applicable to the respondent, it was not authorized to build the road it is required to operate to the Iowa shore of the river, it may be conceded that the result would be that the relators would not be entitled to the writ they seek. What point, therefore, does the charter of the company fix as the commencement of what is therein termed "the Iowa Branch?" This question is answered by the following language in the act of 1862: "The said Union Pacific Railroad Company is hereby authorized and *required* to construct a single line of railroad and telegraph from a point on the *western boundary of the State of Iowa, to be fixed by the President of the United States.*" In the Executive orders of November 17, 1863, and March 7, 1864, President Lincoln did not undertake to change this provision, but carefully conformed to it. Accordingly, those orders named "the *western* boundary of the State of Iowa" as "a point from which the company should construct their branch road to the one hundredth meridian." Indisputably, then, the commencement point of the Iowa branch is on "the western boundary of the State of Iowa." This precise language, as descriptive of "the point of commencement," is twice used in the section (14) which provides for the building of the branch and prescribes its commencement, course, and termination. Indeed, the counsel for the company do not deny, in argument, that the commencement point of the road as prescribed by the terms of the charter is upon the western boundary of Iowa, but they raise a question as to what is the western boundary of that State, and deny that this language means the *eastern* shore of the river. The argument of the companies' counsel on this subject can best be presented in his own language. He says: "The western boundary of the State of Iowa is the middle of the channel of the Missouri River." (9 Stats. at Large, 52.) "The road is to be constructed, then, from a point to be fixed by the President, in the middle of the main channel of the river. But it is said that is impracticable, and you must put your initial point on the Iowa shore or a part of the authorized road cannot be built. But there is this rule, that a grant of this kind is to be strictly construed. You cannot go beyond the limits fixed, and if you cannot go to the limits fixed you must go as near them as you can, always keeping within them. If it is impracticable to begin the road in the middle of the river, you must begin on the Nebraska shore."

If it be granted that Congress, by the use of the words "point on the western boundary of the State of Iowa," as descriptive of the "point of commencement" of the "Iowa branch," meant to refer to the *legal boundary* of the State, as declared in 1846, (9 Stat. at Large, 52,) the views of counsel would be sound. And if there is nothing to show that Con-

gress meant some other than the legal boundary, there would be a strong presumption that the legal boundary was the one here intended. There is, however, in various provisions of the charter of the company, evidence of a very satisfactory character that Congress, in the language under consideration, referred to the boundary of the State on the river rather than on the ideal line in the middle of its channel. It had no question of territorial jurisdiction before it, and hence its attention was probably not drawn to the act of 1846 fixing the legal boundary. Congress, in the charter of the respondent, meant either the Iowa shore or "the middle of the channel of the river," and "from a point" on the one or the other authorized and *required* the road to be built. Bearing in mind the nature of a railroad, and the objects for which this road was created and aided by Congress, it will not do to impute to that body, upon doubtful language, the singular, the inexplicable purpose of requiring this road to be built to a point on the middle of a wide and rapid stream like the Missouri. One shore or the other of the river was meant, undoubtedly. Which? If the Nebraska shore, why is Iowa mentioned at all? If the Nebraska shore, what propriety is there in referring to the Iowa boundary, or in calling the road the "Iowa branch?" Again, the same act provides for close and immediate *eastern* connections with the other branches. The northern branch is to be constructed by this very company "*from Sioux City*," which is in Iowa on the eastern shore of the Missouri River, when a line of road from Minnesota or Iowa shall be completed to that place. And a like close and direct connection is provided for the Missouri branches at Saint Joseph and Kansas City, leaving no *hiatus* or break in the line, and not keeping out of or beyond the territorial junction of those States. What reason is there, then, for supposing the Central or Iowa branch was intended to be exceptional in this respect? The Iowa lines of railway had not then been completed to the Missouri River, and hence could not well be mentioned by name; but it is not likely to be supposed that Congress, in granting the powers and in furnishing the means to construct a great national highway, intended to make no provision for crossing broad and swift streams like the Missouri, known to lie at the western end of the Iowa roads, when completed, so as to connect with the Union Pacific, which was then contemplated and relied on.

Therefore, when the original charter of this company "authorized and required it to construct its railroad from a point on the western boundary of the State of Iowa," it authorized its construction from the Iowa shore, and if a bridge was necessary to meet this requirement, then the power to build the bridge was given. (*Springfield v. Conn. & R. R. Co.*, 4 Cush., 63; *City of Clinton v. Cedar Rapids & R. R. Co.*, 24 Iowa, 455, 479; *People v. R. & S. R. R. Co.*, 15 Wend., 113, 130.)

Indeed, it might well be urged that not only was authority conferred to build the bridge, but that the duty was imposed to build it as part of its "line of railroad necessary to reach the prescribed point of commencement." The company did not need, so far as relates to bridges, the power given to it by the ninth section of the amended charter of 1864, "to establish ferries across the Missouri River and other rivers which its road may pass in its course," and "to construct bridges over said Missouri River and all other rivers for the convenience of its road," and "to enable it to make convenient and necessary connections with other roads."

A bridge built under authority of the act of 1862 or 1864 would be part of the road of the company, or, in the language of the original charter, (sec. 14,) part of its "line of railroad constructed from a

point on the western boundary of the State of Iowa," just as a bridge in a highway has often been held to be part of the highway itself. (Dillon, Munic. Corps., sec. 579.)

If there was doubt as to the right of the company to pass beyond the middle of the river and to go to the Iowa shore under the original charter of 1862, that doubt is set at rest by the aforementioned ninth section of the amended charter of 1864, which in terms authorizes the company to construct a bridge over the Missouri River, which presupposes that the eastern end of it shall rest upon the Iowa shore; and this is done, so Congress declares, "to enable the Union Pacific to make convenient and necessary connections with other roads." The bridge was to be built by the Union Pacific Railroad Company. No provision was made for a bridge company, or for stock or capital for bridge purposes, and if the structure had been built under authority thus conferred and no other, there could be no doubt that it would have been part of the road of the company, in such a sense that the company would have been bound to operate it as much as it was bound to operate any other part of its line.

It appears from the return to the alternative writ that the company, under the authority thus given, and not otherwise, commenced the construction of the bridge here in question in 1869. It proved to be a difficult and expensive undertaking, and in 1871 the structure was far from being completed. On the 24th day of February of that year, Congress passed "An act to authorize the Union Pacific Railroad Company to issue its bonds to construct a bridge across the Missouri River at Omaha, Nebraska, and Council Bluffs, Iowa." (16 Stats. at Large, 430.) This enactment is supposed by the defendant to have a controlling effect on the present controversy; and it undoubtedly has an important bearing upon it. It is given in full in the statement of the case.

It authorizes the Union Pacific Railroad Company to make a mortgage "on the bridge and approaches and appurtenances," and to issue bonds not to exceed \$2,500,000 to be secured by such mortgage.

Notwithstanding the rule of law that authority to levy and collect tolls must be plainly conferred, and the able argument of the relator's counsel on this point, it is clear to our minds that Congress gave by this act to the company the right "to levy and collect tolls and charges for the use of the bridge," reserving in the second proviso the "power at all times to regulate said bridge, and the rates for the transportation of freight and passengers over the same, and the local travel hereinbefore provided for." It is manifest from this language that tolls and charges other than those for local travel was contemplated as being within the competency of the company to levy and collect for the use of the bridge. Besides, the chief value of the bridge, as a security, would be the tolls. And the authority to make a mortgage for \$2,500,000 on the mere bridge structure and approaches, without the right to levy tolls and pledge the same to the lender, would doubtless have proved a barren power; since it would be quite impossible to negotiate such a security. It is evident, from the tenor of the bridge mortgage, that all the parties to that instrument thus understood the act of 1871.

The act contains also the important provision that it shall not "change the eastern terminus of the Union Pacific Railroad from the place where it is now fixed under existing laws, nor release said company from its obligations under existing laws." It also contains a clause adopting, as far as applicable to the bridge in question, the provision of the bridge act, July 25, 1866. (14 Stats. at Large, 244.)

The act also contains a clause authorizing the bridge to be "so con-

structed as to provide for the passage of ordinary vehicles," but this privilege was not used and so need not be considered.

The bridge act of 1871, it is to be observed, does not profess to repeal the previous authority express or implied on the part of the company to bridge the Missouri River; but only to confer additional powers and to make additional provisions. All the provisions of the several acts are to be read together, and thus viewed the respondent would have, *inter alia*, the following rights and powers in respect to the bridge in question:

1st. To build it under the original and amended charter as part of its road, from a point on the Iowa shore.

2d. Under the act of 1871, it was so far disconnected from the road as to authorize it to be separately mortgaged as a bridge, and to empower the company to levy and collect tolls and charges for the use of the same as a bridge, or compensation for the use of it by other railroads constructed to the Missouri River, at or near Council Bluffs and Omaha, Congress reserving the power to regulate the bridge and the rates for transportation of freight and passengers over the same.

But it was expressly provided that the act should not change the then existing eastern terminus of the company's road, nor release the company from its obligations under existing laws. By this last provision it was doubtless intended to declare that the eastern terminus of the road should remain where it had before been established and then existed—namely, on the Iowa shore—and that the existing obligations of the company springing from that fact should remain in full force.

One of these obligations is that while the bridge mortgage remains unforeclosed, and the bridge is in possession of the company, the company must operate it as part of its road, which it has never ceased to be, although it may, under the act of 1871, charge special rates for its use, subject to the control of Congress.

Three several times, first in the act of 1862, (sec. 12,) then in the act of 1864, (sec. 15,) and lastly, as late as June 20, 1874, has Congress required the respondent "to operate and use its road for all purposes of communication, travel, and transportation, so far as the public and Government are concerned, as one continuous line." The last act even goes so far as to make it criminal on the part of controlling officers or agents of the companies to refuse thus to operate the roads or either of them, thus demonstrating that Congress intended that each road singly, as well as all the roads constituting part of the system of Pacific Roads contemplated by the acts of 1862 and 1864, should be operated, without breaks or unnecessary delays, as a *continuous line*, without favor or discrimination toward either persons or localities. If we are right in the position that the eastern terminus of the road of the respondent is on the Iowa shore, then, inasmuch as the bridge-act of 1871, upon which the respondent so strongly relies, declares that such terminus remains unchanged notwithstanding that act, the conclusion necessarily follows that the respondent must operate its trains over the bridge under its control as part of a continuous line of road, and operate them over its entire line of road, from terminus to terminus. Such a duty has been enforced by mandamus without such specific legislation as Congress has provided in this behalf by the act of March 3, 1873, (17 Stats. at Large, 509, sec. 4, last clause,) which, in terms, gives to "the proper circuit court of the United States jurisdiction to hear and determine all cases of mandamus to compel the Union Pacific Railroad Company to operate its road as required by law." (The State v. Hart-

ford & R. R. Co., 29 Conn., 538; Rex v. Severn & Wye Ry. Co., 2 Barn. and Ald., 646.)

Suppose the respondent should habitually stop its regular trains two miles west of Omaha, and refuse to run them eastward of that point, or only run "transfer trains," is there any doubt, under the legislation of Congress, that it could be compelled to operate and run its regular trains into that city? And so in the case before us, if the bridge onto which its track is extended is to be considered as part of the road within the meaning of the acts of Congress requiring it to operate its whole line without any break in its continuity.

In this view, the transfer device of the company putting passengers and shippers of freight to unnecessary delay, inconvenience, and expense, is in violation of the duty which the company owes to the public. It is an indefensible obstruction to the public. If made by the company with third persons, without legislative authority, it would be *ultra vires*. It is none the less objectionable that it is made with its own employés.

A point is made by the respondent against the writ, on the ground that the bridge structure is not opposite section 10, as fixed by the President, but some two miles down the river. In point of fact, after getting bonds and lands by reason of that location, the company has abandoned the track through section 10, and instead of crossing the river opposite that section has constructed its road so as to connect with present bridge. If the change in the location of the bridge from section 10 was authorized by an implied effect of the act of 1871, applied to the subject-matter, the objection under consideration fails.

Originally, under the order of President Lincoln, the bridge should have been constructed so as to reach the Iowa shore east of and opposite section 10. Instead of doing this, the company commenced a bridge at the site of the present one, two miles south. Congress in 1871 authorized that bridge to be completed and mortgaged, thereby legalizing the change, and, doubtless, relieving the company of the duty of bridging the stream opposite section 10. And, therefore, when Congress also said that the act of 1871, in relation to the bridge, should not "change the eastern terminus of the road from the place where it is now fixed under existing laws," it did not mean that the company should still be under obligations to build a bridge opposite section 10, but that the Iowa shore should, notwithstanding the bridge act, remain the eastern terminus of the road, and the company's obligations in this regard should remain.

But if the change in the location of the bridge was not authorized by the act of 1871, still the company ought to be estopped to say, we have reached our eastern terminus at the wrong place, and hence cannot be compelled to operate the whole length of our actual line of road.

Again, it is suggested by the respondent's counsel that this view, if sound, necessarily has the effect to subordinate the bridge mortgage for \$2,500,000, which was intended to be a first lien upon the bridge as well as its tolls, to the prior mortgage of the company upon its entire line of road. These respective mortgages are not before us, and their rights cannot be touched by any here decided. We content ourselves, therefore, with the remark that, on observing the terms of the two instruments, we do not see that the result suggested necessarily flows from the position we have attempted to maintain.

It were premature at this time to anticipate that there will be a sale under the bridge mortgage, and to consider the rights of the purchaser, of the company, of the public, or of the Government after that event.

Two technical points are made by the respondent. The first is, that *to demand* is averred. Under the circumstances of this case the objection, being made for the first time at the hearing on the merits, and the duty being a public one which the respondent has all the time denied to exist, comes too late. The object of a demand is to give the option to do or refuse that which is demanded, and it is evident that a demand by the relators would not have obviated the necessity for this proceeding to determine the contested question of public right and public duty here involved. (Dillon, Munic. Corp., sec. 696.)

The other point is more substantial, and, indeed, fatal to the application in its present form for the peremptory writ, unless the objection can be avoided by amendment. The proceedings by mandamus at common law are characterized by unreasonable strictness; and one established rule of practice in the Queen's Bench is that mandate of the peremptory writ cannot be molded by the court after a hearing upon the return to the alternative writ; but the peremptory writ must be denied altogether, unless the sphere of its mandate is exactly coincident to the mandate of the alternative writ. (*Queen v. East and Railroad Co.*, 2 El. and Bl., 466; 3 Ad. and Ell., 534; 14 *ib.*, N. S., 459.)

If the propositions heretofore advanced are correct, the mandate of the alternative writ was too broad in that it commanded the defendant to operate the bridge under a uniform tariff of freights and fares, with the residue of the road. We hold that the defendant may, under the act of 1871, exact special tolls and charges for the use of its bridge.

Anticipating that this might be the view of the court, the relators' counsel have, in that event, asked leave to amend by striking out of the mandate of the alternative writ the words, "and freight and passenger tariff," and that the peremptory writ issue so as to conform to the alternative writ as thus amended.

Undoubtedly this amendment ought to be allowed. In this country and at this day the writ of mandamus has lost its prerogative character, and the proceedings are governed by the same liberal rules which obtain in ordinary legal remedies.

Accordingly, says Chief-Justice Taney, "The right to the writ, and the power to issue it, have ceased to depend on any prerogative power, and it is now regarded as an ordinary process in the cases to which it is applicable. It is a writ to which every one is entitled, where it is the appropriate process for asserting the right he claims." (*Kentucky v. Dennison*, 24 How., 66.)

In our judgment the true rule is to allow, on proper terms, amendments in proceedings by mandamus at all times, both as to form and substance, in the interest of justice. In England, 9 Anne, ch. 20, sec. 7 extended the statutes of jeofails "to all writs of mandamus and all the proceedings thereon."

Speaking of the power to allow amendments, Mr. Justice Strong, delivering the judgment of the supreme court of Pennsylvania, remarks: "Formerly, when the doctrine of amendments remained as at common law, the court would not allow the writ of mandamus to be amended after returns filed; but, as is said by Topping, (page 334,) the strict rule of the common law has been of late years altogether departed from, the principle as to amendment being that it shall be allowed in all cases when such a course will promote justice." (*Commonwealth v. Pittsburgh*, 34 Pa. St., 496, 515.)

And such is unquestionably the American practice. (Dillon, Munic. Corp., secs. 692, 701, and cases cited; High on Extr. Rem., 519.)

And the allowance of such amendments is within the spirit, if not, in-

deed, within the terms of the liberal provision as to amendments in the thirty-second section of the judiciary act.

The power there given to allow amendments is broad, extending to "any defect," and should not, ordinarily, be confined to defects of form, and should be liberally viewed, and the power given liberally exercised to promote practice.

Guided by these considerations, why should the relators be denied the power to amend to conform to the views of the court, on proper terms, and not compelled to commence anew?

The defendant, it is to be supposed, has and feels no other interest in this controversy than to have its public duty authoritatively settled; and this can be as well done in this proceeding by allowing the amendment as by compelling the relators to retrace all their steps by commencing *de novo*.

Let an order be entered allowing the proposed amendment to the alternative writ, and thereupon directing the peremptory writ to issue conformed to the alternative writ as amended.

Ordered accordingly.

LOVE, J., concurs.

In the circuit court of the United States for the district of Iowa.

I, George B. Corkhill, clerk of the said court for said district, do hereby certify that the foregoing transcript contains a full, true, and complete copy of the opinion of the court, in a certain cause pending in said court, wherein United States *ex rel.* Samuel E. Hall *et al.* are plaintiffs and the Union Pacific Railroad Company is defendant, as full, true, and complete as the original of the same now remains on file in my office.

In testimony whereof I hereunto subscribe my name and affix the seal of said court at my office in Des Moines, in said district, this 19th day of May, A. D. 1875.

GEORGE B. CORKHILL,

Clerk United States Circuit Court, District of Iowa.

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PROTECTION OF THE FRONTIER OF TEXAS.

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JOINT RESOLUTION  
OF THE  
LEGISLATURE OF TEXAS

RELATIVE TO

*The protection of the frontier of said State, and compensation for past expenditures by the State in that behalf.*

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JULY 17, 1876.—Referred to the Committee on Military Affairs and ordered to be printed.

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SECTION 1. *Be it resolved by the legislature of the State of Texas, That the Federal Government owes to Texas protection of her exposed frontiers, by virtue of her right as a member of the Union to an equal participation in the benefits and blessings which its Constitution guarantees to all the States, among which is defense against invasion; and the republic of Texas, upon her accession to the Union, having ceded to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense, the faith of the United States thereby became solemnly pledged to extend to the frontiers of the said republic of Texas the most ample protection, without which, as a condition precedent, Texas would have had no sufficient inducement to surrender her independent political position.*

SEC. 2. That our Senators in the Congress of the United States are hereby instructed, and our Representatives are hereby requested, to present to Congress now assembled these resolutions of the legislature of the State of Texas, and to urge upon that body the enactment of such laws as will secure to our frontiers ample military protection against Indians and Mexican freebooters; the military forces of the United States on our borders being too weak under the most effective command to afford such protection, and the State of Texas being compelled, in defense of the property and lives of her citizens, to maintain in the field a considerable military force at her own expense.

SEC. 3. That our said Senators be instructed and our Representatives requested to present and urge before Congress the passage of a bill re-imbursing the State of Texas for the large appropriations of money which, from time to time, have necessarily been made by her legislature,

because of the failure of the Federal Government to provide sufficient protection to our frontiers.

SEC. 4. That the governor of the State be requested to transmit to our Senators and Representatives in Congress a copy of these resolutions, together with an itemized statement of all expenditures made by the State in the protection of her frontiers.

SEC. 5. The fact that Congress will adjourn at an early day, and the necessity for prompt action, requires that this joint resolution take effect, and it is hereby declared that it do take effect, from and after its passage.

Approved July 6, 1876.

THE STATE OF TEXAS,  
DEPARTMENT OF STATE.

I, A. W. De Berry, secretary of state for the State of Texas, do hereby certify that the above and foregoing is a true and correct copy of the original enrolled senate joint resolution No. 169, passed by the fifteenth legislature of the State of Texas, and now on file in this department.

In testimony whereof I have hereunto signed my name and affixed the seal of State, at the city of Austin, this the 7th day of July, A. D. 1876.

[SEAL.]

A. W. DE BERRY,  
*Secretary of State.*

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## WHISKY FRAUDS.

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### TESTIMONY

BEFORE THE

### SELECT COMMITTEE CONCERNING THE WHISKY FRAUDS.

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JULY 25, 1876.—Ordered to be printed.

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#### SAINT LOUIS AND MILWAUKEE WHISKY FRAUDS.

On Monday, March 6, 1876,

Mr. KNOTT, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

*“Resolved, That a special committee of seven be appointed to inquire whether any officer or official of the Government of the United States, or any person or persons in the employ of the Government, or connected therewith, have in any way advised, counseled with, or directly or indirectly, verbally or in writing, communicated to any of the defendants or the friends, agents, or attorneys of them, in the prosecutions recently tried in the city of Saint Louis, Mo., any of the plans, facts, papers, or other evidence on which the Government relied, or it was believed would rely, in conducting said prosecutions. Said committee shall ascertain whether any attempt was at any time made by any officer or official of the Government other than the district attorney and his assistants, to interfere with, advise concerning, or in any way control the conduct of said prosecutions, or any of them. The committee shall have power to send for persons and papers, cause the attendance of witnesses, administer oaths, sit during the sessions of the House, and report their proceedings to the House for action at any time. They shall reduce to writing and return with their report all evidence taken before them and all exhibits filed.”*

On June 3, 1876,

Mr. CATO submitted the following resolution; which was agreed to:

*“Resolved, That the special committee of the House of Representatives appointed to investigate the so-called whisky frauds in Saint Louis, Mo., are authorized and directed to investigate the question of frauds on the revenue in the manufacture of whisky and high wines in Milwaukee, Wis., and whether any officers of the United States were concerned therein; to include the transactions and contributions of the whisky ring in the year 1873 in influencing the elections.”*

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WASHINGTON, D. C., March 22, 1876.

EDWARDS PIERREPONT, Attorney-General of the United States, sworn and examined.

By the CHAIRMAN:

Question. What official position do you occupy at present?—Answer. Attorney-General.

Q. At what time were you appointed to that office?—A. I was appointed last April, but entered upon the duties in May.

Q. At what time did the so-called whisky trials at Saint Louis become a topic of Cabinet consultation first?—A. So far as I remember that they ever became a subject of Cabinet consultation, it was in the early part of December or very last of November.

Q. Who had been indicted and convicted previous to that time for complicity in the Saint Louis whisky frauds?—A. [Referring to papers.] McDonald, Joyce, and I think Fitzroy. The only perplexity I have about it is this: A good many had pleaded guilty, and several were convicted. I speak of Joyce, McDonald, and Avery as persons who had been convicted. There were a very large number who pleaded guilty, but I have not them so that I can distinguish. Avery was convicted, I see, after that, but very soon after. I suppose by "Cabinet consultation" you mean the formal Cabinet. If you mean individual members of the Cabinet, why I should say much longer.

The CHAIRMAN. I had reference to consultation in the Cabinet, of course.

Q. What official positions did Joyce, McDonald, and Avery respectively occupy at the time they were indicted?—A. Avery was chief clerk in the Treasury Department; McDonald was a collector of internal revenue, and Joyce, I think, supervisor. I am not positive, but I may get those terms wrong; but either McDonald was a collector and Joyce supervisor or Joyce collector and he supervisor; one of the two. They held official places in the revenue department of the internal-revenue service.

Q. At what time did the alleged complicity of General Babcock in the Saint Louis whisky frauds become a topic of consultation in the Cabinet, or among members of the Cabinet?—A. The difference between when it became a subject of consultation in the Cabinet and when it became a subject of conversation between members of the Cabinet is considerably wide. It was a subject of conversation between the Secretary of the Treasury and the Attorney-General a good while before it became a subject of conversation in the Cabinet, and we together brought it to the attention of the President one day at the Cabinet meeting. That was in the latter part of November. The Secretary and myself had talked about it a good deal before that, and had had much consultation about it; and on the 19th of October we sent for Mr. Dyer—I sent a dispatch to him, after talking it over—to come to Washington. He came. I took him to the Secretary's room. In other words, we met there in the Secretary's room and my room, which were near together at the Arlington, and we went through that subject with a great deal of fullness. On the first interview Mr. Eaton, whom I had employed as one of the counsel there, came here, and we had a further conversation with him upon that subject, and it was a subject of conversation between the Secretary and myself, and of more or less communication with Mr. Dyer, who was the district attorney, from that time up to the time that it came before the Cabinet in the early part of December.

Q. What were the immediate official relations, and what was the character of the personal relations between the President and General Babcock?—A. General Babcock was the President's private secretary, as I understood. We so regarded it. I do not know whether he was appointed private secretary. That, however, is hardly a point of consequence. We understood him to be his private and confidential secretary, and so treated him.

Q. Did you telegraph to Mr. Dyer in October?—A. On the 19th of October.

Q. Have you the dispatch you sent to him at that time?—A. I have it here. [Reads:]

"OCTOBER 19, 1876.

"At your earliest convenience I wish you to come to Washington for fuller consultation than we can have by letter in the whisky cases."

In obedience to that, he came very soon after, and we had that consultation that I have mentioned.

Q. Was that the first dispatch you had sent to him?—A. Yes, sir. And I may say here it is the only dispatch I ever sent to him, requesting him to come here.

Q. That dispatch, I understand, was sent to Mr. Dyer, because General Babcock's supposed complicity in the frauds had become a subject of conversation among the Cabinet officers?—A. It was sent for this reason. The whole subject of those whisky cases was one of much interest. The responsibility of it devolved upon the Secretary of the Treasury and the Attorney-General, and we were in daily consultation in relation to it, and it was desirable to know their situation in all respects; but the fact of General Babcock bearing the relation to the President that he did, and our hearing various remarks and statements about it, made us both desire that we should understand the true situation of the case.

Q. When Mr. Dyer came, did he communicate to you the facts which had been disclosed tending to implicate General Babcock in the matter?—A. He told us all there was about it that he knew, but he communicated nothing new. There was nothing that we did not know before. We had had copies of the telegrams, and most of them had been published in the newspapers; and we talked the subject over fully.

Q. At what time was General John B. Henderson employed by the Government as counsel in the prosecution of those cases?—A. He was employed early in the case. I have not the exact date of his employment; but it was in September some time; it was prior to this, and some time prior.

Q. Who brought the subject of General Babcock's complicity in those frauds before the Cabinet in the early part of November or early in December, as you have stated?—A. Well, probably to have it clearly understood, I should state this: One day in the Cabinet prior to the time to which you allude, Mr. Bristow came into the Cabinet, having copies of some of those telegrams, which at that time I had not seen, and showed them to me in the Cabinet

aside, and we talked the matter over, and thought it was a matter of such apparent seriousness that we would stay after the Cabinet meeting, and bring it to the knowledge of the President, and we did so.

Q. To what telegrams do you allude?—A. They were some of the telegrams that were sent to him. I think one was known as the "Sylph" telegram, and there were two or three others; I think I have copies of them here. One is this. It is addressed to General Babcock, from Joyce :

"OCTOBER 25, 1875.

"Poor Ford is dead. McDonald is with his body. Let President act cautiously in his successorship."

Another, dated October 27, 1873, from Joyce to General Babcock, was this :

"The bondsmen prefer the man they have recommended. An expression from the President to his friends here will secure everything. Let President do for the best, depending upon McDonald and myself to stand by his action to the last."

The next is likewise from Joyce to Babcock, dated October 25, 1873 :

"See dispatch sent to President."

October 25, 1874, to Babcock : "Have talked with D. All things right. How ? (Signed) J."

December 3, 1874, to General Babcock : "Have Secretary or Commissioner ordered anybody here ? (Signed) J."

February 3, 1875, to General Babcock : "We have official information that the enemy weakens. Push things. (Signed) Sylph."

I think those are the ones ; but I want to add here, I may be mistaken in their number. There may not have been so many as that. To General Bristow and myself this looked like a very serious matter. Of course we did not understand anything about the circumstances of it, and when we brought the telegrams to the President at the time I mention, the President called General Babcock into the room before us and asked him what it meant. General Babcock then commenced an explanation of these telegrams, and turning in this way to the President said : "You know when Joyce was here ;" so, so ; "You know about the letters that Joyce wrote, and you know when we were out there ;" so, so—I cannot repeat what he said—"and you know what was said about the change of supervisors after Mr. Ford's death," and the like. Well, as this was a matter which had occurred long before I was in the Cabinet, and about which I had no information whatever, the explanation gave me no light at all, but it seemed to be a satisfactory explanation to the President. The Secretary of the Treasury and I then both insisted that this was a matter so serious that if he could give an explanation which, as he said, was complete and perfect, and if he was perfectly innocent, as he said he was, he should go out there and make an explanation ; and we pressed it as a thing that he ought to do on the spot, and the President fell into the view that we expressed. We were urgent about it. General Babcock said he would do it, and he then wrote a telegram to some one out there, demanding that he might come and have an explanation. That was done at our urgency. He went out into the other room and wrote the telegram, and it was somewhat long and somewhat, toward the end, argumentative, and I took the pen and dashed through it, and in doing so I blotted the paper badly. I said, "You don't want to send your argument ; send the fact, and go there and make your explanation. I do not understand it. You go and make your explanation." Having blotted the whole in dashing out a part, I rewrote the few words that were left, and I said, "I should send that," and I suppose that was sent. I do not know, but I have no doubt of it.

A day or two after the President said in the Cabinet that General Babcock had received a reply stating that there would be no trial or opportunity of explanation before the middle of December, and he said, "General Babcock demands a military court of inquiry." I said, "Is that a matter of right ?" and inquiry was made by others in the Cabinet whether it was a matter of right. I knew nothing about the military law. The Cabinet adjourned over for the purpose of having that question inquired into, and it was referred to the Secretary of War to come at the next meeting to bring the law upon the subject and report. He did so at the next meeting. My impression is that it was an adjourned meeting, but I am not quite certain of that. At any rate it was within a day or two, and the report was that it was a matter of right. Then the President said before the Cabinet that he intended to order a military court, and I said there, what you will find all through these papers fully expressed, that a military court could not supersede a civil tribunal. Nobody contested that point at all, but the military court was ordered. I then gave notice to Mr. Dyer of the fact that the military court was ordered.

I should say here, for the sake of getting things that are connected in proper order, that on the 22d of November the verdict had been found against McDonald, and Mr. Dyer telegraphed me the fact. On the 23d I replied in this telegram : "I wish to congratulate you on your great success in the late trials, and to add that your energy, discretion, and good judgment, aided by the energy, discretion, and good judgment of your associates, Mr. Henderson and Mr. Eaton, have my highest approbation. Please accept the thanks of this Department, and read this dispatch to Mr. Henderson and Mr. Eaton." This was on the

23d of November. On the 29th Mr. Dyer wrote to me, sending me in a letter copies of these telegrams which I have already read, and added, "I should like to have your impression after reading these dispatches." On the 30th Mr. Eaton sent a dispatch in relation to these telegrams to the Secretary of the Treasury, and he came over to see me, and we read it, and jointly sent this telegram, which is important, because we afterward refer to it. It is on November 30, to Mr. Dyer: "We have seen Mr. Eaton's dispatch to the Solicitor. Proceed with caution. Be sure of your ground. Protect the innocent, but prosecute the guilty. (Signed) B. H. Bristow, Secretary of the Treasury; Edwards Pierpont, Attorney-General."

This dispatch, as you will see, related entirely to the Babcock matter. Then, after sending that, the letter, which of course came later than the telegram, was received, and I answered thus, on December 2, 1875:

"To Mr. DYER: Yours received. I have no other reply to make than to refer you to the telegram of the 30th of November, sent by the Secretary of the Treasury and myself jointly."

On the 2d of December, 1875, after this had been brought up in the Cabinet, I sent this to Mr. Dyer: "General Babcock, on account of the charges appearing against him in the public journals, has made a formal demand, as an officer of the Army, for a court of inquiry. I suppose, as a matter of course, it will be ordered. What is the condition at Saint Louis? Answer."

Mr. Dyer replied: "A very case, verdict of guilty on conspiracy;" and, later in the day, (December 3.) "Your dispatch, saying that General Babcock, on account of charges appearing against him in the public journals, has made a formal demand, as an officer of the Army, for a court of inquiry, was received by me. No bill of items has been returned against him, and I am not able to say whether the grand jury will make a presentment or not. Do you understand that a court of inquiry supersedes an inquiry before the court? Please answer."

To which I promptly replied, as I had before said in the Cabinet:

"Decided in Cabinet to-day that a court of inquiry will be held at Chicago. See my letter by mail. It does not supersede." Then follows my other letter, which was of the same date, but went by mail, and, of course, got there later.

"In Cabinet to-day the question was discussed, and the President has ordered a court of inquiry upon the demand of General Babcock. It will be commenced immediately at Chicago, and if the court requires your aid in getting evidence against General Babcock, in your possession or under your control, you will give every facility which can promote a thorough investigation. This court of inquiry does not restrain you in any duty which the law imposes upon you in your official capacity. It seems to be considered that, when an officer has charges publicly made against him, he has a right to a court of inquiry. It will be composed of General Sheridan, General Hancock, and General Terry."

Then, I sent him on the 6th December, 1875, this notice: "The President informs me that the court of inquiry convenes at Chicago next Thursday, and that General Babcock goes to meet the case. I repeat what I have so often said, that we wish no innocent man tarnished, and no guilty one to escape."

That, I think, answers your question.

By the CHAIRMAN:

Q. Were General Sheridan, General Hancock, and General Terry selected, upon consultation in the Cabinet, to constitute that court of inquiry?—A. Well, I do not think it was a matter of consultation. I think it was remarked by the President that these were good men. I don't remember any consultation about it.

Q. Was the judge-advocate named at that time?—A. I have an impression that he was, but I am not certain. If he was it ought to be stated in the letter. If the letter does not name the judge-advocate it was because I did not know him. If he had been named at that time I should have mentioned it.

Q. Colonel Gardner was subsequently named as judge-advocate of that court of inquiry, I believe?—A. I could not tell without looking at the record, for I never knew him.

Q. I see in your letter or telegram of the 6th of December that Colonel Gardner is the judge-advocate.—A. Yes, sir; it is so.

Q. At whose suggestion was he appointed judge-advocate?—A. I have no idea. I never saw him that I know of in my life. I never spoke with him to my knowledge; certainly not on this occasion.

Q. Were you or any member of the Cabinet consulted as to the time at which this court of inquiry should be held?—A. I was not.

Q. I see that in the letter or dispatch of December 6, you request Colonel Dyer to send any documentary evidence bearing upon the case, and the names and residences of any witnesses whose testimony he may judge important to make the investigation thorough to Colonel Gardner, the judge-advocate?—A. Yes, sir.

Q. How came you to make your request of Colonel Dyer?—A. Because I understood from the President that Colonel Gardner was the judge-advocate, and that in military proceedings that was the proper course to take.

WASHINGTON, D. C., March 23, 1876.

Examination of EDWARDS PIERREPONT resumed.

The WITNESS. On the 6th of December, 1875, I sent to Mr. Dyer the following telegram :  
 " The President informs me that the court of inquiry convenes at Chicago next Thursday. That General Babcock starts to-night to meet his trial. That Colonel Gardner is the judge-advocate, to whom at Chicago you will please send any documentary evidence bearing upon the case and the names and the residence of any witnesses whose testimony you judge important to make the investigation thorough. If there is any evidence in addition to that sent me, please forward it and communicate with the judge-advocate at Chicago by messenger or otherwise, as you deem most safe, to the end that this important inquiry, which will attract the attention of the country, may be complete in every respect. I repeat what I have so often said, that we wish no innocent man tarnished and no guilty one to escape.

" EDWARDS PIERREPONT,  
*" Attorney-General."*

The CHAIRMAN. State at whose suggestion those instructions were given to Mr. Dyer—whether on your own motion or at the suggestion of somebody else.

Mr. PIERREPONT. The President said that the judge-advocate was the person to whom all the testimony must be sent, and directed me to send to the district attorney and have him send it to the judge-advocate.

The CHAIRMAN. Who was the judge-advocate to whom the testimony was to be sent?

Mr. PIERREPONT. Major Gardner.

The CHAIRMAN. After you were informed that General Babcock had been indicted, was this instruction repeated to District Attorney Dyer?

Mr. PIERREPONT. It was not; this occurred: This instruction above mentioned was sent on the 6th of December. A telegram of the 9th of December, brought to me on the 10th of December, from Mr. Dyer gives the information of the indictment, and is in these words:

" The grand jury to-day returned a true bill for conspiracy to defraud the revenue against Orville E. Babcock. I have a dispatch from the judge-advocate of the court of inquiry at Chicago asking for charges and evidence against General Babcock. I know of nothing which can be called charges except this indictment, and what transpired in the legitimate discharge of duty by the attorneys of the Government in the trials of John McDonald and Wm. O. Avery. Shall I order copies of the stenographic reports of those trials for the judge-advocate? Is it expected that documentary evidence brought into the district court of the United States for this district by its process, and which is constantly needed in the prosecution of cases pending before it and before the circuit court of this district, shall be transmitted by me to Chicago beyond their jurisdiction? I respectfully suggest that I have no power to do so without contempt of this court. I also suggest that the Government is not ready to enter upon the trial of the indictment, and for that purpose I am sending to Chicago a copy of the indictment and a *capias* for General Babcock.

" DAVID P. DYER."

That dispatch was received on the next day after its date. In reply to that I sent this dispatch to Mr. Dyer:

" Stenograph reports received. After Cabinet to-day, full particulars by mail.

" I advised you at the first, that the military court could not supersede the criminal investigation before the civil tribunals, and you cannot be required to place any evidence out of your control, but you can send witnesses, sworn copies of papers, and facilitate the military court in making a thorough inquiry by all the means in your power not inconsistent with your duty as United States attorney. Of this you must discreetly judge. I cannot direct more specifically at this distance.

" EDWARDS PIERREPONT,  
*" Attorney-General."*

By the CHAIRMAN:

Q. Was there anything further said by the President when he directed you to instruct the district attorney, further than you have already stated?—A. I do not think of anything that was different. If there was anything additional it was a repetition of that.

Q. In your dispatch of December 10, you say, "After Cabinet to-day, full particulars by mail." Did you write to Mr. Dyer by mail after that?—A. Yes. I wrote to him the same day. I wrote two letters that day after Cabinet. I will mark them "A" and "B." They are as follows:

"A."

" WASHINGTON, December 10, 1875.

" The sworn report of Mr. Henderson's speech forwarded by Mr. Eaton, and referred to by both you and Mr. Henderson in your dispatches of yesterday as a correct report, was read in full Cabinet to-day, and it was regarded by every member as an outrage upon pro-

professional propriety thus to reflect (without shadow of reason) upon the President by whom his employment by this Department was sanctioned in order that no impediment might be placed in the way of bringing to speedy punishment every defrauder of the revenue at Saint Louis.

"You will advise General Henderson of his discharge from further service, and secure in his place the aid of the most able and efficient counsel you can find, without regard to his politics.

"EDWARDS PIERREFONT,

"Attorney-General.

"Hon. D. P. DYER,

"United States Attorney, Saint Louis, Mo."

"B."

"WASHINGTON, December 10, 1875.

"The President and all the Cabinet are desirous that you secure the services of Hon. Samuel Glover in the place of General Henderson.

"EDWARDS PIERREFONT,

"Attorney-General.

"Hon. D. P. DYER,

"United States Attorney, Saint Louis, Mo."

By the CHAIRMAN:

Q. In your dispatch of December 6 occurs this language: "If there is any evidence in addition to that sent me, please forward it and communicate with the judge-advocate," &c. You mean by that the evidence to be forwarded to you?—A. No; forwarded to him. He had sent me some testimony in the Avery case. I have here alluded to that testimony in the Avery case, which he had sent me. The Avery case developed the telegrams about Babcock, and that was the evidence that I spoke of.

Q. That was to be forwarded to the judge-advocate, and not to you?—A. Yes; to the judge-advocate.

Q. In your dispatch of December 10 you say: "Stenograph report received." What report was that, and when was it received?—A. That was the testimony of Fitzroy, taken on the 2d of November.

Q. Was that received on December 10?—A. Yes; I judge it was.

Q. Had you previously requested Dyer to forward that stenographic report?—A. I do not recollect whether I did or not. I think he sent it without being requested, unless it may be that while he was here I may have requested it verbally. I do not see any letter of that kind.

Q. Did Mr. Dyer comply with either of those telegraphic instructions that you sent him? That is, did he send any evidence or name the witnesses to Gardner?—A. He did not, that I know of. I understood that after he got this dispatch of mine of the 10th, leaving him discretion in the matter, he did not send anything. That is my impression. I am pretty certain that that is so. I am quite certain that he told me so when he was here afterward.

Q. Did the court of inquiry convene in Chicago at the time appointed by the President?—A. I believe so. I never had any official notice of it, and no other notice than that which the President gave me, and which I have here mentioned; but I took it for granted, from that notice, that it did. The President afterward, in the Cabinet meeting, mentioned the fact that it had convened, and that it was going to dissolve, and afterward that it had dissolved. I do not know but that he dissolved it.

Q. Was Mr. Dyer in Washington during the months of December or January, subsequent to the dates of these dispatches?—A. He was in Washington, but I think it was later than the dates you have mentioned.

Q. Was he here between the date of the indictment of Babcock and his trial?—A. He was.

Q. Did he come here at your request?—A. No.

Q. Did you have a consultation with him when he was here in reference to the Babcock trial?—A. I did.

Q. Did he communicate to you, while he was here, his plans for the prosecution, and the evidence on which he expected to sustain it?—A. He did not communicate any plan to me about it. He told me that he had some evidence which I had not heard of before. The other evidence, except that which I am going to mention, I had heard of before, and it had been published in the newspapers. Indeed, it was developed on the Avery trial. Dyer told me one piece of evidence which I had not heard of before, and that was that after McDonald was convicted—certainly after he was indicted, and I think after he was convicted—General Babcock had sent letters, under cover to a Major Grimes, which were to be delivered to McDonald. That fact Dyer told me. We talked generally of the case and of the general circumstances, but the only evidence which he communicated to me which was new was that evidence.

Q. Did he say anything about the evidence of Mr. Everest?—A. No, he did not; I saw that in the newspaper; I did not hear it from him.

Q. You had seen it before Dyer's arrival here?—A. I will not say before his arrival, for I do not know what day he arrived; but before I had seen him, and before he had communicated to me this other testimony. It was shown to me by the President.

Q. Did Dyer say anything to you about making use of certain cipher telegrams that had passed between Babcock and Luckey?—A. My impression is that he did speak of them; either he did or somebody told me of them; and my impression is that it was Mr. Dyer, but I am not quite positive about it. It does not rest on my mind as though I heard it from Dyer, although that is possible.

Q. I understand that Mr. Everest had gone out of the country or had disappeared in some way?—A. I do not know that he had gone out of the country. I heard that he had disappeared.

Q. Did Dyer tell you that he had made arrangements to secure the appearance of Everest at the trial?—A. No, he did not tell me that.

Q. He communicated to you pretty fully, as you understand it, the evidence for the prosecution in the Babcock case?—A. He did; and I have not any doubt that he would have communicated anything to me that occurred to him, for our conversation was free and it was full.

Q. When he had communicated this evidence to you, did you communicate it to the President of the United States or to any other persons?—A. I never communicated it to a human being in any way whatever, and I am very glad of this opportunity to swear so. The first I ever heard of the Everest matter was from the President himself.

Q. When was that?—A. That was at the time Dyer was here. What fixes it in my mind very positively that Dyer omitted, or neglected to tell me of it is, that after I had seen Dyer, when the President mentioned it to me, I remarked to him that Dyer had not mentioned the circumstances.

Q. Did you ever have any conversation with Mr. Horace Porter about the Babcock trial subsequent to Babcock's indictment and previous to his trial?—A. Never; I had a conversation with Horace Porter prior to Babcock's indictment in regard to the matter.

Q. At what time?—A. It was in the month of September. I saw him at Long Branch. The Secretary of the Treasury and I were both there together. I then had a conversation with him about it, and I had a conversation with him about it subsequently here.

Q. Was it after Dyer had sent you this stenographic report?—A. No, long before.

Q. Did you communicate to Porter any of the facts which could be proven against Babcock?—A. I never communicated to Porter a fact about it in my life, nor did ever I talk of any fact with him about it, except the Sylph telegram which I communicated to him at Long Branch in conjunction with the Secretary of the Treasury. I happened to know about this telegram by the Secretary of the Treasury calling me in to give my judgment about whose handwriting it was in. I want to add here that this testimony in regard to Major Grimes, I would have communicated to the President in a subsequent conversation, but that the next time, after I heard of it, that I met the President, he told me of it himself. He had much better information on the subject than I had.

Q. Do you know who was informing him?—A. No, I do not.

Q. Was Porter in this city while Dyer was here, during the months of December or January?—A. I do not know. If he was I did not see him that I remember. I have heard of his being here repeatedly at different times, but I think I never saw him, and therefore I would not say. I do not remember to have seen him, and do not think I did.

Q. Can you fix the date of the last conversation you had with Porter about this trial?—A. I never had any conversation with him about the trial.

Q. Well, about the suspicions of Babcock's guilt?—A. I would not undertake to fix the date, but it was as early as October. For some reason Porter was very chary about seeing or talking with me for a long time before the trial.

Q. Some time about the last of January there was a circular-letter written by you?—A. There was.

Q. On what day was that circular-letter written?—A. On the 26th of January.

Q. Have you a copy of it before you?—A. I have, and present it as a true copy:

“DEPARTMENT OF JUSTICE,

“January 26, 1876.

“DEAR SIR: My attention has to-day been called to many newspaper reports, stating that in Saint Louis, Chicago, and Milwaukee large numbers of guilty men who confess their guilt are to be let off from prosecution and punishment.

“I cannot suppose that this is true, but my attention being called to it, I direct a letter to each of those places, that the district attorneys may know that suggestions have been made that quite too many guilty men are to go unpunished. I am aware that in the excitement many unfounded rumors will gain credence, and I repose in your good judgment to prevent any possible scandal from anything that would *even look like* favoritism toward those who have defrauded the Government. It is the President's reiterated desire that ‘no guilty man shall escape.’

"I do not know that there is any intention on the part of any one charged with the administration of the laws to favor any person, and the appearance of any such favoritism should be very carefully avoided.

"I write this by way of abundant caution, for I am determined, so far as lies in my power, to have these prosecutions so conducted that when they are over the honest judgment of the honest men of the country—which is sure in the main to be just—will say that no one has been prosecuted from malice, and that no guilty one has been let off through favoritism, and that no guilty one who has been proved guilty, or confessed himself guilty, has been suffered to escape punishment.

"Yours, very respectfully,

"EDWARDS PIERREPONT,

*"Attorney-General.*

"G. W. HAZLETON, Esq.,

*United States Attorney, Milwaukee, Wis."*

Q. Was this letter mailed to Saint Louis on the same day it was written?—A. I am very certain it was.

Q. You say in this letter "My attention has been called to many newspaper reports, stating that in Saint Louis, Chicago, and Milwaukee large numbers of guilty men who confess their guilt are to be let off from prosecution and punishment." Do you recollect what newspapers those reports were in?—A. I do not recollect them all. They were newspaper slips which the President had in large numbers. They were at his office. I know that some of them were from the Inter-Ocean. The others I do not know.

Q. Where is the Inter-Ocean published?—A. In Chicago, I understand. That is my impression, that one of them was from the Inter-Ocean. There were a good many slips of papers.

Q. You did not preserve any of them?—A. No; I did not hold them, and when I say that one of them was from the Inter-Ocean, I am not certain that I knew that at the time, but I see that I have been told that the Inter-Ocean had published this thing.

Q. Had these newspaper slips been brought to your attention before they were shown you by the President?—A. No; but he had shown some of them to me before. This was not the first time that he had shown them to me, but at this time there was an unusually large number of matters of this kind that were brought to my attention by him.

Q. Do you know who had taken the trouble to furnish the President with these newspaper slips?—A. I have not the least idea, but if you ever go into the President's office you will see on the table piles of newspaper slips. I have no idea who furnishes them. They have the appearance of having come by mail.

Q. Your attention was called to those newspaper slips by the President at the time?—A. Yes.

Q. No person had approached you on the subject?—A. No one had ever spoken to me on the subject that I have any memory of except the President. I had had some slips sent to me, but in much less number.

Q. Who sent them to you?—A. They never have any names to them. I do not think that a day passes without newspaper slips being sent to me; but it is very rare that they have any names on them.

Q. So you are not aware of the person to whom you are beholden for them?—A. Not in the slightest. A good many of them are such as probably the sender of them would not wish to be known. I received some of that kind to-day.

Q. I see that in your official letter to Mr. Lord, dated 4th March, 1876, you state that "about the middle of January, and subsequent thereto, various newspaper slips, private letters, and personal statements came to the President, and in a lesser degree to the Attorney-General, that bargains were being made, or were about to be made, with criminals, whose testimony was not in the slightest degree needed, by which a large number of criminals were to be let off from any kind of punishment, and to be relieved of prosecution in a manner likely to bring scandal upon the administration of justice," &c. State, in that connection, who were the writers of these private letters to the President.—A. I do not know.

Q. Did you receive any private letters on the subject?—A. I received two private letters.

Q. Conveying this information to you?—A. Yes; not only conveying the information, but mentioning the names.

Q. By whom were they written?—A. They were anonymous.

Q. And you also stated that "personal statements came to the President." Do you know by whom those statements were made personally to the President?—A. He told me of two or three. I remember one of them very distinctly, on account of his being an official. That was Supervisor Tutton. I remember him the more distinctly from his subsequently having made the same statement to me, and with a great degree of vigor.

Q. Where does Tutton live?—A. He was supervisor of the region in which Chicago is situated.

Q. Does his district embrace Saint Louis?—A. That I do not know.

Q. Did Mr. Tutton say to you or to the President that any such bargain was being made in Saint Louis?—A. I did not hear him say so.

Q. Where did he say that such bargains were being made?—A. At Chicago and Milwaukee. He mentioned that very specifically.

Q. Did he say who it was that was making these bargains?—A. Yes.

Q. Do you remember the names?—A. I cannot give the names of the persons with whom the bargains were being made. The thing which was particularly impressed on me when he came to see me (which was subsequent to his seeing the President) was, that he said that the very counsel whom I had employed, and who were responsible to me, were making bargains of this kind with a large number of important criminals; and he added that it would cause a heavy scandal before this business was over, particularly in Chicago.

Q. Who were the counsel whom you had employed?—A. I had employed Mr. Dexter, Mr. Ayre, and another, whose name has escaped me.

Q. You cannot recollect who were, proposing to make these bargains with the counsel whom you had employed?—A. I recollect that one of the parties was named Rehm. He is the same man whom they are now making a noise about in Chicago. Mr. Tutton told the President at the time, and he subsequently told me.

Q. Did he tell you that district attorneys were making such bargains?—A. He did.

Q. What district attorneys did he accuse of making these vicious bargains?—A. He did not give the names, but he said, "the district attorneys and the counsel whom you have employed."

Q. He did not designate Mr. Dyer?—A. No; he did not name him, or any one by name. I am now talking of what he said to me, not of what he said to the President.

Q. I understand that he informed you that district attorneys as well as the special counsel whom you had employed were making bargains with a large number of guilty men?—A. I do not know that he used the words "large number;" but he said a good many.

Q. Of whom you can recollect only Mr. Rehm?—A. Yes; but he mentioned one other, whose name I cannot recollect. I could do so if I were at my office.

Q. Did he tell you who were to be implicated by the testimony of these guilty men?—A. No; he did not.

Q. Did he not tell you who were in danger of being indicted and punished if such bargains were made?—A. No; he did not go into it with anything like minuteness to me. He did to the President, according to the President's statement to me. All this conversation with Tutton was after what the President had told me and was not before I wrote the circular-letter. I saw him after I wrote the letter.

Q. Then the letter was not written in consequence of anything which this supervisor stated to you?—A. Not at all. It was in consequence of what the President told me.

Q. Did you believe that your district attorneys and special counsel whom you had employed were entering into such bargains as represented to you?—A. I did not to the degree stated.

Q. And consequently you did not take any steps at all to bring them to account for it?—A. I took the step to caution them. I stated in that letter that I was not willing to believe it, and I did not believe it. I believed that it was an exaggeration, and I so stated in the letter. The letter was a mere caution to let them know that these things were told.

Q. You received no letter over any signature calling your attention to this matter?—A. No; I received two anonymous letters.

Q. At what time did the President have this conversation with Mr. Tutton?—A. I was not present at the time; but I judge that it was about the middle of January, because it was after the middle of January that the President commenced talking to me about it, and I talked with him about it a good many times.

Q. You have said that you did not believe these statements?—A. I did not believe them in full.

Q. You had full confidence in the integrity of the district attorneys and special counsel whom you had employed?—A. I did not know any of the special counsel. I had never seen them that I am aware of; but I had a good opinion of them or I should not have employed them. I had that opinion from what was said to me about them. It seemed to me, that this thing which was pressed upon the President so much, and which he told me, was exaggerated, and the whole tone of my letter shows that I thought so. As I told them, I sent the letter by way of "abundant caution."

Q. At whose suggestion was the letter written?—A. At the President's.

Q. Did he ask you to issue such instructions as this to your district attorney when he first showed you the newspaper-slips?—A. No; I do not think he did. He did not, at first, because he had been showing them to me some time before this was done.

Q. How long had this thing been going on? How long were these slips being sent to him?—A. It was not merely slips that were sent to him; it was, as I understood him, more letters and conversations. It was certainly anywhere from five to ten days prior to the date of the letter that I first heard of this.

Q. Did the President tell you who was conversing with him about this thing, and seeing him personally in regard to it?—A. I do not recollect that he named any other than these two men personally. He did name Supervisor Tutton and one other person whom I did not know, and do not know now, but who I understood was from Saint Louis.

Q. You, believing in the honesty and capacity of the district attorneys, would not have written this letter at all had you not been requested to do so?—A. Of course I should not have written the letter at all had it not been for the President having so many things pressed upon him, which induced him to believe that some caution ought to be given.

Q. He requested you to write this letter?—A. No; I will not say that he requested me to write this letter. He requested me to write a letter on the subject.

Q. Did you, yourself, prepare the original draught of this letter?—A. I prepared, myself, this letter as it was sent.

Q. And the original draught?—A. There never was any original draught that I ever saw.

Q. You never saw any other letter but the one of the same purport?—A. No; I never did.

Q. There is no draught of any letter but this one?—A. No, sir; I never saw any; I don't recollect that I ever saw any. I certainly never wrote any other than this one.

Q. Did you submit this letter to the President before you sent it to the district attorneys?—A. No, sir; I did not. This letter did not come up very near to the tone of these newspaper-slips.

Q. Can you state why, in this letter, you used this language: "That no guilty one who has been proved guilty, or confessed himself guilty, has been suffered to escape."—A. The reason of it was that according to these representations people who confessed themselves guilty were to get off without any punishment; and that was entirely contrary to the arrangement which we had had from the beginning, and entirely contrary to the letter from the Secretary of the Treasury. There had been no change in our policy in any way. It was not the policy to make promises of this kind, and we did not make them. This letter was really intended to be, as nearly as my memory would go, a reiteration of the principles of the first letter.

Q. When the President had the interview with you in which he requested you to write such a letter, did you not give him to understand that you had confidence in the district attorneys, and that they were not going to make any improper arrangement with the accused parties?—A. I said that I did not believe it.

Q. Did you not tell him that it was not necessary to write such additional instructions?—A. I do not know that I said that, but I said that I thought that these statements were exaggerations, and that I did not believe them to be anything approaching what was represented. I have, since, information from some of the district attorneys themselves, which leads me to think that some bargains of that kind might have been made which were very injudicious; that is the conclusion of one, at least.

Q. After this letter was written did you give a copy of it to any person?—A. Yes, but not immediately. I sent the letter to the three district attorneys to whom it was directed. It is directed, in the records of the Department, to Mr. Hazleton, but it was sent alike to each of the district attorneys, Saint Louis, Chicago, and Milwaukee.

Q. As I understood, the complaints were mainly in Hazleton's district?—A. No; not so much in Hazleton's district as in Chicago.

Q. Who is the district attorney at Chicago?—A. Mr. Bangs. I sent one letter to Mr. Hazleton, one to Mr. Bangs, and one to Mr. Dyer. I sent them all the same day.

Q. About the time that this letter was written did you meet, in the city of Washington, a Mr. Storrs, one of Babcock's counsel?—A. I did not; and I will here say that I never spoke to Mr. Storrs. I never met Mr. Storrs in Washington in my life, unless I met him once at a reception of the President's, where I am told I did meet him; but I did not know him.

Q. Did you furnish any person with a copy of this letter except those three parties?—A. Yes; I sent a copy of it to the President, but that was several days after it was written.

Q. About how long, do you think?—A. I should think it was from three to five days after it was written.

Q. I suppose you sent it in a sealed official envelope?—A. Certainly; in the usual way.

Q. Was it delivered into the hands of the President?—A. I have no knowledge on that subject.

Q. What purports to be a copy of this letter seems to have been published on the 1st of February in the Chicago papers. Do you know how it got into the possession of the publishers of those papers?—A. I have not the slightest idea. The first I knew of the fact was seeing the letter in the Saint Louis papers one morning at Cabinet meeting. Just before going to Cabinet meeting I recollect that I did injustice to Mr. Dyer by saying to the Secretary of the Treasury and to the President that I thought Dyer had caused the letter to be published in order to make some difficulty. The Secretary then told me that he had seen it that same morning, it having been published before in a Chicago paper, and I found that that was so. It was very imperfectly copied, and I acknowledged that it was very possible that it had been obtained in some other way.

Q. Have you taken any pains to ascertain whether a copy of that letter was procured from any of the subordinate officers in your Department?—A. I did take pains.

Q. And you are satisfied that it did not go out through any of them?—A. I do not think it did, but of course I cannot tell. I have had within three days some papers go out of my office—a secret report in the secret service, which has annoyed me very much. I cannot

tell but that men in my office may be bribed to give out papers. I did not believe that there was any such thing done there, and I am satisfied from my examination that this letter was not given out. Still, I have had, since then, some copies of papers given out, and how the newspaper-men got them, except through some infidelity in my office, I cannot imagine.

Q. You addressed a communication to the New York Herald on the 17th of February last?—A. I did.

Q. In which you make use of this language: "It was a purely official letter, confidential, as all official letters are, and exposed by gross impropriety."—A. I said that then, and I have never changed it, and never shall.

Q. Who was guilty of this gross impropriety?—A. That is exactly what I do not know. I suppose when I wrote that that this letter had come from one of the district attorneys, or that it had been exposed through their office.

Q. In this letter to Mr. Lord, of March 4, you say, "Until yesterday I was unable to get at one important fact, which made a complete explanation possible." What important fact was that?—A. The important fact was how that letter got out.

Q. How did it get out?—A. I do not mean how it got out from my office. I mean how it got in the hands of a reporter of a Chicago paper.

Q. What was the fact that you, on the 3d of March, ascertained?—A. I ascertained the fact that this paper got out through the President's office into the hands of some person who let it out to some other person, who sent it to the Chicago papers.

Q. From whom did you ascertain that fact?—A. I ascertained it from General Babcock.

Q. Did he tell you who the person was who obtained the letter from the President's office?—A. No, sir.

Q. Did he tell you who the person was who communicated it to the reporter of a Chicago paper?—A. No, sir; all that he told me was just this: I sent for him and squarely asked him if that letter did not get out through that office. He said, "Yes; I suppose it did." He said, "I was drowning. They were trying to destroy me, and I had a right to anything that I could get hold of."

Q. At that time Mr. Babcock was the President's confidential secretary, I understand?—A. I do not know. I did not know when he ceased to be. That is a matter which I have never understood. I have the understanding that he is not now.

Q. Did he not cease to be so after he returned from Saint Louis with the verdict of "not proven" upon him?—A. That was my impression.

Q. Do you recollect the day when Lieutenant-Colonel Fred. Grant was ordered to the West?—A. No; I do not. I never heard of his being ordered away until a good while afterward. Whether after Babcock was indicted he continued to hold that place or not was something that I never understood. It was a matter which I never felt that I had a right to inquire into, and I did not know.

By Mr. ASHE:

Q. You sent that letter to the President four or five days after it was written?—A. I think I said from three to five days.

Q. So you probably sent it to him before the 1st of February?—A. Yes; that is my impression.

By the CHAIRMAN:

Q. I see that the telegram sending it to the Chicago paper is dated "Washington, January 31, 1876," and it was published on the 1st of February.—A. When that was called to my attention, I supposed that it was a made-up affair.

Q. Can you recollect how many interviews you had with the President in regard to the writing of that letter before it was finally written?—A. No; I cannot undertake to tell the number of interviews; but he spoke to me about it several times, and called my attention to those things that were being pressed upon him.

Q. Was he pretty urgent in asking you to write that letter?—A. He was very much disturbed, and he was quite earnest.

Q. Had you known him before to be so much interested in the administration of justice in the district and circuit courts of the country?—A. I never knew any case before in which he had any personal part, except in the trial of Joyce and McDonald. He seemed to be quite interested in those trials. He took a very strong interest in them. This phrase, which has gained so much notoriety, "Let no guilty man escape," he indorsed upon a paper making a charge or suggestion against General Babcock.

Q. What paper was that?—A. A paper suggesting that General Babcock was implicated.

Q. An official paper?—A. No; a letter.

Q. From whom?—A. That I do not recollect. It was from Saint Louis, and he made this indorsement upon it. I ought to say here that I heard the President say, five or six times in the progress of that case, "If Babcock is guilty, there is no man who wants him so much proven guilty as I do, for it is the greatest piece of treason to me that a man could possibly practice."

Q. At what time did General Babcock communicate the fact to you that he had procured this letter from the President's office?—A. He did not communicate it exactly in that way,

but I put it to him, as I say, and asked him if it did not come from him or through his instrumentality in some way, and he said it did.

Q. Did you put the pointed question to him, "Did you get that letter from the President's office?"—A. No; I did not put it in that form.

Q. Did you not suggest to him that he, being the President's private secretary, had facilities for getting hold of such documents?—A. I suggested that I had information that satisfied me that it must have come out in some way through that office. I can tell you the exact date of that conversation; it was the second day of March.

Q. Has that fact become public, that Babcock confessed having abstracted that letter from the President's office?—A. Yes; substantially that.

Q. Has he called for a court of inquiry to see whether he has been guilty of conduct unbecoming an officer and a gentleman?—A. I have not heard. He did not state that he abstracted it, nor do I state it, but I state that either he or some one for him did so.

By Mr. ASHE:

Q. And he stated that he was instrumental in getting it?—A. Yes; he did. I will not say that he said he was instrumental. I think I used the word instrumental, and he said he had the right to do it, answering it in this way, and admitting it in this form: "They were trying to drown me, trying to destroy me, and I had a right to protect myself."

By the CHAIRMAN:

Q. How did he think he could protect himself by that letter?—A. I do not know. It is very apparent that there was an effort made to use that letter in a way which it was never intended to be used.

Q. Is it not a fact that the publication of that letter at that time produced a perfect panic among the witnesses by whom the prosecuting attorneys expected to fix guilt on Babcock?—A. I do not understand that it affected any witness in his testimony at all. I have seen Colonel Brodhead since the trial, and I asked him if there was any evidence suppressed or deterred, and he said he thought not. That it produced an effect at the time was true, I own, but I do not think it produced any effect whatever on the trial of Babcock, from what I have heard. I judge this particularly from my interview with Mr. Brodhead, who has been here since the trial.

Q. You said a while ago that you had sent the President a copy of that letter in a sealed envelope from your Department?—A. Yes.

Q. Did you subsequently have any conversation with the President about that letter?—A. Yes.

Q. Did he express any dissatisfaction with the terms in which it had been couched?—A. He said he had not read it.

Q. When was that conversation in which he said he had not read it?—A. It was on the Friday that I saw it in the Chicago papers.

Q. How came you to furnish the President with a copy of the letter?—A. There would have been nothing unusual in it, in a matter in which he had so much interest, but after this last interview, in which I told him I would write a letter about it to the district attorney, he said to me, "Have you done anything about that?" and then I sent him a copy of the letter to show him what I had done.

Q. Do you recollect what time of the day it was that you sent a copy of the letter to him?—A. I have not the least memory of it. There was not anything in it to fix the time of the day in my mind.

Q. Did you and the President consult together as to the terms in which the letter should be couched, before the letter was written?—A. No, sir; we did not. He had nothing to do with its terms; those are my terms.

Q. Did he have any terms of his own?—A. He did not ask me anything particular to write. He felt that a great wrong was being done, and he had been a good deal disturbed about it, and he undoubtedly felt that there was more in it than I felt there was in it. My letter is pretty tame, as you see, admitting that I did not quite believe they were doing wrong; he did believe it.

Q. I want to know whether the President suggested any stronger terms than those lame ones which you used?—A. No; he did not suggest terms at all.

Q. What did he tell you to write to these district attorneys? What did he tell you that he wanted to communicate to them?—A. He said he wanted communicated to those district attorneys something to prevent them from doing those outrages, or doing those wrongs, or whatever the phrase was.

Q. What was it that he wished to communicate to them?—A. He did not state the language at all, he only wanted to have me communicate to them in a way which would prevent what he was apprised they were going to do, or were doing, which would bring scandal, as he thought, on the administration of justice, and do him great wrong.

Q. I see it suggested, by way of caution to the district attorney, that no innocent man shall be tarnished; did you apprehend at that time that they were in danger of tarnishing any innocent man?—A. The phrase which you allude to occurs in a telegram to Dyer in relation to the court of inquiry.

Q. Have you apprised the President of the conversation which you had with General Babcock about the abstraction of this letter from the President's office?—A. I have told the President that Babcock admitted to me that the letter came through his office. I have not used probably the word which he used. I told it to him immediately after I heard it.

Q. When General Babcock was on trial at Saint Louis, a man named Sherman was sent there from New York to advise with the district attorney?—A. Yes.

Q. For what purpose was he sent out there?—A. He was sent out there, as I understood, (having no personal knowledge on the subject whatever) by the district attorney of New York, who commenced his correspondence with me on the subject in a letter dated January 12, 1876, in which he says:

"DISTRICT ATTORNEY OF THE UNITED STATES FOR THE  
"SOUTHERN DISTRICT OF NEW YORK,  
"New York, January 12, 1876.

"SIR: I have in court a considerable number of seizure cases of distilled spirits coming from the inculpatated western distillers. In connection with these cases and in taking a large mass of testimony for use at the West, I have become satisfied of two things, first, that the distilled spirits under seizure here can only be condemned, as it ought to be, by a careful investigation made at the West by some one familiar with all the facts we know here; second, and quite as important, I think more so, that a similar investigation made at the West will, in connection with what we know here, lead to heavy claims upon responsible wholesale dealers here.

"I do not think these results can be so certainly obtained by an investigation conducted solely by the internal-revenue officers, as if they are aided by some one from here who is familiar with the legal bearings of what we have already learned in this office.

"After a good deal of reflection, I have made up my mind to ask that I be authorized to send Mr. R. M. Sherman, my assistant who has had charge of these matters, to Saint Louis, Indianapolis, Chicago, and Milwaukee, to pursue these inquiries in connection with the internal-revenue officers and the several district attorneys. The additional expense involved will be small, though the inconvenience to this office from his absence will be considerable, but I believe the results will be largely beneficial to the Government. His knowledge of internal-revenue matters in their legal aspects is very extensive and accurate.

"I hope to get authority to issue open commissions to take testimony as to the spirits under seizure here, in which case I should propose that Mr. Sherman attend to them.

"I have not written the Commissioner of Internal Revenue, because I suppose, even though the matter relates to internal revenue, the application should be to you.

"Your obedient servant,

"GEORGE BLISS,  
"United States Attorney.

"Hon. EDWARDS PIERREPONT,  
"Attorney-General."

On the 15th of January, he writes me this letter:

"DISTRICT ATTORNEY OF THE UNITED STATES FOR THE  
"SOUTHERN DISTRICT OF NEW YORK,  
"New York, January 15, 1876.

"SIR: I will be obliged if you will send me letters accrediting Mr. Sherman to the district attorneys at Indianapolis, Chicago, Milwaukee, and Saint Louis, in such terms that they will aid him and furnish him any necessary information in their power.

"Your obedient servant,

"GEORGE BLISS,  
"United States Attorney.

"Hon. EDWARDS PIERREPONT,  
"Attorney-General."

On January 17, I replied to Mr. Bliss in these words:

"DEPARTMENT OF JUSTICE,  
"Washington, January 17, 1876.

"SIR: Replying to your request of the 15th ultimo, I inclose letters introducing Mr. Sherman to the United States attorneys at Indianapolis, Chicago, Milwaukee, and Saint Louis, and instructing them to give to Mr. Sherman such aid as they may be able to further the object of his mission.

"Very respectfully,

"EDWARDS PIERREPONT,  
"Attorney-General.

**JAN 18**

"GEORGE BLISS, Esq.,  
"New York City."

That letter inclosed letters to each of the district attorneys, of which this is a copy :

" DEPARTMENT OF JUSTICE,  
" *Washington, January 17, 1876.*

" SIR : R. M. Sherman, who will hand this to you, is one of the assistants to the district attorney at New York. He comes into your district for the purpose of taking testimony, and making certain investigations to aid the trial of cases pending in New York.

" You will give to him such information relative to the object of his mission as you may have, and aid him in his work in all proper ways.

" Very respectfully,

" EDWARDS PIERREPONT,  
" *Attorney-General.*

" DAVID P. DYER, Esq.,  
" *United States Attorney, Saint Louis, Mo.*"

On February 9, Mr. Bliss writes to me again, as follows :

" DISTRICT ATTORNEY OF THE UNITED STATES FOR THE  
" SOUTHERN DISTRICT OF NEW YORK.  
" *New York, February 9, 1876.*

SIR : I beg to approve the application made to you by my assistant, Mr. Sherman, that the district attorneys at Saint Louis and Indianapolis be directed not to move sentence upon John W. Bingham until further directions from you, it being understood that so soon as he shall have rendered to the Government the service which is needed in civil and criminal proceedings here, you will revoke your stay. I do not ask any immunity for Mr. Bingham eventually, nor, as I understand, does he, but I beg to represent in the strongest manner that his testimony, and his alone, can enable the Government, with what other testimony it has, to convict four or five guilty men, and incidentally to recover considerable sums of money.

" Your obedient servant,

" GEORGE BLISS,  
" *United States Attorney.*

" Hon. EDWARDS PIERREPONT,  
" *Attorney-General.*"

On February 10, I wrote a letter to Mr. Dyer, inclosing Mr. Bliss's letter, and saying :

" DEPARTMENT OF JUSTICE,  
" *Washington, February 10, 1876.*

" SIR : I inclose to you herewith copies of letters of the 6th and 9th instant, addressed to me, respectively, by Roger M. Sherman, esq., assistant to the United States attorney for the southern district of New York, and George Bliss, esq., United States attorney for that district.

It appears from these letters that there is the most urgent necessity that the testimony of John W. Bingham should be had, in order to the conviction of certain guilty men in New York, and, incidentally, to the recovery of large sums of money by the United States.

" Influenced by this consideration, I hereby instruct you to refrain from moving for sentence against Bingham in the United States court at Saint Louis, until further orders from this Department, unless you see a necessity for a different course.

" Very respectfully,

" EDWARDS PIERREPONT.  
" *Attorney-General.*

" DAVID P. DYER, Esq.,  
" *United States Attorney, Saint Louis, Mo.*"

On February 12th Mr. Dyer writes to me as follows :

" UNITED STATES ATTORNEY'S OFFICE,  
" EASTERN DISTRICT OF MISSOURI,  
" *Saint Louis, February 12, 1876.*

" SIR : I am in receipt of your letter of the 10th instant, covering letter of Roger M. Sherman to you, dated February 6, 1876, in which he says, ' that Colonel Dyer, the district attorney here, has not responded, except formally, to the direction to render me assistance, contained in a letter from you of which I was the bearer ; he does not manifest the slightest interest in the interests of the Government beyond the pending whisky trials here, and I am accordingly apprehensive lest he should move sentence on Mr. Bingham's plea of guilty here.' In regard to the matter of the sentence of Mr. Bingham, under his plea of guilty here, I have only to say that the court announced more than once that it would not pass sentence until the cases here were tried or otherwise disposed of, and it is not in my power, therefore, to have the court sentence Bingham, if I were disposed to ask it ; a matter about

which Mr. Sherman never spoke a word to me. When Mr. Sherman came here I was an still am quite busy, but I directed Mr. Peddrick to give him all the assistance in his power. This he has done, giving to the matter his whole time, or nearly so.

"I have received from various trusty sources information touching the conduct of Mr. Sherman since his arrival here that has led me to believe that *he* was more interested in 'the pending whisky trials' here than he had been in the business for which he was sent, and that not on the side of the prosecution either. I care nothing for this, (no more than I care for him,) nor do I suffer the twaddle of such fellows to annoy me. I detailed one of my assistants to aid him, but I have not had the time, even if I had had the inclination, to give him such attention as he would seemingly require.

"Very respectfully,

"DAVID P. DYER,  
"District Attorney.

"Hon. EDWARDS PIERREPONT,  
"Attorney-General."

That letter did not reach me until after I had received the following telegram :

"INDIANAPOLIS, IND.,  
"February 1, 1876. (Received 11.25 a. m.)

"To Hon. EDWARDS PIERREPONT,  
"Attorney-General, Washington, D. C. :

"It is desirable that John W. Bingham's sentence be postponed until May, for New York cases. Please telegraph authority.

"ROGER M. SHERMAN,  
"Assistant United States Attorney, N. Y."

In reply to that I telegraphed as follows :

"DEPARTMENT OF JUSTICE,  
"Washington, February 1, 1876.

"ROGER M. SHERMAN,  
"Assistant U. S. Attorney, N. Y., Indianapolis, Indiana :

"The matter lies entirely with the judge.

"EDWARDS PIERREPONT,  
"Attorney-General."

Afterward Mr. Dyer telegraphed me that Bingham could not be sentenced anyway. On the 14th of February I received the following telegram from Mr. Dyer :

"Dated Saint Louis, Mo., February 14, 1876. Received 12.15 p. m.

"To Hon. EDWARDS PIERREPONT,  
"Attorney-General, Washington, D. C. :

"Evidence accumulates that Sherman has lent himself in the interest of Babcock, and I desire to notify you that I shall extend no further courtesies to him.

"DAVID P. DYER,  
"District Attorney."

In reply to that I sat down to answer Mr. Dyer, and had written so far :

[Telegram.]

"DEPARTMENT OF JUSTICE,  
"Washington, February 14, 1876.

"D. P. DYER,  
"United States Attorney, Saint Louis, Mo. :

"I do not know Sherman. Is he the one sent at the request of the district attorney of New York? If he is what you suspect, treat him accordingly."

When I received Eaton's dispatch as follows :

"Dated Saint Louis, Mo., February 14, 1876. Received 2.03 p. m.

"To Hon. EDWARDS PIERREPONT,  
"Attorney-General, Washington, D. C. :

"Before my late visit I had expressed my strong impression that Roger Sherman, assistant United States attorney from New York, was really acting here as a spy on the prosecution for the benefit of Babcock. I am convinced of this.

"LUCIEN EATON,  
"Special Attorney."

I replied as follows :

"Since commencing this Mr. Eaton's dispatch is handed me showing that Sherman is the one from New York sent out by Mr. Bliss to collect testimony. If he interferes with you in the least to obstruct justice in any manner, treat him with any severity he may deserve.

"EDWARDS PIERREPONT,  
"Attorney-General."

Then Dyer telegraphed to me for authority to get some papers, which he supposed were in Sherman's hands, and on the 14th of February (the same day) I sent him this telegram :

[Telegram.]

"DEPARTMENT OF JUSTICE,  
"Washington, February 14, 1876.

"Hon. D. P. DYER,  
"United States Attorney, Saint Louis, Missouri :

"I give you all authority which I can possibly possess to compel Mr. Sherman to give you all papers and other evidence for the Government.

"EDWARDS PIERREPONT,  
"Attorney-General."

On the 15th of February I received the following telegram from Mr. Eaton :

[Telegram.—Dated Saint Louis, Mo., February 15, 1876. Received 1.48 p. m.]

"To Hon. EDWARDS PIERREPONT,  
"Attorney-General, Washington, D. C. :

"Roger M. Sherman, assistant district attorney southern district New York, refuses to comply with request of Colonel Dyer to see letters of Hogue, conceded to be in his possession, except formally at trial of General Babcock. Please direct immediate compliance with request mentioned.

"LUCIEN EATON,  
"Special Counsel."

On the 9th of February I received the following telegram from Mr. Dyer :

[Telegram.—Dated Saint Louis, Mo., February 9, 1876. Received 2.39 p. m.]

"To Hon. EDWARDS PIERREPONT,  
"Attorney-General, Washington, D. C. :

"I talked with Bingham last night, and I am satisfied that I have judged Mr. Sherman too harshly, and I think it honorable to say as much.

"D. P. DYER,  
"District Attorney."

I wrote him thereupon to give me a full report of the matter, and that I would take measures ; and here is this full report :

"UNITED STATES ATTORNEY'S OFFICE,  
"EASTERN DISTRICT OF MISSOURI,  
"Saint Louis, March 6, 1876.

"SIR : In reply to your several letters of the 18th and 19th of February, I beg to say that Roger M. Sherman, esq., presented to me, in the early part of February, your letter of the 17th of January. At the time it was presented I was busily engaged in court and could not give my *personal* attention to the request, but at once directed one of my assistants, Mr. Peddrick, to render all proper aid, to the end that your request might be complied with : and Mr. Sherman assisted in his investigations.

"The investigation was carried forward by the aid of the supervisor, who issued subpoenas for witnesses to attend at his office to give testimony in the matter in hand. The first cause for suspicion that Mr. Sherman was unfriendly to the prosecution here was based upon the fact that he caused to be issued a subpoena for A. M. Everist, a witness whose testimony I deemed important against General Babcock, without consulting me in reference thereto. The deputy collector, who was charged with the service of that and other subpoenas, called at my office to ascertain the whereabouts of Everist, which was the first intimation that I had of the purpose of Mr. Sherman to examine him as a witness. I declined to give the officer the information he sought, and directed him not to prosecute the matter further.

"In a conversation subsequently had with Mr. Sherman touching this matter he explained by saying that the testimony of Everist was important to him, inasmuch as Eve-

rist had been a gauger, and that shipments had been made to New York, of spirits, which had been gauged by him.

"Sanford M. Burton was a witness for the prosecution in the case against McKee, as well as in the case against Babcock, and in the former trial he had stated that Joyce told him that the money which was raised here in April, 1875, to prevent the seizures which were subsequently made, was to be paid to General Babcock.

"Burton was subsequently examined by Mr. Sherman, and I was told by him that Sherman had made inquiries of him touching his knowledge of Babcock's complicity in the frauds; a matter that I did not see, at the time, he had anything to do with.

"When I spoke to Mr. Sherman about this and other statements to the same effect, he replied by saying that the evidence he had taken was all written, and that I was at liberty to examine it.

"I also learned that Mr. Sherman expressed himself very decidedly in the McKee case, and commented rather severely upon the prosecution for its course. When I spoke to him about this, he said that he had only commented upon the law of the case, and that it was a '*mental rather than a personal opposition*' to the prosecution."

"When I received your letter of the 10th of February, concerning letters of Mr. Bliss and Mr. Sherman in which the latter, remarked, 'I regret to say that Colonel Dyer, the district attorney here, has not responded, except formally, to the direction to render me assistance, contained in a letter from you, of which I was the bearer. He does not manifest the slightest interest in the interests of the Government beyond the pending whisky trials here, and am accordingly apprehensive lest he should move sentence on Mr. Bingham's plea of guilty here. I feel justified, in view of these facts, in urging, very strongly, that he should be directed not to move for sentence, &c.,' I was at once convinced of his unfriendliness, and so wrote to you, under date February 12.

"On the 13th of February, I received information that Sherman had obtained from Jno. W. Bingham certain letters of John T. Hogue, formerly a revenue agent, and had placed them at the disposal of General Babcock's counsel. On the 14th day of February, I addressed the following letter to Mr. Sherman, to wit:

" 'SAINT LOUIS, February 14, 1876.

" 'ROGER M. SHERMAN, Esq.:

" 'SIR: I am informed that John W. Bingham, esq., who stands convicted of conspiring to defraud the revenue in this district, has placed in your hands certain letters, purporting to be from John T. Hogue, formerly a revenue agent, who has also been indicted in this district.

" 'I respectfully request that you furnish the same to me for use, provided, after examination, I deem them important in the trial now pending against Orville E. Babcock. The same will be returned to you as soon as the trial is concluded.

" 'They may be important also in the case against Hogue himself.

" 'Your immediate compliance may aid the Government, and will greatly oblige,

" 'Yours, truly,

" 'DAVID P. DYER,

" 'United States Attorney.'

" 'On the 15th day of the same month I received the following answer:

" 'LINDELL HOTEL,

" 'Saint Louis, February 14.

" 'DAVID P. DYER, Esq.,

" 'United States Attorney:

" 'SIR: In reply to your letter of this date, requesting me to furnish you with certain letters of John T. Hogue to G. B. Bingham, now in my possession, for use in the trial now pending against Orville E. Babcock, provided, after examination, you deem them important, and in which you state that they will be returned to me as soon as the trial is concluded, I have the honor to say that I will be glad to read the letters to you at such time and place as you appoint, and will have them in court during the trial, and will produce them for use upon your request, but that I decline to place them in your possession. Good faith, and the circumstances under which I received them, impose this obligation upon me.

" 'Your obedient servant,

" 'ROGER M. SHERMAN.'

" 'On the 18th of February I met Mr. Bingham at the Southern Hotel, and he gave me in writing the following statement:

" 'Statement of John W. Bingham.

" 'SAINT LOUIS, Mo., February 18, 1876.

" 'On the first day of the present month I met Roger M. Sherman, esq., at Indianapolis, Ind., at the Grand Hotel. He told me that he had been informed by Mr. Burton that I had evidence relating to business in New York that I could furnish him. He asked me about

several persons in New York with whom I had had dealings. I told him that I could furnish him the testimony he wanted, and also a book that contained the evidence he was seeking, or a part of it. I also told him that the book was in Evansville, and that I could not furnish it that day. I asked him to go to Evansville with me, which he said he could not do, but preferred to meet me in Saint Louis. I agreed to meet him there as requested. He told me that if I could give him the information he desired, he would be able to have my sentence at Indianapolis deferred until the Government could use me as a witness, if it so desired, in New York. He assured me that he would be able to get the Attorney-General to suspend the sentence for the reasons stated.

"On the 5th of February, I met Mr. Sherman at the Lindell Hotel with my book, and he sent for his short-hand reporter and took my deposition, which lasted probably for two or three hours. He examined me in reference to cases in New York, the same mentioned to me in Indianapolis by him. During the time of my examination, I told him that I had a package of letters that I thought might be of use to me from Capt. John T. Hogue. I showed them to him and he read them, and he wanted me to let him keep the book and letters. To this I objected, and told him that I was willing to bring them, (especially the book, not thinking that the letters were of much service in that connection.) I finally left the room and took with me the book and letters. Before leaving he told me that he would write to the Attorney-General, who would give the necessary instructions to the district attorneys at Indianapolis and Saint Louis in regard to the suspension of my sentence. I went to the office of Colonel Meyer, and remained for about two hours, and while I was there Sherman came into Colonel Meyer's office.

"Mr. Sherman and I left that office together and came in the direction of the hotel. On the way he said to me that he would like to have me let him keep the book and papers, and I again declined giving them up, saying that I thought they might be of service to me, and I would present them at any time I was called on. Upon his pressing me, I agreed to let him have the letters and I kept the book. He remarked to me that the letters would be of more service to me in his hands than they would probably be in mine. I gave him the letters, and thereupon we separated.

"This is all that occurred that I recollect. The next that I heard of the letters was in connection with the case against General Babcock.

"JOHN W. BINGHAM."

"After receiving this statement, I became satisfied that the suspicion I entertained that Mr. Sherman had left his place in New York for the sole purpose of using his position to discover the testimony the Government had against General Babcock, was not well founded, and I at once telegraphed to you that I had judged Mr. Sherman too harshly. I did not desire to do him or any one else injustice, and I prepared a letter to him recounting the statement made by Bingham, and repaired to the hotel and read it to him. The letter was prepared in pencil, and I returned to my office with the view of having the same copied and delivered to Mr. Sherman, but before so completing it your letter, to which this is a reply, was received, and thereupon I determined to say all that was necessary to be said, in an official letter to you, withdrawing the letter to Mr. Sherman himself.

"The letters of John T. Hogue were produced in court by Babcock's counsel and read in evidence to the jury. If they tended in the slightest degree to exonerate General Babcock, I could not with propriety object to their introduction, however obtained. The objection interposed went simply to the point as to whether Bingham had received them or not, they being produced by Babcock's counsel, and not by Bingham himself. I was anxious that the defense should call Mr. Sherman to show how he obtained them, but the court permitted them to go to the jury on the proof that they had been deposited in the mails.

"I was disposed to believe, and I confess was anxious so to do, that the district attorney at New York had not gone out of his way to unnecessarily interfere in a prosecution in which he himself was not engaged, but if the telegrams from him to General Babcock, as published in the newspapers after the latter's acquittal, in the following words:

"NEW YORK, February 24, 1876.

"Gen'l O. E. BABCOCK, Saint Louis :

"Permit me, whose faith, as you know, has never wavered, to congratulate you on the triumph of justice and a decent administration of law, over *political* and *personal* persecution, a malignant press, and popular clamor.

(Signed)

"GEORGE BLISS,

"District Attorney."

be true, then I confess that his conduct is not as free from suspicion as I would like to have it.

"By what authority, or for what reason, he undertakes to comment on a prosecution conducted by another officer, with equal rank, if not with equal experience and ability, with himself, and denounce it as *political* and *personal* persecution, I have not been able to discover. He nor any one else can with truth say that I have prosecuted any from political or personal hostility.

"I have tried to do my duty faithfully, honestly, and impartially, and in looking back over my action, I can discover nothing that I regret, unless it be a want of ability to prosecute more vigorously and successfully than I have done.

"You will pardon this digression from a simple reply to your letter.

"Yours, very respectfully,

"DAVID P. DYER,

"United States District Attorney.

"Hon. EDWARDS PIERREPONT,

"Attorney-General, Washington, D. C."

By Mr. GLOVER:

Q. Do you know by whom you sent the letter to the President?—A. No; I have not any idea.

Q. Do you know whether General Babcock is now Superintendent of Public Buildings and Grounds?—A. That I do not know. I have never seen General Babcock since his trial, except on one occasion.

By Mr. COCHRANE:

Q. How many conversations did you have with the President altogether, in respect to those newspaper-slips which he had received about these compromises or bargains?—A. I should think I had had four or five.

Q. Do you recollect where you had the first conversation on the subject?—A. I recollect where I had each one on the subject. The first conversation took place in the regular office of the Executive Mansion, and all of them took place there.

Q. Who were present at that first conversation?—A. I do not think that any one was but the President and myself. He sent for me.

Q. At that time did he call your attention to those various newspaper-slips which you have testified to?—A. He called my attention to some slips the first time, and subsequently to others.

Q. Were those slips cut from the papers?—A. Yes.

Q. Was there any indication on the slips as to what papers they were cut out of?—A. I do not think there was. At any rate, if there was, it did not attract my attention. The only memory I have on the subject is that I either knew from the look of the paper, or heard that it was the *Inter-Ocean*, and I am not certain that I may not be mistaken. I was afterward told in conversation that those very slips which were in the *Inter-Ocean* were put in by Supervisor Tutton.

Q. Was it at that first conversation that the President mentioned to you the name of Supervisor Tutton?—A. No, sir.

Q. Did he mention at the first interview anything about his having received letters on the subject prior to that time?—A. I have no memory that he did.

Q. Or any personal communication?—A. No; I do not think he did.

Q. Can you give us about the date of that first interview?—A. No nearer than to say that it was somewhere about the 20th of January.

Q. How many slips were there—quite a number or a few?—A. Quite a number.

Q. As many as a dozen, do you suppose?—A. No; I should not think so.

Q. Can you give us an estimate of about the number of slips you saw?—A. I cannot; for the reason that I could not tell how many of them were on this subject and how many were on other subjects. There was quite a large number of them.

Q. Did the President read these slips to you, or did you read them yourself?—A. He took them in his hand and stated what they contained. I do not think I took them in my own hand.

Q. Did any of these slips charge that there was any bargain about to be made at Saint Louis?—A. Yes.

Q. How many of them?—A. That I cannot tell. I know that Saint Louis was mentioned especially.

Q. Do you recollect what was said in regard to Saint Louis?—A. No; I cannot give any further than the general idea, which was that they were making bargains to let people off.

Q. Did they state who were making these bargains?—A. The district attorney and counsel.

Q. Do you recollect that fact distinctly, that the articles stated that the district attorney and counsel at Saint Louis were making bargains?—A. No; I would not undertake to state positively that that was what was said.

Q. Would you state positively that the district attorney and private counsel at Saint Louis were mentioned at all?—A. I do not recollect hearing the words "private counsel." I remember distinctly hearing the words "Government officials;" whether the words "district attorney" were used or not on that occasion, I cannot say.

Q. Over what period of time did those five or six conversations with the President extend?—A. I should not think they extended over more than five or six days.

Q. Please state what the President said to you at the time that he suggested that this letter should be written. Give us, as nearly as you can, the substance of what he said.—A.

I would not undertake to state his exact words. He said in substance, "I want to have you write to these district attorneys, and prevent any such wrong as this being done; it will bring great scandal." That is as nearly as I can give it.

Q. Did he speak at that time in reference to the district attorney at Saint Louis?—A. He did.

Q. What did he say in regard to him?—A. He did not speak of him differently from the others. He mentioned the district attorney at both Saint Louis and Chicago especially. I do not think he said a word at that time about the district attorney at Milwaukee.

Q. Did these newspaper articles that you have spoken of, charge that those bargains were being made only at Saint Louis and Chicago, or that they were being made generally?—A. My impression of it is that they mentioned these three places. I know that the conversation of the President to me related to those three places only, and whether he got that from his private information or from the newspapers, I cannot tell.

Q. Was that the only time during your administration that the President consulted you specifically about taking action on the basis of newspaper reports?—A. He did not then on the basis of newspaper reports. I did not think he based this action on newspaper reports anything near as much as he did on what we got from the supervisor, and from other persons whom he mentioned.

Q. Do you recollect where the other party lived?—A. I gathered the impression that he lived at Saint Louis. The one whom I specially remember mentioned by him was Supervisor Tutton.

Q. Do you recollect whether this other party at Saint Louis was an official?—A. That I cannot tell.

Q. Did the President state whether it was a personal interview, or whether he had a letter on the subject?—A. The inference from his conversation would be that it was a personal interview.

Q. Did he state when he had had this interview?—A. No; but the impression on my mind was distinct that it was fresh and recent.

Q. Do you recollect whether he gave you the name of his informant?—A. I know that he mentioned some name besides Tutton's, but I do not know the name.

Q. Do you recollect that he stated in that conversation that the party who had given him this information was from Saint Louis?—A. That is my best impression.

Q. Did he exhibit any letters to you on the subject?—A. No; he did not.

Q. Did he give you the names of any parties who had written him letters?—A. I do not think he did.

Q. You have no recollection of his giving the names of any parties, save those two with whom he had personal interviews?—A. I have no memory of any others, although I would by no means say that he did not give me the names of others. It is very likely that he mentioned others, and the impression is on my mind that there were quite a number.

Q. Your impression is, however, that the President did not act upon these newspaper suggestions, but that he acted on this personal information?—A. I should think he acted more on personal information than on the newspaper articles. He did not speak of it as a newspaper matter, but as having received such information as convinced him of its truth.

Q. Where did this interview with General Babcock take place?—A. In the Executive Mansion.

Q. Who were present?—A. No one but he and I.

Q. How long did that interview last?—A. Not more than three minutes and a half.

Q. On what date was that?—A. On the 3d of March.

Q. How soon after that interview did you communicate the fact to the President that General Babcock had admitted it?—A. Very soon; almost immediately.

Q. The same day?—A. I think it was the next morning. My impression is very distinct that it was not that day, because it was after 2 o'clock, and I do not think I saw the President after that hour.

By Mr. McMAHON :

Q. Did the President request you at that first interview, when he sent for you, to write this letter?—A. No; he did not.

Q. Having sent for you, what did he request, or what suggestion did he make at that time?—A. He spoke of these things as going on, and spoke of them as improper.

Q. What action did he desire taken about them?—A. He did not suggest any action.

Q. Did he request you to suggest some line of action?—A. No, sir.

Q. In the next interview, did he send for you, or did you happen to meet him?—A. My impression is that the next interview was after Cabinet meeting.

Q. Did he request you to remain?—A. Yes.

Q. Did he broach this particular subject?—A. He did. That is my memory of it.

Q. Did he then request the writing of a letter of this character?—A. No.

Q. What did he request then?—A. He spoke about it, and inquired whether something ought not to be done, and I rather treated it as an exaggeration.

Q. You warded it off, as it were, as you had probably done at the first interview?—A. The first interview was not so pressing.

Q. The next interview that you had with him, were you sent for?—A. I do not recollect about that. The Cabinet meetings are twice a week, and then we are in there very frequently about appointments and various things, so that it is not unusual to meet very frequently in the course of a week.

Q. You have no recollection as to whether you were sent for, or were there casually?—A. I have not.

Q. But the subject came up again?—A. Yes.

Q. Had you arrived in your mind, or had he, at some line of action that was to be taken to meet the case?—A. I had not, and I do not know that he had. I am not in the habit of going off in a hurry about things in the newspapers. I am in the habit, therefore, of rather putting things off.

Q. And you warded it off again this time?—A. Yes.

Q. Was he still more urgent then than he was at the second interview?—A. No; I do not think he was, but he spoke of it as a wrong thing, and it seemed to be a thing which disturbed him very much.

Q. Did I understand you as saying that you had five different interviews before the letter was written?—A. I said that there might be from three to five. Meeting as we do on various subjects, I could not undertake to give the exact number of interviews on any particular subject.

Q. You only judge from the fact that he was very urgent about it?—A. I know the fact that he spoke several times of the subject before I wrote the letter or before I said anything.

Q. At the last interview, did you say to him that you would write that letter?—A. Yes, sir; I said I would.

Q. Did he request a copy to be sent to him?—A. No; I do not think he did. I said I would write the letter.

Q. What agreement was there between you, as to the terms of that letter?—A. There was no specific agreement.

Q. I understood you to say that he did not ask you for five days as to whether you had written it?—A. I think it was less than five days.

Q. It was the day when the letter appeared in the Chicago papers?—A. O, no; the letter appeared in the Chicago papers on the 1st of February. That was five days after its date.

Q. You think that a copy was sent to him three or four days after the letter was written?—A. I would say on general memory, from three to five days, but I would not be surprised to have it three days or to have it four days.

Q. Prior to the writing of that letter, he had broached the question to you every time you met?—A. No; I would not say every time we met; he had several times. That is, he had spoken of the subject, and it had rather been a source of inquiry with him if something could not be done. But finally he spoke of it with distinctness, about writing to the district attorneys.

Q. That is what he wanted done?—A. Yes; and on this day I promised him I would write.

Q. And you did not send him a copy of the letter for how many days?—A. Certainly for from three to five days. I am pretty certain that I did not send it to him under three days.

Q. It was the day you sent him the copy that you asked him if he read it?—A. O, no; it was some days afterward. It was after the letter had come out in the Chicago papers that I spoke to him about it, and he said he had not read it.

Q. That was the first time he asked you if you had sent the letter, was it not?—A. No; he asked me if I had sent the letter before I sent him the copy.

Q. When did he ask you that?—A. Some three to five days after the letter was written. He did not ask me if I had sent the letter, but he said, "Have you taken any action?" and I said I had.

Q. Did you not then ask him to read the letter?—A. No; I had not sent him the copy at that time. I sent him the copy of the letter on that inquiry on the same day.

Q. When was it that you asked him if he had read the letter?—A. After it came out in the newspapers. He then stated that he had not read it.

Q. Did he express any surprise at its being published?—A. He did not say anything. I was speaking with some feeling about it, and some indignation. The Secretary of the Treasury was present.

Q. You were angry about it?—A. Yes, I was.

Q. And Mr. Bristow was angry about it?—A. He did not like it. I thought it was a gross impropriety, and I expressed myself in that way.

Q. What did the President say about it?—A. He said he had not seen it.

Q. He did deny that the letter had been sent to him?—A. He said he had not read it.

Q. Did he dispute that the letter was sent to him?—A. I did not say anything to him on that subject, for at that moment I had no idea that the letter had got out through his office. I expressed a good deal of indignation, and I said that I thought Dyer had done it to breed disturbance.

Q. What did the President say about it?—A. He did not say anything.

Q. Did he institute a search for his copy of the letter?—A. I did not tell him then about my having sent it. I treated it as though he knew it as a matter of course.

Q. But when he said he had not read the letter, did not that excite your surprise—a letter about which he had taken so much interest?—A. It excited my surprise somewhat, but if he had had a different manner, it would have excited my surprise more. He is a man who often would do anything of that kind. He would let a matter pass in which you supposed that he took the deepest interest of all others, until he happened to think of it.

Q. He claimed in that conversation that the first time he ever read the letter was when he saw it in the newspaper?—A. He spoke of it as not having read it at all.

Q. Did he make light of the matter?—A. He did not say anything about it. He neither made light of it, nor did he say anything about it.

Q. It did not distract him as it distracted you and Mr. Bristow?—A. He did not say anything about it.

Q. If it did distract him, he did not let it out?—A. No; he said nothing about it. I spoke in pretty strong language.

Q. What led you and Mr. Bristow to go to the President to hold this interview?—A. It was Cabinet day, and we were there.

Q. Did anybody else join in the conversation about it?—A. No; I think that no one had got in then but ourselves.

Q. You went early?—A. We drop in sometimes four or five minutes apart, and Mr. Bristow and I happened to be there first.

Q. How did you happen to go there together?—A. We did not go there together. He was in when I went there.

Q. What was your idea in broaching the matter to the President?—A. I came in to attend the Cabinet meeting, and I had just seen the letter published. I had no particular idea about it except to state the fact that this letter which I had sent (treating it, however, as if the President knew all about it) had been thus made public, and I said what I thought.

Q. Did not the President then inquire of you whether you had sent him a copy, and did he not look around for his copy?—A. No; he did not say a word about it.

Q. He manifested no anxiety to look for his own copy, or to see what had become of it?—A. He did not say a word on the subject, not a word. The interview was not very long, and I expressed myself somewhat strongly.

Q. Was it made a subject of Cabinet consultation that day?—A. No; I do not think it was mentioned.

Q. Why not?—A. It was not one of those things which would naturally be the subject of Cabinet consultation.

Q. Were you not struck by the want of appreciation by the President of the indignation expressed by you and Mr. Bristow on that occasion?—A. No one who knows him would be struck by anything of that kind.

Q. He treated it as a matter of no consideration?—A. He treated it as he frequently treats things, with entire silence.

Q. He said nothing?—A. No; and nobody could tell what he thought.

Q. At what time was Avery's conviction, was it before Babcock was indicted?—A.

Q. When was McDonald's conviction?—A. McDonald was convicted on the 22d of November and Avery was convicted early in December.

Q. When was Joyce convicted?—A. I have not the date.

Q. His was the first trial?—A. Yes; that is my memory.

Q. What cases were pending at Saint Louis besides those cases in January, 1876?—A. There were several pending, and there are some undisposed of yet. I cannot give the names.

Mr. COCHRANE. I would like to get from the records of your office the information as to what indictments were pending at Saint Louis at the date you wrote that letter.

Mr. PIERREPONT. I will furnish them.

By the CHAIRMAN:

Q. Recurring to this letter of yours addressed to Mr. Lord, I find this language: "A few days later, the President being still further pressed about the matter, sent to the Attorney-General to learn whether he had taken any action;" whom did he send to you?—A. He did not send anybody. He sent in the usual way to ask me to come over.

Q. Do you know who the messenger was?—A. No, I do not; sometimes it was one messenger and sometimes another, and very frequently he writes on a card.

Q. Did you go over?—A. Yes.

Q. And had a conversation with him at that time?—A. Yes.

By Mr. McMAHON:

Q. At that interview did he ask you to send him a copy of the letter?—A. He did not ask me to send a copy of the letter. He asked me if I had taken any action, and I said yes.

Q. Did you say that you had written a letter exactly in his ideas?—A. I did not say so. I said merely that I had taken action.

By Mr. GLOVER :

Q. Do you know whether the letter of the Secretary of the Treasury of October 12th was known to the President?—A. I know that it was.

Q. When he solicited you to write the other?—A. Yes; it was known to him before the other was spoken of. When I say that I know the fact, I want to qualify it in this way: I say that the Secretary of the Treasury and I talked about it in the room where the President was, and I supposed he did know about it, for we talked about it.

By Mr. McMAHON :

Q. Do you know where these anonymous letters that you received came from?—A. I know that one of them came from Saint Louis; that is, I know it by the post-mark.



WASHINGTON, D. C., *March 27, 1876.*

EDWARDS PIERREPOINT recalled and further examined.

By Mr. McMAHON :

Question. Were the private secretaries of the President in the habit of opening and briefing all letters and communications to him for his perusal?—Answer. I have not the slightest information as to the habit. I should not suppose it was so, but I do not know.

Q. This copy that was made out and sent to the President was not signed, of course, in person by you, it was simply your name copied, as well as the letter itself?—A. That was all.

Q. You have spoken about an interview in the Cabinet about those dispatches?—A. Yes, sir.

Q. I understood you to say that you and Mr. Bristow remained after the Cabinet meeting, for the purpose of calling these telegrams to the attention of the President?—A. That was so.

Q. To whom had these telegrams been sent?—A. To Mr. Bristow.

Q. Were they the originals?—A. No, they were copies.

Q. Were they all the telegrams that had been developed in that trial?—A. That I do not know.

Q. Was the "Sylph" telegram among them?—A. I have doubts about that, for this reason: there were two "Sylph" telegrams; one was sent from here, and one was sent to here, and I cannot tell whether they were in that or not.

Q. You have stated that one of them you thought was the "Sylph" telegram addressed to General Babcock from Joyce?—A. That is my impression; but I want to say here, lest there be any error about that, (inasmuch as those telegrams and the telegrams that were sent to me afterward, and that I saw in the newspapers besides, which were developed in the Avery trial, were numerous.) I would not undertake to name exactly what there was that General Bristow brought, but there was quite a number of them.

Q. The telegrams he brought were those which in his judgment pointed to General Babcock?—A. Yes; that is, they required explanation in his judgment, and in my judgment. We both agreed about it.

Q. The explanation was made by General Babcock to the President there in regard to those telegrams—that is, the President called for General Babcock after you had spoken?—A. He did.

Q. In that interview General Babcock explained to the President each one?—A. Yes.

Q. Do you remember any particular explanation he gave of any particular telegram?—A. No. The telegrams were taken up and read, General Bristow being present. There was no other member of the Cabinet present at this time. The telegrams were read, and they were each read, and General Babcock said to the President, "Why, you know so and so; you know we were there in Saint Louis;" or wherever it might be. "You know about that order to the supervisors." He talked in that way about matters which I did not understand, and which General Bristow did not understand.

Q. And he explained each telegram apparently to the President's satisfaction?—A. Yes.

Q. You think it was yourself that wrote that dispatch to Saint Louis, that is, after he had written a longer dispatch?—A. Yes, that is my recollection; that after he had written it I rewrote it. But General Bristow and myself both very urgently insisted that he should go there and make an explanation, and we insisted that he should send immediately.

Q. Did General Babcock in that interview deny receiving or sending any of the dispatches of which you had copies?—A. No, sir.

Q. His matter was mere matter of explanation of those that you had there?—A. That was exactly it.

Q. Did you ever see the letter on which the President indorsed the phrase, "Let no guilty man escape"?—A. Yes, I did.

Q. Do you remember how long the President had the letter before he made that indorsement on it and sent it back?—A. I do not know; I never saw the letter until I saw it with the indorsement.

Q. Was the indorsement dated?—A. That I don't remember.

Q. You don't know how long he held it before he made that indorsement and sent it back?—A. No, I never looked at the date. That was shown to me by General Bristow.

Q. In the conversation between you and Mr. Tutton, what passed between you and him; did he say to you that there was danger at Saint Louis?—A. No, sir; he did not say a word to me about Saint Louis that I remember. He spoke in general terms upon the subject, but he spoke very especially about Milwaukee and Chicago, and had a great deal to say about Chicago.

Q. This conversation between you and him was after the letter had obtained publicity?—A. It was between him and me. That that the President communicated to me was before that.

Q. He was defending, was he not, or, rather, agreeing with you in your idea of the letter, that it was a proper letter to be written, from what he knew?—A. No; he thought something very much stronger should have been written.

Q. In the conversation with you he did not mention Saint Louis?—A. I have no memory that he did.

Q. But he did mention Chicago and Milwaukee?—A. Yes, sir; and very especially Chicago. He had a great deal to say about Chicago.

Q. And he gave you the names and the points where the danger lay in Chicago?—A. Well, he mentioned several. I have mentioned one or two. It strikes me that one of the names was Wise. I said the other day, I think, that I did not see him at all after the letter was written. On reflection, I think I am wrong in that respect. I think I did see him in the President's room, but I did not have any conversation with him. I think that one day when the President sent for me that as I went in he was talking with the President and left the room very soon after, and then the President talked to me on this subject, (that I had forgotten,) and therefore he might say that he had talked to the President before me.

Q. At what time did the President include Saint Louis as a point to which the letter should be written as well as Chicago and Milwaukee?—A. Well, he spoke of it every time that he said anything about it.

Q. Did he always have it on his mind that the letter should be addressed to these three points?—A. Yes; he never spoke of any other.

Q. Did he begin with any one point, or did he begin with all three?—A. All three. He never spoke of one separately.

Q. Have you been able to get that list of cases pending since the adjournment?—A. I have caused a thorough examination to be made, and find that no reports have been made of those cases at all.

Q. They probably go to the Solicitor of the Treasury?—A. That I don't know. They ought to come to my office. They have been very busy; probably that is the reason.

Q. You are not able to inform us, then, what cases were pending?—A. No; I cannot.

I wish to call attention to one point in my former examination. I don't know that I have made any mistake about it. I merely thought that possibly I may have conveyed a wrong impression. I saw it stated in the newspaper that I said that General Babcock caused the letter to be published. I don't know whether I stated that or not. I am not certain about that; but my impression is that, if I did state that, that is a little stronger than I ought to have said. I ought to have said this: that what he told me was that he gave it to his counsel, and that it was his counsel that got it published, and therefore, if I merely stated that he was instrumental in doing it, that is right. I don't want to put it different from what it is.

By Mr. COCHRANE:

Q. Did the President at any time indicate to you what he wanted you to put in this letter that was to be written to these district attorneys; and, if so, what did he say?—A. No further than what I have stated. If you mean words, I should say no. If you mean ideas, I should say yes. These were the ideas that he wanted me to write to these attorneys to prevent them from doing anything of that kind that was suggested, in relation to making improper bargains that would bring scandal upon the administration of justice, or, as he expressed it, "bring scandal on us." That was the expression. He expressed it with vigor.

Q. Did he mention any cases in which he feared that such bargains would be made?—A. No; he did not. He did not mention any particular cases.

Q. Did he request you to make inquiries and ascertain whether there was or was not any truth in the reports which had reached him?—A. Not at all. He treated it as true, and not as a thing that required examination. He asserted it as a fact.

Q. You could not persuade him to the contrary, so earnest was he?—A. Well, I could not say that. I did not try to persuade him to the contrary.

Q. I understood you to say, in your examination, that you had regarded those reports as amounting to nothing, and had so told him.—A. Hardly that. I treated them as exaggerated, as I said before. They seemed to me exaggerated. My letter, if you have read it, treats them as exaggerated—and let me say here what I ought to have said before. When I wrote this letter I had not before me the letter written by the Secretary of the Treasury in

October, in which we had agreed upon the general policy which is expressed in that letter. That was sent by the Secretary by my approval, and, as he states, after consultation with me. When I wrote this letter I undertook, as nearly as I could, to embody and convey precisely the ideas of policy which we had laid down there, and I did it more nearly than I supposed I had done.

Q. You regarded the first letter you had written as clear and explicit?—A. Yes; I did. I intended to have this as near like it in substance as possible.

Q. Did you have a copy of the original letter in your possession at that time?—A. No; I haven't it now. It was in the Treasury.

Q. Could you have obtained a copy of that letter as originally sent?—A. I have no doubt I could, but I had a general memory of it; it is a subject that we had talked about several times, the Secretary of the Treasury and I.

Q. You did not obtain that letter or have it before you when you wrote?—A. No; I had not.

Q. When did you meet Mr. Tutton at the Executive Mansion?—A. I cannot tell the date, but it was before the letter was written, and I should say not long before it was written; very recently before.

Q. Who were present when you saw him there?—A. No one but the President.

Q. Were you introduced to him?—A. I have an impression that the President told me who he was; that is very strong on my mind; I am pretty sure that he did.

Q. Did the President call your attention at that time to the fact that that was one of the gentlemen who had given him that valuable information about these bargains that were about being made?—A. No; not at that time.

Q. Did he request Mr. Tutton to state to you the facts which he had within his knowledge with reference to these bargains?—A. No.

Q. You had no conversation with Tutton on that occasion?—A. None whatever. He left the room almost immediately upon my coming in. I had forgotten the other day that I saw him, but my memory now is that I did see him there as I came in.

By Mr. MCMAHON:

Q. Did the President at any time after your circular-letter was published disapprove to you of its contents?—A. Never.

By Mr. COCHRANE:

Q. What did the President say to you in the conversation which you had with him before furnishing him with a copy of that letter?—A. If you mean by that that I handed him a copy—

Q. No; but you furnished him a copy.—A. Do you mean after it was written?

Q. No. You have stated a conversation that you had with the President, and that you soon after sent him a copy of a letter. I want to know what that conversation was.—A. It was precisely this: He said, "Have you done anything about that matter, or taken any action?"

Q. About what matter?—A. The letter to the district attorneys.

Q. What did you answer?—A. I said, "Yes."

Q. What more?—A. That was every word, and I sent him the letter immediately.

Q. Did you say you had written a letter?—A. I did.

Q. Did you tell him that you would furnish him with a copy of it?—A. I don't remember that I said that, but it is not unlikely that I did. I know I furnished it immediately after.

Q. What is your best recollection in reference to that; did you at the time make the remark that you had attended to it; that you had written a letter, and that you would send him a copy of it?—A. I am not at all sure as to that, because it is a good deal my habit when he asks any question to answer it just in that way, to say, "Yes," and then to do the act; and I could not say whether I said I would send him a copy or not.

Q. Did he ask you to send him a copy of the letter?—A. No; I do not think he did.

Q. Are you satisfied that he did not?—A. I have no memory that he did.

Q. You don't recollect whether he did or not?—A. No; I do not; but I don't remember that he did.

By Mr. MCCRARY:

Q. Was the general subject of the employment of the testimony of accomplices discussed by you with any one; if so, with whom and when?—A. It was discussed with the Secretary of the Treasury, in the month of October.

Q. Was it discussed more than once?—A. Yes, sir.

Q. Did that subject come up very early in the prosecution of the whisky cases?—A. It did. It came up in October.

Q. Did the discussion on that subject between you and the Secretary of the Treasury result in the issuing of any order or letter of instructions?—A. It did. It resulted in the issuing of a letter of instructions, October 12, 1875.

Q. Will you mark that letter and file it as a part of your testimony?—A. Yes; I will do so.

Q. Was it or not your purpose by the letter which you addressed to Mr. Hazleton, dated the 26th of January, copies of which were also addressed to the district attorneys at Chicago and Saint Louis, to depart in any manner or respect from the policy laid down in the letter from the Secretary of the Treasury?—A. On the contrary, my object was to make it conform to it, as closely as I could remember it.

Q. Was it your purpose in the letter to the district attorneys to discourage in any way the use of the testimony of accomplices?—A. Not in the slightest way; and I never did in any way, as they will all tell you.

Q. Did it in fact change, in any way, the policy which was announced in the order given by the Secretary of the Treasury and concurred in by yourself, addressed to Solicitor Wilson, which you have filed as part of your evidence?—A. Not in the least. If I may be permitted to say it, if that letter had not been published, and had not fallen on this excited time, no one would ever have dreamed of criticising it; and it was never intended to have been published. It was a caution to these district attorneys alone, and if any one will read it they will see what I say about the matter, that I did not believe they were doing all that was represented.

Q. Did the President seem to apprehend that the rule with regard to the use of the testimony of accomplices was about to be abused by somebody?—A. He never said anything about the testimony of accomplices. His idea was that there were improper arrangements being made by which a great many men, as he said, were to be let off in a very improper manner, which would "bring scandal upon us."

Q. In your conversations with the President which led to the writing of the circular-letter, was any reference made to the case of General Babcock?—A. Not the slightest. It never any more entered my head when that letter was sent that it could touch Babcock than that it could touch any of you.

Q. Did you show the circular-letter to the President before you sent it?—A. No; the only person that I showed it to was the Solicitor of the Treasury, and my impression is that I did not show it to him until I had sent it.

Q. The last clause of the circular-letter, so called, and the clause which has been criticised, is in these words: "That no guilty one who has been proved guilty, or confessed himself guilty, has been suffered to escape punishment." I desire to ask you whether that clause of the letter was intended to apply to persons who had not only confessed their guilt, but also given important, and needed, and truthful testimony against other offenders?—A. It was intended to apply exactly as in the first circular-letter, if you will look to that. Our policy was, that we would not agree to let off any guilty man—that we would not agree to let him off without any punishment. That was the point and the policy of it; precisely as stated in the former letter.

Q. You may now file, as a part of your testimony, your letter to Mr. Lord, of the Judiciary Committee.—A. I will do so.

The witness filed the letter, as follows:

"DEPARTMENT OF JUSTICE,  
"Washington, March 4, 1876.

"The Hon. SCOTT LORD, *Chairman, &c.*:

"DEAR SIR: Your fair and courteous letter of yesterday gives me the opportunity which up to this time I have not had—namely, the opportunity to fully explain the whole case.

"Until yesterday I was not able to get at one important fact which made a complete explanation possible.

"In relation to the whisky cases at Saint Louis, Chicago, and Milwaukee, the Secretary of the Treasury and the Attorney-General were in frequent consultation, and we never differed in our policy nor in what we deemed the best mode of carrying out that policy. In October last, while the Solicitor of the Treasury was in Saint Louis, we agreed upon, and the Secretary dispatched, a communication to the Solicitor, of which the following is a copy:

"TREASURY DEPARTMENT, *October 12, 1875.*

"It is not easy at this distance to say what, if anything, should be conceded by the Government in particular cases in order to reap greater benefits in others. The district attorney and associates, being on the ground and in possession of all the facts, are better qualified to decide such questions. I would say generally, however, that unless important ends are to be gained in other cases, I would make no terms with any indicted party. The question in hand does not relate alone to the amount of money involved in these particular cases, but affects the integrity of the revenue, and complete success in these prosecutions would be of great value to the Government hereafter. Therefore, I would say to parties who offer to surrender and ask terms, that they should plead guilty to the charges, or such of them as they admit to be true, make their statements to the court, throw themselves on its clemency, and submit to such punishment as the court may pronounce. I would ask no agreement in advance to ask for suspension of judgment, nor would I ask the court, after the plea of guilty,

to suspend sentence in any case, unless, on hearing the statement of the party in open court, it should be deemed proper to use him as a witness against a greater offender. The conviction and punishment of corrupt and guilty officials are of first importance, and all things proper to this end should be used. The Attorney-General and the Commissioner of Internal Revenue concur in this view.

"B. H. BRISTOW,  
"Secretary.

"BLUFFORD WILSON,  
"Care of United States District Attorney, Saint Louis, Mo."

The policy indicated in this order was not communicated by the Attorney-General in any circular-letter to the district attorneys of those cities; but it was intended to be carried out alike in Saint Louis, Chicago, and Milwaukee.

Nothing occurred to lead the Attorney-General or the Secretary of the Treasury or the Solicitor, so far as I know or believe, to change this policy in any degree; but about the middle of January, and subsequent thereto, various newspaper slips, private letters, and personal statements came to the President, and in a lesser degree to the Attorney-General, that bargains were being made, or were about to be made, with criminals whose testimony was not in the slightest degree needed, by which a large number of criminals were to be let off from any kind of punishment, and to be relieved of prosecution in a manner likely to bring scandal upon the administration of justice, and quite at variance with the policy expressed by the Secretary of the Treasury and approved by the Attorney-General; and these statements were in a large measure affirmed to the President, and subsequently to the Attorney-General, by one of the oldest and most trusted supervisors in the service, and who claimed to speak from personal knowledge upon the subject, and especially in relation to criminals in Chicago.

It was also stated to the Attorney-General that bargains of very questionable propriety were being made in Milwaukee by counsel without consultation with the district attorney, and without any communication with the Attorney-General, from whom they received their appointment, and for whose judicious conduct the Attorney-General was responsible.

The President was greatly disturbed by these varied and repeated representations of a course so at variance with the policy before indicated, and of which he had approved, and he brought it to the attention of the Attorney-General, and finally suggested that, in view of the repeated statements, it would be well for the Attorney-General to let the district attorneys receive some caution upon this subject, and thereupon a letter was dictated by the Attorney-General to Mr. Hazleton, and is the one copied in the official record of the Department, with a note that the same was sent, also, to the district attorneys at Chicago and Saint Louis. The following is a copy:

"DEPARTMENT OF JUSTICE,  
"January 26, 1876.

"DEAR SIR: My attention has to-day been called to many newspaper reports, stating that in Saint Louis, Chicago, and Milwaukee large numbers of guilty men who confess their guilt are to be let off from prosecution and punishment.

"I cannot suppose that this is true, but my attention being called to it, I direct a letter to each of those places, that the district attorneys may know that suggestions have been made that quite too many guilty men are to go unpunished. I am aware that in the excitement many unfounded rumors will gain credence, and I repose in your good judgment to prevent any possible scandal from anything that would *even look like* favoritism toward those who have defrauded the Government. It is the President's reiterated desire that "no guilty man shall escape."

"I do not know that there is any intention on the part of any one charged with the administration of the laws to favor any person, and the *appearance* of any such favoritism should be very carefully avoided.

"I write this by way of abundant caution, for I am determined, so far as lies in my power, to have these prosecutions so conducted that when they are over the honest judgment of the honest men of the country—which is sure in the main to be just—will say that no one has been prosecuted from malice, and that no guilty one has been let off through favoritism, and that no guilty one who has been proved guilty, or confessed himself guilty, has been suffered to escape punishment.

"Yours, very respectfully,

"EDWARDS PIERREPONT,  
"Attorney-General.

"G. W. HAZLETON, Esq.,  
"United States Attorney, Milwaukee, Wis."

A few days later the President, being still further pressed about the matter, sent for the Attorney-General to learn whether he had taken any action. The Attorney-General immediately sent him a copy of the letter, and in the multiplicity of other duties the subject

passed from his mind, until it was recalled, in early February, by seeing a publication in the newspapers of an incorrect copy of the letter.

As the letter was purely official, and, as all such letters are, strictly confidential, and intended solely for the eye of the district attorneys, and for the sole purpose of advising them of the complaints which were being made, and to caution them against any appearance of injudicious management, the Attorney-General was greatly surprised at the publicity of the letter, and quite amazed that it should be attempted to be wrested from its purpose and used for ends never imagined by the writer. The Attorney-General at once attempted to find out through what channel it had become public in Saint Louis, in whose papers he had first seen it. Ascertaining to his entire satisfaction that it had not been made public through any infidelity in his own Department, and remembering that he had sent it to no one but the three district attorneys to whom it was addressed, and being quite sure that he had never read it to any person except to Mr. Bluford Wilson, the Solicitor of the Treasury, to whom he showed it soon after it was written, and feeling entirely certain that the Solicitor had never exposed it, he concluded that it had got out through the district attorney's office at Saint Louis; but after the proper investigation, he became satisfied that his suspicion in that direction was wholly unjust, and it then for the first time occurred to him that it must have got out through the copy sent to the President, and he received secret information that convinced him that it was so; and the fact that it was very imperfectly reported in the western papers led him to believe that it had been read and perhaps imperfectly remembered. On speaking to the President about it, he had no knowledge of it whatever. He had not even read it. I waited for the opportunity, and have now ascertained that General Babcock, or some one for him, who had access to the President's papers, obtained a copy of the letter without any knowledge on the part of the President, and that the same (under whose advice I do not know) was used in the manner now known of all.

It is quite certain that if any of the defrauders of the revenue imagined they were to reap advantage from the publication of the letter, or from the utterly false construction which they tried to force upon it, they have been, and they will be, signally mistaken.

At the risk of being tedious, I trust that you will read to the committee a few words upon another subject, not within the direct scope of your resolution.

Since the acquittal of General Babcock, I have seen it stated in one of the western papers that evidence bearing upon the guilt of General Babcock was communicated to his counsel by the Attorney-General. I wish to state, in the most explicit language, and without any imaginable reserve, that there is not, and there never was, the slightest truth in such statements. I never made a communication, either written or verbal, to any one of General Babcock's counsel upon the subject. Mr. Storrs, who is the counsel especially mentioned, I have no memory that I ever saw in my life; I certainly never wrote to him: I may have seen him and may have been introduced to him at some one of the crowded receptions of the President; that is possible, since very many persons are introduced to me at those receptions whose names are often indistinctly heard and not remembered; I certainly never saw him at my house or at the Department, or at any other house or place where I ever conversed with him upon the subject of General Babcock's trial or upon any other subject. Judge Porter is the other counsel mentioned. He is an eminent lawyer of New York, and a long acquaintance of mine, and a much valued friend; and, besides, he is a gentleman of delicacy and sense. He once, and once only, called to pay his respects, and stated, merely, that he was here to prepare himself in the Babcock trial, dropped the subject utterly, and never resumed it or alluded to it again during his call, and we never, by note, word, or sign, had any other communication whatever upon the subject.

I beg pardon of the committee for such trespass upon their time, but I think, under the circumstances, they will excuse the long communication, and you will put me under many obligations by reading it to your committee.

I am, very truly, your obedient servant,

EDWARDS PIERREPONT,

*Attorney-General.*

By Mr. GLOVER.

Q. You have said that you were very much surprised when you saw the letter of January 26 published in the papers?—A. I was.

Q. Do you know whether the President manifested any concern on the appearance of that letter in the papers, at the time it was published?—A. I do not. I have very rarely seen him manifest any concern on any subject. I have sometimes.

Q. Do you know whether he took any steps to ascertain the manner in which that letter reached the public?—A. I do not.

Q. Did you ever discuss with him the propriety of investigating that matter?—A. No; I went to investigating it myself, and I found it out, too.

Q. You are not aware that he took any steps?—A. I do not know anything about that; I did.

By Mr. PLAISTED:

Q. The circular-letter referred to is that of October 12, to the United States district attorneys?—A. No, sir; to the Solicitor of the Treasury at Saint Louis. He was there, and we were in communication with him, and we sent him that letter.

Q. Was that prepared by you and Secretary Bristow together?—A. Yes.

Q. What hand had you in its preparation?—A. I had no other hand than that he consulted me about it, and he mentions my approval. He read it to me.

Q. Then it was shown to you and approved by you before it was sent out?—A. It was.

Q. And that was intended to express your policy in regard to the prosecution of those cases?—A. That was precisely what it was for.

Q. By your letter of January 26, was any change of policy intended?—A. Not a particle; and there is not any change in the language of the letter.

Q. As a matter of fact do you know whether any witness was deterred from testifying by this letter in the prosecution of General Babcock?—A. I do know, if Mr. Brodhead knows. I talked with him about it, and he does not believe there was.

Q. No such fact has been reported to you?—A. Never. I have had free communication with Mr. Dyer since, on many subjects, and never a suggestion of that kind has come from anybody, and he took pains to telegraph me that these statements that were made in the newspapers in relation to it were utterly untrue; I don't believe that anybody in Saint Louis will suggest that there was a single witness ever deterred from anything by it.

Q. State whether or not the district attorneys changed their policy in any way by reason of the receipt of that letter?—A. That I do not know; but the district attorney at Milwaukee wrote that he thought there were some matters out there that had been in the arrangement unfilly concealed from him by my counsel. I have his letter. Judge Bangs, the district attorney, also sent me the arrangement that had been made by the counsel at Chicago in relation to various witnesses there, and he had some apprehension that it might cause difficulty, and when Tutton talked to me about it, he said it would bring reproach upon us, and I see that there is some discussion about it now. But Judge Bangs sent me word that he thought that these arrangements that had been made had better be carried out, and I never interrupted one of them.

Q. Did the district attorney ever decline, on account of that letter, to receive the testimony of accomplices?—A. O, I am perfectly certain that there never was such a thing, never. I did not ask anybody to dictate that letter, nor did I show it to the President. I wrote it in my own way, intending to make it correspond with the policy embodied in the letter of October 12, and sent it with the statement that I did not believe that any of them could be engaged in anything that was improper; and if that letter had remained as it was intended to be, a secret caution, nobody would have heard a word about it. It was merely this twist that was attempted by these parties for the purpose of catching something that they thought might help them; and it was at that I expressed such indignation to the President and Secretary Bristow.

By Mr. McCrary:

Q. How did it come that your letter of October 12 was directed to the Solicitor of the Treasury at Saint Louis?—A. He was at Saint Louis. We had sent him out there to look into the state of things, and he had asked to know what our policy should be; and the Secretary consulted with me about it, and we fixed upon that policy and sent him that letter.

Q. He was engaged in superintending the arrangements for the prosecution of whisky trials?—A. Exactly that, and he wanted to lay down a general policy, and this was occurring there and in Chicago just as it will always occur—people were rushing to clear themselves by implicating other people, and we laid down a policy that would cut off much of that, saying that we would not promise that any man, however much he confessed his guilt, should go unpunished.

Q. Was it intended that that order should be given to the district attorneys, and the other counsel engaged in those prosecutions?—A. Certainly.

Q. Do you know whether that was done?—A. I have no doubt about it, because Solicitor Wilson was there on the spot when we sent it to him. But, indeed, I can say I do know, for this reason. Subsequent to that, one of the counsel for these parties, Mr. Noble, came on to see me, and he told me that he had talked with the district attorney about it, and that Mr. Dyer refused, on our circular, to agree that any of them should go unpunished. That he has told me here, since the Babcock trial.

Q. Then, as I understand, your policy has been not to make any bargains in advance with those persons, but to leave them to take their chances?—A. Yes, sir; to let them take their chances; and that the district attorney and the courts should judge. That policy being laid down, and then these things coming in in the way they did, and I not being so much excited about it, not believing that it was anything like what was represented, (for I know the tendency to exaggerate these things.) I wrote that letter.

By Mr. Plaisted:

Q. Was your letter of January 26 written with reference to the Babcock trial?—A. It had not the slightest reference to that trial. I never had thought of the Babcock trial in connection with the letter.

By Mr. McMahon:

Q. In that connection, do you mean to say now, after looking at this letter, the last sentence, that it would not be to the interest of the Government, under certain circumstances, to

let some guilty persons escape who had confessed themselves guilty?—A. No; I think that circumstances might arise in which that would be entirely proper. I have no doubt about that.

Q. Those circumstances you allude to in that circular letter sent by yourself and Secretary Bristow?—A. Yes, sir; we said that such circumstances might exist; but we considered it not a good policy; we considered it better that the matter should be left to a discretion to be exercised afterward. I had been district attorney in New York, and I knew all this; I had been in several instances cheated by people who would profess that they were going to tell a great deal, and when the time came they would tell it, and then, on cross-examination, they would fitter it all away.

Q. You had previously left it to the discretion of the district attorneys?—A. Not very much. We had indicated our views before we said that.

Q. But you only laid down a general rule that they might vary from, you having confidence in them?—A. Yes; that was the way.

Q. Well, was not this letter of yours a peremptory rule laid down by you?—A. I did not so regard it; and when you read the whole letter together, you will see that all there is in it is a general warning: all that is said in it is that the general policy was that which I there indicated.

By Mr. PLAISTED:

Q. Do you remember when the President made the indorsement upon the Babcock letter; "Let no guilty man escape?"—A. I cannot remember the time.

Q. Please state if you remember where the President was when that indorsement was made?—A. It was at Long Branch. My belief is that it was in the month of September; I am pretty sure of it, but not quite; but I know it was at Long Branch.

WASHINGTON, D. C., April 1, 1876.

DAVID P. DYER sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. Saint Louis, Mo.

Q. What official position do you hold?—A. Attorney of the United States for the eastern district of Missouri.

Q. How long have you held that office?—A. Since May, 1875.

Q. You were served with a subpoena *duces tecum* to bring before this committee certain papers?—A. I was.

Q. Have you brought before the committee the papers specified in that subpoena?—A. I have brought the official correspondence passing between me and the Attorney-General, and such dispatches and letters as passed between Asa Bird Gardner and myself touching these prosecutions, and also the official correspondence between the Secretary of the Treasury and myself relating to the matter.

[Witness produces the papers.]

Q. Are these originals or copies?—A. The letters from the Attorney-General are the originals. My letters to the Attorney-General are necessarily copies; they are the copies from my copy-book.

Q. At what time did those whisky investigations commence in Saint Louis?—A. These seizures were made in Saint Louis on the 10th of May, 1875, and the grand jury for that district was then in session, I believe. I qualified as district attorney the latter part of May, I think on the 28th of May. I found the grand jury then in session, and it remained in session during the remainder of that month and the month of June, and nearly the whole of July.

Q. At what time did the correspondence between yourself and the Attorney-General, and between yourself and the Secretary of the Treasury, commence?—A. Soon after I entered upon the office. The correspondence that took place between the Attorney-General and myself was very limited indeed. So was the correspondence with the Secretary of the Treasury. As indictments were found against prominent officials I generally notified these officers, and the dispatch to one was generally copied and sent to the other. They were simply dispatches, saying that the grand jury had returned a bill of indictment against A B or C D, as the case might be, on that day. Very little correspondence passed between us upon the developments that were being made before the grand jury. At that time, as I now recollect, no indictments had been returned against what was afterward known as the ring. The investigation began at Saint Louis, and the first disclosure that led to the unraveling of the ball was the testimony of a man whom I found under indictment for perjury. He had been formerly a book-keeper with the firm of Bevis & Fraser, distillers, and had been discharged, and the evidence showed that after he was discharged Bevis & Fraser had paid him money to go away from the State, and during his absence had paid to his

wife \$500 or \$600 a month, as the man was threatening trouble. They procured an affidavit to be made by him saying that he knew nothing about any frauds, and when he came back to Saint Louis before I went into office the grand jury summoned him and tried to make him disclose the facts, but he would not do so and they indicted him for perjury. The plan of keeping these books and the manner of perpetrating these frauds—the way in which these amounts were paid to the ring and carried forward on the books—I first gathered from this man, whose name was Bronson. It was pretty hard to find out much about the matter for a long time. You would be on the track of a thing that you thought would amount to something, and directly you would run into the woods and it would not amount to anything.

Q. When you say the ring, to whom do you allude?—A. The evidence discloses the fact that in 1871 a man of the name of Megrue, who had been formerly an assessor in Cincinnati under Mr. Johnson's administration, went to Saint Louis, at the instance of Joyce, a revenue-agent, who was then in the supervisor's office in Saint Louis, and there an arrangement was made that these distillers were to go into the manufacturing of illicit whisky, and that the tax of seventy cents on the gallon was to be divided between the officers and the distillers. Embraced in that arrangement were the supervisor, this man Joyce, the collector of the district; then Charles W. Ford; William McKee, now one of the proprietors of the Globe-Democrat, and Fitzroy, making five. They kept an account at the distillers' of all the illicit whisky that was made, and the gaugers and store-keepers were paid from one to two dollars a barrel for each barrel that was turned out; they kept an account of the illicit whisky made at the distillers', and every Saturday reported to the collector for the ring the amount of crooked whisky, and either the distiller or the gauger paid the money over as the case might be. The arrangement between the distiller and the rectifier was that thirty-five cents, the distiller's half of the seventy cents, was divided between him and the rectifier; that division was made by the distiller selling crooked whisky at, say, seventeen cents a gallon less than the market-price. That is how the rectifier got his share of the amount retained by the distiller. The amount paid to the officers was on each Saturday evening taken to the office of the supervisor of internal revenue and there divided into various packages and distributed among them. This went on from November, 1871, to November, 1872, and the testimony showed that in that period of fourteen months, during which four distilleries were in operation, the amount paid to each of these five members of the ring proper was somewhere between \$45,000 and \$60,000, aggregating in the fourteen months a quarter of a million dollars paid to those men. Of course a similar amount was retained by the distiller to be divided between himself and the rectifier, so that would make half a million dollars even if there was no cheating among themselves. That continued up to November, 1872, at which time McGrew left. During the winter there was but little whisky made. In the spring of 1873 they commenced with a new collector for the ring, Joseph M. Fitzroy, I believe. Joyce sometimes collected. McGrew was the first collector, Fitzroy the second, and Everest the third and last. That arrangement continued until April, 1875. Now and then there would be a cessation for a month or two or three months. In the spring of 1874 Joyce was sent to California, and during his absence from the State the distillers made very little crooked whisky, if any at all. The orders coming from Joyce and the parties having control were that they should not make any. In June, 1874, Joyce returned and came to Washington to make a report of what he had discovered in California, and while here he telegraphed back to McDonald a dispatch which we interpreted to mean make crooked whisky again. The language was, "Let the machine go;" and they did commence again.

Q. Did he disclose the fact that there were any others implicated in that ring except those you have mentioned?—A. The grand jury found bills against nearly all the store-keepers and gaugers that were on duty at these distilleries, because, of course, no illicit whisky could be made without the connivance of the store-keeper and gauger. When we came to get the testimony before the grand jury we found this difficulty. By documentary evidence that we could gather from the Department here we could prove enough to convict the rectifier and possibly the gauger. The regulations required that before a barrel of whisky should be emptied for rectification, or dumped, as it was called, it should be the duty of the rectifier to make out a report or to send a request to the collector for the district, saying that he wanted to dump so many barrels of whisky, and they required that the serial number of the cask and the number of the tax-paid stamp should be on the report. Duplicate copies of these reports were to be sent to Washington. That was required after the spring of 1874. Up to that time they had been deposited in the collector's office, and a great many of them had been destroyed. Now, if you had a report containing the casks of the same number and the tax-paid stamps of the same number, and you should find those duplicated, you would see at once that a double quantity of whisky had been handled on one stamp or on one barrel. We were able to get the rectifiers in that way.

By Mr. GLOVER:

Q. Did you see that that had been done?—A. O, yes; in various ways. We would get these duplicate reports and the method of keeping their books from various wholesale liquor-dealers all over the country, and by comparing the books we would find where these rectifiers had certified that they had a certain number of packages to empty which these

numbers would duplicate. The gauger was required to certify that he had seen the packages emptied and had destroyed the stamps. You would find the gauger certifying on one report that he had seen the stamp destroyed and on the next he would certify that he had seen that destroyed, thus certifying twice to the destruction of the same stamp. By that means we were enabled to get or catch the rectifier; but that didn't catch the distiller, and hence it became necessary to build up the case behind these rectifiers so that there was no escape for them from the force of this documentary evidence over their own signature, and when you had got them, then the work was to make them tell where they had got the crooked whisky, and so to catch the distiller. The rectifier would say, "These papers are true; I handled so much whisky, part straight and part crooked." Where did you get it? In that way we would get out of them the fact as to the distiller and the arrangement with the store-keeper and gauger, and from that foundation we built up.

Q. How did you manage to get that information out of the rectifiers?—A. In the first place we examined a great many men who had been the employes of the distillers and rectifiers, but the ring was about as well organized to keep from telling as it was to swindle the Government. However, we went on with the examination, and these papers began to accumulate to such an extent that there was no escape from them, and gentlemen who represented these rectifiers and distillers (the principal portion of them were represented by Noble & Orrick, of Saint Louis) could see that as far as their clients, the rectifiers, were concerned, they had nothing to hope for, and that if they were taken before the grand jury and told the truth they would have to implicate the distillers, and hence it became necessary in their judgment that there should be a complete surrender of their clients, by going before the grand jury and making a clean statement of all the facts within their knowledge, and trusting to the mercy of the court and of the Government that their sentences should be light. There never was any arrangement made with a single man, distiller, or rectifier, officer, or any one else connected with this ring by which he was promised immunity for his testimony. In the first place, I didn't want to put the prosecution in that attitude, because I understood very well that if I entered into any such arrangement with those men and they should go upon the stand and the question should be asked them by the counsel for the accused whether there was any such arrangement, and they should answer that there was, as of course they must, it would have a bad effect, and I did not propose to destroy my testimony in that way. The only arrangement with any one of them was the implied understanding that a man has by going upon the stand voluntarily and giving his testimony for the Government, and thus aiding it in the development of the frauds.

Q. At what time did you first discover the existence of this ring?—A. It was generally understood when I went into office that these seizures were made upon property to justify the officers in making the seizures. Of course the moment I went into office I was put in possession of the evidence which General Hawley, who had been sent to that district as supervisor, had gathered while he was there. I knew those facts, but the evidence at that time was quite unsatisfactory, so far as the ring itself was concerned.

Q. The object of my question was to get at about what time you had gathered sufficient evidence to commence proceedings directly against members of the ring.—A. The first man that I caught who had the secrets of the ring was Megrue. I tried to get him to tell, but at first could not succeed. In fact I had no acquaintance and had no direct communication with him. I introduced a man named Warner, a gauger, who testified to having received money from Megrue while Megrue was collector for the ring, and upon that testimony I indicted Megrue and sent a *capias* to Washington, and arrested him here and took him to Saint Louis, and when he got there he went before the grand jury and made his statement of his connection with the ring, and told as much about it as he was disposed to tell at that time.

Q. About what time was that?—A. That was in July. Megrue's testimony was to the effect that this money was paid to him every Saturday night; that he had paid one-fifth of this money, at various times, to McDonald, the supervisor, one-fifth to Joyce, and one-fifth he had kept himself; and the remaining two-fifths of this amount of money he said he always did up in an envelope and handed it to a man named John Leavenworth, a gauger; that Leavenworth was charged with the delivery of this money to McKee, and that McKee was to deliver Ford's part. At that time we could not get any testimony from Megrue that he had ever paid any money directly to McKee, and hence there was no indictment against McKee until the grand jury met in the fall. Between the adjournment of the grand jury, in July, and the meeting of the court, in the fall, the evidence had accumulated so against the distillers and rectifiers that they went in and plead guilty to various counts in the indictments, and permitted forfeiture of the property. The moment they did that the bottom of the thing fell out. They had paid money to Fitzroy, who had been a collector for the ring, and Fitzroy had been standing up faithfully by them during the entire summer without disclosing anything, but the moment the distillers plead guilty he saw that his time had come, as he had received the money from the distillers, and he then went before the grand jury and made a clean statement of the whole thing, and it was upon his testimony, together with the testimony of other parties who plead guilty after the adjournment of the grand jury, that the grand jury found the indictments against McKee and others.

Q. What others?—A. Maguire, the collector, was indicted upon statements made by those

parties, and McKee was indicted upon Fitzroy's testimony. I have now given you an outline of how the business was carried on and the mode of obtaining these pleas of guilty, and the way in which the surrender of these parties was brought about. Take, for instance, the statement of Engleke. He had been a very large dealer. He had dealt with nearly every distiller concerned, and as soon as it got out that he was going to plead guilty it created a consternation, because all of these distillers had sold whisky to him, and they knew that he had it in his power to disclose all the facts, and they surrendered, all of them. Then, as a matter of course, after they had plead guilty, it was my duty to use them, as far as I could, for the Government to develop the entire conspiracy, and I did not hesitate to use any of them.

Q. Was that at your fall term?—A. Yes, sir; in October. There were other disclosures made, and that, I suppose, is a matter about which you seek to examine me. In July, during the investigation by the grand jury, I had a *subpoena duces tecum* issued for the production of certain telegrams. That was toward the latter part of the session of the grand jury. In answer to that we not only gathered the correspondence of McDonald and Joyce, which passed between them when they were separated—one at Washington and the other at Saint Louis, but we gathered also the dispatches of William O. Avery. McGrew had testified about Avery being in the arrangement. In the course of that examination during July, I came across a batch of these dispatches that I felt it my duty to send to the Secretary of the Treasury Mr. Avery being then in the Department as chief clerk of the Treasury. Of course, those that they were sent from here I could only get copies of at the other end, the originals being here at the Washington office, and I had no means of determining who a dispatch was written by, even if I knew the handwriting. I sent the dispatches, including a dispatch signed "Sylph," supposing at the time that I sent it to the Secretary of the Treasury that it was one of Avery's dispatches; and I never knew any better until I received a letter from the Secretary of the Treasury, in which he said that he had examined them, or had them examined, including this one signed "Sylph," and he was satisfied that that Sylph dispatch was not in the handwriting of Avery. I came here, and it was at that time of my visit here in August, after the adjournment of the grand jury, that I first discovered or learned that the dispatch signed "Sylph" was a dispatch sent by General Babcock. That was the first intimation (barring the letter I had received) or suspicion that that dispatch had been sent by him that I now recollect of. The court met again in October; the grand jury was convened, and these dispatches that you have seen were found.

By Mr. PLAISTED :

Q. Was this dispatch signed "Sylph" and the others shown to the President?—A. I did not show them to the President myself. I did not have them in my possession. The original dispatch was, as I have understood, shown to the President at that time, and General Babcock explained it, or sought to explain it, as I have understood. I only speak from hearsay.

Q. Do you know whether the President was here or at Long Branch?—A. I don't know, sir.

Q. You had no communication, then, with the President?—A. No, sir; I saw the President in September; I think I met him on his way to Des Moines.

Q. Go on with your statement.—A. The court met in October, and the dispatches which have been published were obtained and laid before the grand jury, and the grand jury found a bill of indictment against General Babcock, and he was tried in January, with the result which you know.

By the CHAIRMAN :

Q. At what time do you say you transmitted those telegrams to the Secretary of the Treasury, including the Sylph dispatch?—A. That was some time during the summer, probably in July.

Q. Where are the originals of those dispatches now?—A. In the custody of the United States district court at Saint Louis. I suppose they will be delivered to the Telegraph Company when the Government gets done with them.

Q. All the dispatches that you procured during the pendency of these prosecutions can be found in the clerk's office of the United States district court?—A. Yes, sir; all that I obtained, and the receipts for them, stating by whom received.

Q. Did you procure the originals to be sent from here, and the originals that were sent from Saint Louis; you got the originals of all of them?—A. Yes, sir; so far as I could. All the dispatches that were offered in evidence in the case were published, whether they were admitted as testimony or not.

Q. Were the Attorney-General and the Secretary of the Treasury apprised of the policy you were pursuing in these prosecutions, from the beginning to the end?—A. O, yes; they were advised.

Q. Who assisted you in behalf of the Government?—A. Special counsel were employed, Mr. Henderson and Mr. Eaton, soon after I went into office, together with the assistance I had already in my office by virtue of law. My assistants were William H. Bliss and Mr. Peddrick.

Q. From the beginning of these prosecutions, your policy, I suppose, was approved by the Attorney-General and by the Secretary of the Treasury?—A. I never heard of any complaint. We frequently, during the time that these trials were progressing, received dispatches expressing their hearty approval of our action and conduct from both the Secretary of the Treasury and the Attorney-General.

Q. Were you required at any time to send on the evidence that you had accumulated?—A. No, sir; I was never required to send on any evidence. I came here in October, I disremember the day now, in answer to a letter addressed to me by the Attorney-General, and that letter I notice in looking over this bundle I have not got here.

Q. Look at the letter now shown you, and see if it is the one?—A. That is a copy of that.

The letter was read as follows :

“DEPARTMENT OF JUSTICE,

“*Washington, October 19, 1875.*

“SIR : At your earliest convenience I wish you to come to Washington for further consultation than we can have by letter in the whisky cases. Telegraph when you will come.

“Very respectfully,

“EDWARDS PIERREPONT,

“*Attorney-General.*

“DAVID P. DYER, Esq.,

“*United States Attorney, Saint Louis, Mo.*”

Q. Had you been required or requested to come to Washington previous to the receipt of this letter?—A. I think that is the only request to come to Washington that I received from the Attorney-General.

Q. Did you have any consultation with General Henderson and your assistants about coming on, in pursuance of this invitation?—A. I think so. During the time that Mr. Henderson was associated in my office, I don't think I did anything particular concerning these prosecutions that he did not know. I conferred with him very freely. He had my confidence, (of course I would not be associated with a gentleman in that way who did not have my confidence,) and he understood as well as I did the request that was made to me. I showed him the letter, and he was apprised of my coming to Washington. I telegraphed to the Attorney-General, or wrote him, I disremember which, in reply to that letter.

Q. I see here a telegram, dated “Saint Louis, October 23, 1875. Will see you Monday morning. Business pressing here, and I must return that evening. The surrender yesterday was unconditional. D. P. Dyer, United States district attorney.” Is that it?—A. Yes; that is the dispatch. I came to Washington in obedience to that letter.

Q. What was the matter upon which you were consulted?—A. The train that I came on arrived here probably an hour or two late. I went to the Attorney-General's Office soon after I got my breakfast; that was near noon, or about that time; and when I went into his office he was in the act of leaving to go to the Supreme Court, then in session, as I understood. He said that he desired to talk with me about the “Sylph” dispatch, and suggested to me to meet him at the office of the Secretary of the Treasury later in the day, when he would have more leisure. I met him at the Treasury Department, in the office of the Secretary, that afternoon some time between 4 and 5 o'clock, and the conversation that took place then was, if there was any further testimony at that time known to me against General Babcock, upon which to base an indictment—

Q. Repeat, as accurately as you can, the conversation between yours if and Attorney-General Pierrepont.—A. I think I could not repeat, would not undertake to repeat, the words that he used. I can give, probably, the sense of the conversation. Having spoken to me about the Sylph dispatch at his own office, when I met him at the Secretary's Office he remarked, “I desire to talk with you about this matter, in reference to the dispatch sent by General Babcock.” He went on to state to me that General Babcock had made an explanation of that dispatch. What the explanation, as given to me, was, now I do not exactly remember; but it was the explanation that was claimed to have been given by General Babcock to the President, of that dispatch. After talking about the testimony that there was, and the suspicious circumstances that in my mind pointed to General Babcock as a guilty party, the Attorney-General expressed the opinion that the matter should be very cautiously and prudently managed; that we should be sure of our footing before we moved, particularly in that direction, and that the testimony should be such as would leave no question about it, and if he was tried that the testimony should be sufficient. Thereupon I suggested to the Attorney-General that in the course of this examination then to take place before the grand jury, I would forward him the testimony that might be disclosed before the grand jury against General Babcock, to which he assented, and expressed a desire that I should do so. That was all the conversation that took place between us at that time.

Q. The matter, then, about which you were to consult or have “fuller consultation than you could have by letter,” according to this letter of October 19, was General Babcock's complicity in this ring?—A. Yes, sir; it was with reference to the Sylph dispatch, as I understood, that being the only dispatch that was then known, or that I knew, to be in General Babcock's handwriting.

Q. Was there any communication made to you by the Attorney-General, or by you to the Attorney-General, that could not have been made in a letter with perfect propriety?—A. Well, the conversation was very brief, and I have stated to you exactly, as near as I can remember, what occurred in that conversation.

Q. You never had been requested to come to Washington to consult with the Attorney-General about any other case?—A. No; that was the only time that ever I was called to Washington about any case. That was the substance of the conversation that I had with the Attorney-General. I might add also, that during this conversation, either at the Attorney-General's Office or at the Secretary's Office, the Attorney-General spoke of General Babcock's connection with the conspiracy, and the Attorney-General seemed to think that from the position that he held, and his relation to the President of the United States, unless the proof was sufficient against him, or if we acted upon insufficient proof, an unnecessary scandal would be brought upon the administration and upon the country. In all of which I agreed with him, that I did not want any unnecessary scandal upon the administration or upon the country. I appreciated all that he said in that regard.

By Mr. PLAISTED:

Q. Was the Sylph dispatch the only evidence then known to you against General Babcock?—A. No; there was other testimony. The second grand jury had not at that time met.

Q. Then you showed the Attorney-General other evidence?—A. No; there was no other evidence. We talked over it, and in these examinations we would hear a distiller say that Tom this or John that was concerned, and we became satisfied that they were all pretty well apprised of who was in it, but you could not fasten the proof upon them.

By Mr. GLOVER:

Q. You said that the surrender was unconditional; what did that mean?—A. That it was unconditional—without any promises to this ring. At the time of the surrender I was in Louisiana. When I got back I received that letter from the Attorney-General, and dispatched him Saturday, saying that I would leave and be in Washington Monday morning, and that the surrender was unconditional.

By Mr. McMAHON:

Q. That alluded to more than one person?—A. He had been previously apprised of the surrender.

By Mr. PLAISTED:

Q. Was the Secretary of the Treasury present at this conversation?—A. He was present. Of course he did not participate in that consultation.

By Mr. McMAHON:

Q. Was it confined to the Babcock case?—A. Yes, sir; I think it was. I will say that at the time the Attorney-General was very solicitous to avoid any unnecessary scandal upon the administration, and I think that was the reason why he sent for me to come here to Washington City at that particular time. When I went back, and when the grand jury was in session, I sent him on the 2nd of November this dispatch:

"SAINT LOUIS, November 2, 1875.

"Hon. EDWARDS PIERREPOINT,

"Attorney-General, Washington, D. C.:

"Grand jury empaneled yesterday. Pleas of guilty for several officers will be entered this morning. The disclosures that are being made by these men are most important, and we will be able to fix the guilt of prominent men in this city not heretofore indicted. Will telegraph you later in the day.

"DAVID P. DYER,  
"District Attorney."

I also sent him this telegram:

"SAINT LOUIS, November 3, 1875.

"Hon. EDWARDS PIERREPOINT,

"Attorney-General, Washington, D. C.:

"Examined Fitzroy before the grand jury yesterday. His testimony is most important; so much so that I deem it proper to send copy by mail to you.

"DAVID P. DYER,  
"United States District Attorney."

I also sent him the following letters and telegrams:

"UNITED STATES ATTORNEY'S OFFICE,  
 "EASTERN DISTRICT OF MISSOURI,  
 "417 OLIVE STREET,  
 "Saint Louis, November 3, 1875.

"DEAR SIR: Inclosed I send you a copy of the testimony of Joseph M. Fitzroy, taken before the grand jury on yesterday. You will see that the evidence is directly against McKee and Maguire, and throws additional light upon others. I will keep you fully advised, and am frank to say, from present indications, that the whole fraud will be developed during the present inquiry, and that the grand jury will make presentments against all of those against whom the proof is clear and positive. Will you do me the kindness to let General Bristow see the evidence of Fitzroy, as I have not the time to have a copy made for him.

"Hon. EDWARDS PIERREPONT,  
 "Attorney-General, Washington, D. C."

"UNITED STATES ATTORNEY'S OFFICE,  
 "EASTERN DISTRICT OF MISSOURI,  
 "417 OLIVE STREET,  
 "Saint Louis, November 8, 1875.

"DEAR SIR: Nothing new or startling has been developed before the grand jury since I wrote you last. The street has been full of foolish and unfounded rumors, which have found their way into the newspapers. The publication in the Saint Louis Times the morning after the indictments were returned against McKee and Maguire, was prompted, evidently, by the desire, first, to direct the attention of the public to others who should share with those indicted the odium attaching to their frauds; second, to create the impression that there were those close to the President implicated in the frauds and against whom the prosecution was afraid to proceed. Of course there has been no evidence, nor the shadow of evidence, against the President's brother or brother-in-law, both of whom were mentioned in this paper as being implicated. The object was to start the report, and then, in case no indictments were presented, to cry out against the prosecution, &c. Of course, the purpose in all this is well understood here. I was astonished at an editorial which appeared in the Washington Republican the morning after the indictments against McKee and Maguire were found.

"Instead of Fitzroy's disclosures being in the interest of the ring, the very reverse was and is true. After the examination of Fitzroy and Engelke, the jury turned its attention to cases from the country, in which many witnesses were present from a distance, the object being to get through with their evidence so that they might be discharged. The work before the grand jury will be, necessarily, slow, for the reason that I will be, for several days to come, engaged in the trial of causes in court, and will be able to give the jury attention at spare times. I will keep you advised of the developments as they are made.

"Very respectfully,

"DAVID P. DYER,  
 "United States District Attorney.

"Hon. EDWARDS PIERREPONT,  
 "Attorney-General, Washington, D. C."

[Copy of telegram.]

"Hon. EDWARDS PIERREPONT,  
 "Attorney-General, Washington, D. C.:

"SAINT LOUIS, November 19, 1875.

"We are getting along quite satisfactorily. Would have written you, but suppose you are getting full reports through the press.

"D. P. DYER,  
 "District Attorney."

On November 23 I received from the Attorney-General the following dispatch:

"WASHINGTON, November 23, 1875.

"Hon. D. P. DYER,  
 "Attorney, Saint Louis:

"I wish to congratulate you on your great success in the late trials, and to add that your energy, discretion, and good judgment, aided by the energy, discretion, and good judgment of your associates, Mr. Henderson and Mr. Eaton, have my highest approbation. Please accept the thanks of this Department and read this dispatch to Mr. Henderson and Mr. Eaton.

"EDWARDS PIERREPONT,  
 "Attorney-General."

[Copy of telegram.]

"Hon. EDWARDS PIERREPONT,  
 "Attorney-General, Washington, D. C.:

"SAINT LOUIS, November 29, 1875.

"I send you by mail copies of original telegrams in my possession, addressed to Babcock,

and all in the handwriting of Joyce. They are important, and, as they strike me, without explanation.

"DAVID P. DYER,  
"District Attorney."

By the CHAIRMAN :

Q. Tell us why those telegrams that you allude to there were sent to the Attorney-General.—A. Well, I sent dispatches, as I told you before ; I sent the dispatches to the Secretary of the Treasury. I don't think I ever sent any to any one else, excepting the Secretary of the Treasury, during the time ; but my purpose was from the beginning to keep the office here—both offices—advised of the condition of affairs.

By Mr. PLAISTED :

Q. Were they sent on your own motion, or by request ?—A. The dispatches were sent on my own motion. The first time anything was said about sending testimony to Washington was said in this interview, at the Office of the Secretary of the Treasury. When we were talking about the matter, and the caution that was necessary in all these matters, I suggested that it would be, probably, well to send to the Attorney-General copies of the testimony, so that he might see himself what testimony I was asking the grand jury to act upon, and to that he assented, and I sent him the testimony of Fitzroy, and here is my accompanying letter of the same date, November 29 :

"UNITED STATES ATTORNEY'S OFFICE,  
"EASTERN DISTRICT OF MISSOURI,  
"417 Olive Street, Saint Louis, November 29, 1875.

"SIR : You will find herewith copies of eight telegrams, the originals of which are in my possession. These dispatches reached me yesterday on a *subpœna duces tecum*.

"Acting upon what I consider sufficient testimony to connect Babcock with the conspiracy to defraud the revenue in this district, or at least with having a guilty knowledge thereof, I shall prepare and lay before the grand jury a bill of indictment against him.

"It is painful to me, as it should be to any good citizen of the country, that the President of the United States should be betrayed by those so close to him as General Babcock. I know that there is no one more anxious than the President himself to see the plunderers of the public Treasury punished ; but however this may be, I have marked out for myself a plain path to follow in these prosecutions, and that I shall follow to the end. When the testimony is sufficient, let neither place, position, nor wealth shield the guilty party.

"I should like to have your impressions regarding these dispatches.

"Very respectfully,

"DAVID P. DYER,  
"District Attorney.

"Hon. EDWARDS PIERREPONT,  
"Attorney-General, Washington, D. C."

Here is the dispatch which I received from General Babcock :

"WASHINGTON, D. C., November 30, 1875.

"Hon. J. P. DYER, Saint Louis :

"I am absolutely innocent, and every telegram which I sent will appear perfectly innocent the moment I can be heard. I demand a hearing before the court. When can I testify ?

"O. E. BABCOCK."

My reply was as follows :

"SAINT LOUIS, November 30, 1875.

"General O. E. BABCOCK, Washington, D. C. :

"The evidence in the Avery case is closed. The next case involving the question of conspiracy is set for the 15th of December.

"DAVID P. DYER,  
"District Attorney.

Q. I wish to recur to the first request of the Attorney-General for you to come to Washington, about which you said you conferred with your associate, General Henderson. Did General Henderson, at that time, concur with you in the opinion that you ought to come on to Washington and disclose the testimony in your possession to the Attorney-General or anybody else ?—A. I don't think there was anything said about it.

Q. Was there at any time after that a conversation between you and Henderson—a conver-

sation in regard to the propriety of this evidence being disclosed?—A. I think not, sir. There was no testimony sent that I now recollect until this dispatch inclosing the telegram and the letter inclosing the telegrams of Fitzroy. I think that is all the testimony that I have sent to the Attorney-General.

Q. Was that all the testimony in your possession, or within your knowledge, at the time, tending to implicate Babcock?—A. Well, all the direct testimony, possibly, that was in our possession at that time. I came here in January last, not in obedience to any request of the Attorney-General, and in the course of that conversation I told him about the Grimes testimony that was before the grand jury. This man Everest, I never knew what he would testify to. I never knew that he would swear that he had ever deposited a letter in a letter-box for Babcock until I reached Washington, and McFall, who had gone to New York for the purpose of trying to get Everest to come back to this country, came down here and told Mr. Bliss that Everest had got back to the country and what his testimony was. From here I went up to Philadelphia to see Everest, and met him at the Bingham Hotel, and there I took down, in writing, his statement. That was at my visit here in January. That was the first intimation I had that he would testify to anything of that kind. I was anxious to get him back to the country, because he was the collector for the ring as Fitzroy was, and his testimony was deemed important by me as against McKee and Maguire. I had no idea that he had any knowledge such as he afterward stated that he had.

Q. Was it represented to you that Mr. Bristow also wanted you to come on at that visit?—A. No, sir; on the contrary, I learned from him that he did not know of my contemplated visit here at all.

Q. You had a conversation with him with reference to the object of your visit at that time?—A. Yes; I had a conversation with Mr. Bristow, in which he told me that he knew nothing of the purposes for which I came, or that I was desired here at all.

Q. Please go on now with your statement.—A. Here is a copy of the Attorney-General's dispatch: "December 2, 1875.—Yours received. I have no other reply to make than to refer you to the telegram of the 30th of November, signed by the Secretary of the Treasury and myself. Edwards Pierrepont, Attorney-General."

By the CHAIRMAN:

Q. You received, November 30, from the Attorney-General a dispatch in these words: "We have seen Mr. Eaton's dispatch to the Solicitor. Proceed with caution. Be sure of your ground. Protect the innocent, but prosecute the guilty," signed by the Secretary of the Treasury and the Attorney-General?—A. Yes, sir; that one that I read must have reference to that. I will say that during the whole of the correspondence with both those gentlemen, that was the general tone in which their letters to me were written.

Q. Were you proceeding against any one that either you or Mr. Henderson, or Bliss or Peddrick, believed to be innocent, in these prosecutions?—A. I never was, sir. Most of these gentlemen that we prosecuted were either personal friends or political friends of mine. Of course I could have no desire, either from a personal or from a political stand-point, to do any of them any injury, because a great many of them were my personal associates and friends. General Babcock I never knew until last October; I never saw him that I recollect of until I came here at that time.

Q. Please proceed.—A. Then there is a dispatch of December 2, 1875: "General Babcock, on account of the charges appearing against him in the public journals, has made a formal demand as an officer of the Army for a court of inquiry, which I suppose, as a matter of course, will be ordered. What is the condition at Saint Louis? Answer at once. Edwards Pierrepont."

Then comes the correspondence between Asa Bird Gardner and myself, as follows:

"CHICAGO, December 8, 1875.

"Hon. D. P. DYER

"United States District Attorney, Saint Louis, Mo.:

"I am informed by the Adjutant-General of the Army, by telegraph, that I must apply to you for the accusations, imputations, or transactions alleged by Hon. J. B. Henderson against Col. O. E. Babcock in the recent trial of William O. Avery in the United States district court for the eastern district of Missouri, and that the Attorney-General has communicated with you on the subject. The court of inquiry instituted by the President, and of which Lieutenant-General Sheridan is president, will convene to-morrow, the 9th instant, at twelve o'clock, noon, at room 22, Palmer House, Chicago, Illinois. In advance of its assembling or official action, I have the honor to request you to furnish me by return mail with a full copy of these accusations, imputations, or charges thus made, together with as complete a list of witnesses as possible, and any other information which you may be pleased to favor me with relative to this inquiry, and which will, in your judgment, be advantageous. I respectfully suggest that you communicate, as to this telegram, with the Hon. J. B. Henderson. Please acknowledge receipt.

"ASA BIRD GARDNER,

"Judge-Advocate and Recorder, Court of Inquiry."

Here is my reply :

" SAINT LOUIS, December 9, 1875.

" Col. ASA BIRD GARDNER, *Judge Advocate*,  
*" Palmer House, Chicago, Ill. :*

" At your request, I have communicated with Hon. John B. Henderson, and he informs me that he has made no statements against General O. E. Babcock or others, except such as were necessary in the legitimate discharge of his duties as Government counsel in the trials of John McDonald and William O. Avery, in the district court of the United States for this district. All that was said or done by him or other counsel in those trials has been preserved in stenographic reports thereof. Do you authorize me to order for the court of inquiry sworn copies of these proceedings? I shall be pleased to serve you.

" D. P. DYER,  
*" District Attorney."*

Then I received these dispatches :

" CHICAGO, December 9, 1875.

" Hon. DAVID P. DYER,  
*" United States District Attorney, Saint Louis, Mo. :*

" Telegram received. Thanks for your offer of copy of stenographic notes, for which I will pay, as I desire to be fully informed. The court of inquiry has not yet completed its organization, and I speak only for myself, assuming in advance of any direction from the court that it is my duty to represent the Government before it. It is, as I understand, called on to investigate the charges or accusations in Hon. J. B. Henderson's recent address before the district court, in his official capacity as your associate, against Colonel Babcock. In order to report an opinion from the evidence adduced as to Colonel Babcock's alleged complicity in the transactions recently investigated, and to which I have already referred, my allusion to Mr. Henderson in my dispatch of yesterday had reference solely to what that gentleman said or did in his official capacity as a basis of inquiry into Colonel Babcock's conduct in the matter referred to.

" ASA BIRD GARDNER,  
*" Judge-Advocate."*

" CHICAGO, ILLS., December 9, 1875.

" Hon. DAVID P. DYER,  
*" United States District Attorney, Saint Louis :*

" Referring to your dispatch of this date and my answer, please send me in advance of full copy an extract of the stenographer's notes containing the Hon. Mr. Henderson's official remarks relative to Colonel Babcock, together with a list of the witnesses or documents on which he based his said remarks, so that I may proceed understandingly to perform my duty as representing the Government before the court of inquiry in the special inquiry to be instituted relative to Colonel Babcock when it shall have been duly organized.

" ASA BIRD GARDNER,  
*" Judge-Advocate and Recorder."*

On the same day I sent the Attorney-General this telegram :

" Hon. EDWARDS PIERREPONT,  
*" Attorney-General, Washington, D. C. :*

" SAINT LOUIS, December 9, 1875.

" The grand jury to-day returned a true bill for conspiracy to defraud the revenue against Orville E. Babcock. I have a dispatch from the judge-advocate of the court of inquiry at Chicago, asking for charges and evidence against General Babcock. I know of nothing which can be called charges except this indictment and what transpired in the legitimate discharge of duty by the attorneys of the Government in the trials of John McDonald and Wm. O. Avery. Shall I order copies of the stenographic reports of those trials for the judge-advocate?

" Is it expected that documentary evidence brought into the district court of the United States for this district by its process, and which is constantly needed in the prosecution of cases pending before it and before the circuit court of this district, shall be transmitted by me to Chicago beyond their jurisdiction? I respectfully suggest that I have no power to do so without contempt of this court. I also suggest that the Government is now ready to enter upon the trial of the indictment, and for that purpose I am sending to Chicago a copy of the indictment and a capias for General Babcock.

" DAVID P. DYER,  
*" District Attorney."*

Q. Did you send the documents, evidence, and list of witnesses to Colonel Gardner, as directed by the Attorney-General?—A. I never furnished him any list of witnesses or anything else. The only thing I ever did was to send him General Henderson's speech.

Q. When you received that instruction did you have consultation with your co-counsel?—A. O, yes, sir.

Q. What was the conclusion which you reached upon consultation, about the propriety of sending the evidence and list of witnesses?—A. I don't think there was any division among the counsel. I think the meeting on the subject of this court of inquiry was held at my house, as I recollect it, and I think these dispatches were written by all three of the counsel. One would try his hand at a dispatch, and if it did not suit, the others would revise it; so it finally went off with the approval of Mr. Henderson, Mr. Eaton, and myself. I don't think there was but one opinion about it.

Q. What was that opinion?—A. That opinion was that the civil tribunal was able to take care of General Babcock if he had been guilty of any offense, and we thought that there was where he ought to be tried.

Q. Did you have any opinion about the design of this request?—A. O, there were various conversations; if you go to calling out conversations that occurred between Henderson, Eaton, and myself, you would go into the middle of next week, because we had various suspicions, some of them probably well founded, and some of them not; if you will put yourself in that situation, a thousand and one things coming to you every day, and a thousand and one statements being made in newspapers about it, and this man suggesting and that man suggesting, you can very well judge that there was not as much good temper as there might be.

Q. But the final conclusion was that it was not exactly the thing to do, to send the list of your witnesses to Gardner?—A. I made up my mind that I would not send it to him, and I did not. In the first place, I could not have sent it to him without being in contempt of the court, by sending testimony out of the jurisdiction of the court, and in the next place, if the grand jury was going to find a true bill against Babcock, I did not propose that Asa Bird Gardner or anybody else should have the looking over of that testimony in court, and make it public to the world before I should try the case.

Q. It was subsequent to this correspondence about sending the evidence in your possession to Gardner that you visited Washington?—A. Yes, sir; it was in January.

Q. And it was on that visit you ascertained from McFall what Everest would testify to about depositing that letter?—A. Yes, sir; I ascertained it first through Bliss or Mr. Blufford Wilson; McFall had seen a notice, in a New York paper, probably, that I would leave Saint Louis on a certain day to come to Washington. He had come down from Philadelphia two or three days in advance of the time. Bliss was here at the time and had a conversation—I think he had a conversation—with Mr. Wilson, and from this, and for the first time, I ascertained that Everest would testify to the depositing of this letter.

Q. Who is McFall?—A. He used to be a gauger; he was lieutenant-colonel of a Missouri regiment during the war—a very good man if it was not for his crooked ways.

Q. Did you ever have any other conversation with the Attorney-General with reference to the evidence in these Saint Louis cases except the one which occurred in November?—A. Yes, sir; I talked with him when I was here in January, as I have told you, and told him the testimony of Grimes, the quartermaster at Saint Louis; that talk was at the Attorney-General's Office. I did not have any conversation with him, nor did I tell him anything about Everest's testimony; that I desired to keep as secret as I could, but found I could not.

Q. Did you object to disclosing to the Attorney-General your full hand?—A. No, sir; he did not ask me to give him all the facts in the case. In the course of this conversation coming up, I detailed to him the fact that this man had been in secret correspondence with John McDonald after McDonald's indictment, and after the fact of his guilt was known to the President. I told Mr. Pierrepont so. There has been a great deal said and done, and I had my suspicions, and I was almost willing to jump at any conclusion about being betrayed here and there and everywhere, but I am now perfectly convinced that there was a man upon that grand jury who disclosed every fact that was testified to there in reference to Babcock. He came here to Washington in January, and I am satisfied that he knew all that occurred in the grand-jury room and made use of it.

Q. What was his name?—A. E. W. Fox, a member of the grand jury. He lives at Saint Louis. He was on the grand jury, and he came here in January, and I am satisfied from the information that I got of what he said here that he has been making disclosures of everything that occurred before that grand jury.

Q. You refer to things that he said to the President about you, do you not?—A. Yes, sir; there was a matter about me—that I understood he said that I had brow-beaten the grand jury into finding an indictment against Babcock, and had sworn myself as a witness in the case. The fact was this: when the question came before the grand jury as to whether the Sylph dispatch was in Babcock's handwriting I became a little impatient and told them that there had never been any question about that; that the Secretary of the Treasury and the Attorney-General both had told me that General Babcock admitted the dispatch; and Fox asked if I was under oath, and then I was sworn and testified that I had been so informed.

By Mr. McMAHON :

Q. State whether any of Fox's relations have received any appointments recently; and, if so, where and from whom?—A. Well, I see it announced in the papers that William C. Fox, who I understand to be a son of E. W. Fox, has been recently appointed to a consularship at some German state. Fox is a man that was formerly a collector of the port at Saint Louis, and a smart, shrewd fellow he is.

Q. What time in January was Fox here?—A. He was here when I came here. I cannot fix the date.

Q. It was prior to that circular-letter sent to you?—A. O, yes; that was the 26th. I think I was here about the 12th.

By Mr. PLAISTED :

Q. Does this W. C. Fox live in Saint Louis?—A. O, he has been living with E. W. Fox. Fox was here, and I saw him when I was here in January, and talked with him. He was on the grand jury at the time, and he was on the grand jury when the indictment was found. Of course he never told me that he had disclosed the secrets of the grand jury. I propose to see about it when I get back to Saint Louis.

By Mr. McMAHON :

Q. How is it that you know that he represented these things about what had transpired in the grand-jury room concerning yourself?—A. Well, I got that more from the statement made by the Attorney-General than by any one else. The Attorney-General did not know the name of the grand juror, when talking to me about the matter, but said it was a grand juror; and the question came up, what right the grand juror had to divulge the secrets of the grand-jury room.

Q. Did the Attorney-General first broach this subject of the grand juror having spoken about the testimony?—A. Well, the Attorney-General told me since I came here of what occurred between the President and himself in reference to the testimony of Fox.

Q. Please give us that as the Attorney-General told it to you.—A. The Attorney-General remarked to me that there was a grand juror here, and he said he found that so far as any information that came to him was concerned, it was known by the President before it was known by him; that he had gone over intending to tell the President of the statements I had made about Grimes, and the President volunteered to tell him about it, and he spoke of a grand juror, and I knew Fox had been here.

Q. In what way did he speak of the grand juror?—A. He said that a grand juror had been here, and that he had understood that those disclosures about Grimes's testimony were made by this grand juror.

Q. Did he tell you how he derived that information?—A. I think he got it from the President.

Q. That is, Mr. Pierpont told you that the President had told him that?—A. Well, I think that is the way he got it. I have no doubt, from what Mr. Pierpont told me, that Fox made the statement, or some member of the grand jury familiar with the facts, because that is just what occurred in the grand-jury room; and I think they were trying to make a point against me, that I was trying to indict Babcock for the purpose of throwing smut upon the President. The trouble in Saint Louis all the time has been from a set of self-constituted advisers who undertake to know more about a man's business than he does himself, and who are always running to the President and talking about an attempt being made to throw mud on him. Of course those fellows do that for their own purposes. There has been no desire to throw mud on anybody, but there has been a purpose to get at the bottom of this thing, and that purpose exists there yet.

By Mr. PLAISTED :

Q. Did Fox tell you what he came to Washington for?—A. O, no.

Q. Do you know what he came here for?—A. No; I could not tell. He was here at the time of the assembling of the republican committee.

Q. Was he a member of the committee?—A. No; he is not a member of the committee. He used to be the chairman of the republican State committee in Missouri. Another man who, I think, has given most of the information is W. D. W. Barnard, a banker in Saint Louis. He is a brother-in-law of John Dent, who is a brother-in-law of General Grant, and Fox would go and tell Barnard, and he would write to the President. There has been a continual effort from the first to make a misunderstanding.

By the CHAIRMAN :

Q. What was the evidence of Grimes that was communicated by the President?—A. It was that General Babcock had written to John McDonald, under cover to Grimes, three letters, and that Grimes had delivered the letters to McDonald after his (McDonald's) indictment.

Q. Who communicated to the President what you expected to prove by Everest?—A. That is more than I can tell you. I have no more idea about it than you have. I have no suspicion, even, unless it happened in this way, though McFall says that he did not

tell: John McFall came here, and the first man that he found here that he knew was E. W. Fox, this same man from Saint Louis. Fox was on the grand jury, and McFall had been examined before the grand jury, and they knew each other very well; and he says when he got to Washington he met E. W. Fox, who asked him if he had found Everest; and, said he, "I told him Everest was in the country;" but he says he did not tell Fox anything further. Now, whether McFall did tell Fox what he told Wilson that Everest could prove I do not know.

Q. I understand you to say that McFall had denied telling anybody what Everest would say?—A. He did deny telling anybody about Everest but Bliss; but he says that he did tell Fox that Everest was in the country; now, whether he went further and told him more, so that Fox could come up and tell the President, I don't know.

Q. Had it transpired in the grand-jury room what Everest would testify to?—A. No, sir; it was not known to the grand jury, or to me, until I got to Washington.

Q. You learned it for the first time from McFall?—A. No; for the first time from Bliss and Wilson, who told me what McFall had said when he came down here, before I got to Washington. No one could have known it in the grand-jury room, because there was no testimony before the grand jury tending to show any such state of facts, and I never dreamed of it until I got here after the adjournment of the grand jury. I saw it spoken of in a New York paper yesterday that there was one letter that had not been given by the Attorney-General, in which he asked me to send testimony to Washington. Here is a letter written to me on the 30th December, 1875: "P. S.—Please send me the evidence before the grand jury in the Babcock case."

Q. You never did send that?—A. No; I sent a dispatch to him in which I said that the stenographer's notes had not been written up; that I would send them as soon as he returned. The reporter who had taken down the evidence was in Washington at the time I sent the dispatch, and he had a conversation at that time with Judge Pierrepont; and Mr. Peddrick, the reporter, whom I had telegraphed for to come home, sent me a dispatch saying that he had had a conversation with the Attorney-General, and the Attorney-General was satisfied, and Mr. Peddrick asked if he could not stay two or three days longer in Washington. He knew that I wanted him to prepare the testimony from his short-hand notes.

Q. Where does he reside?—A. He is here at this time. He is going to reside at Chicago hereafter. After Mr. Henderson's removal a very general impression prevailed that the prosecutions would break down, and that his removal was ordered for the purpose of breaking down the prosecutions. About that time we got a letter from the Attorney-General, in which he said that these prosecutions should be vigorously conducted, and so on; and after consultation with Broadhead, we thought that a part of that letter would be good to publish with the view of letting those fellows understand that they did not have it all their own way; but I communicated with Judge Pierrepont, and he said it was not well to publish official correspondence.

By the CHAIRMAN:

Q. In a postscript to a letter from Attorney-General Pierrepont to you, dated December 30, is the following: "Please send me the evidence before the grand jury in the Babcock case." Did you send that evidence?—A. No, sir; I sent a dispatch to the Attorney-General, in which I said that I would have it prepared and send it him when I had the short-hand notes written up, or words to that effect—so much as related to Babcock; but the notes of evidence taken in the grand-jury room have never been written up fully. The stenographer is here now with his notes. I had the testimony of Fitzroy sent to the Attorney-General in full.

Q. Is it customary, either in your district or in any other district, so far as you know, for district attorneys to be required to send the evidence to the Attorney-General in cases before their respective district courts?—A. I don't think there is any requirement about it. I don't know what the practice is in other districts, and I have not been district attorney long enough in my own district to know what the practice has been there; but I consulted with the judge in reference to sending news of the indictment of Avery. For instance, I would get dispatches wanting to know. Mr. Bristow would want to know whether Mr. Avery was indicted, with a view of discharging him from the Treasury Department. I would go to the different counsel and the judge, and ask them about it, and the judge would tell me that he did not see any impropriety in thus divulging the fact to those who had as much interest in the prosecutions as I had myself.

Q. Did you meet Mr. Storrs here during those visits in January?—A. I did not. I never met him until he came to Saint Louis during the trial, and I was introduced to him, or introduced myself, in the Lindell Hotel, when Mr. Broadhead and myself went to call on those gentlemen after they came to Saint Louis. There we met Mr. Storrs and Ex-Attorney-General Williams.

Q. Did you receive a letter from the Attorney-General of the United States, dated January 26, 1876?—A. I did. Here it is.

Q. At what date did you receive that letter?—A. I could not tell you the date of the receipt.

Q. Had you, as district attorney of the eastern district of Missouri, or your associate counsel, made any arrangements by which large numbers of guilty men who had confessed

their guilt were to be held free from further prosecution, or was there any ground for any such suspicion?—A. Not at all in that district. I don't know the business of any other district, but there never was any ground for that idea there.

Q. State whether it was not distinctly understood between yourself and the Department of Justice, as well as between you and the Treasury Department, that you made no such arrangement at all.—A. My telegraph to Attorney-General Pierrepont shows that I stated to him that the surrender was unconditional.

Q. The policy indicated to you in October, by both the Secretary of the Treasury and the Attorney-General was not to make any such antecedent arrangements?—A. Yes, sir; Mr. Wilson was in Saint Louis at the time, and received a dispatch from Mr. Bristow touching these proposed confessions of guilt.

Q. You had acted upon that policy all the way through?—A. Yes, sir.

Q. And had informed the Attorney-General by this dispatch that you had so acted upon it, and that the surrender was unconditional, as is shown by your dispatch?—A. Yes, sir.

Q. What did you do with the letter on that subject that you received from Attorney-General Pierrepont?—A. I sealed it up very carefully in another envelope and put it away.

Q. Why?—A. I did not think it prudent at the time to publish the letter or let any one have it; there was no man in my office, not even my assistants, that saw it.

Q. Why did you not consider it prudent?—A. I thought it would have a tendency to alarm the witnesses who were to be used, or expected to be used, by the Government in other prosecutions, by telling them that whatever they might testify to, whatever services they might render the Government by way of developing these frauds, it would in the end go as hard with them as with those who did not confess. I did not let any one in my office see it, and two or three days after I received the letter Mr. Pulitzer, a gentleman in Saint Louis, at that time connected with the Saint Louis Times, came into my office and handed me a piece of paper, clipped, as he said, from the Chicago Zeitung, a German paper, and laughingly handing it, said, "I wish you would read this slip." I took it, and said the only thing I could read was the name of the Attorney-General that appeared there. "Now," he said to me, "I want to read you the translation I have made of that letter, and I want to know whether you have such a letter in your possession." He read the translation, and asked me if I had a letter of that character. I said I had a letter that sounded very much like that letter. Said he, "Won't you permit me to examine your letter and compare it with my translation, to see whether the translation is correct?" That I declined. I said, "No; you cannot see any official letter in my office." Then he said, "I will publish the letter anyhow to-morrow morning, whether you give it to me or not, and if not correct, you will have to take it to be correct." I said, "You can publish what you please from other papers, but cannot get my letters;" and sure enough they published the letter next morning with my name written in, making it a letter to me instead of a letter taken from the Chicago paper; and instead of writing it as it is here, "D. P. Dyer, esq.," they prefaced the letter by the word "Hon.," and in other ways varied from the original. That was published in the Saint Louis Times that morning with my name to it. I never gave it out to any one nor let any one see it, but this was telegraphed all over the country as my letter, and I have no doubt that the Attorney-General thought I had published that correspondence.

Q. To whom was the letter that this man had in German addressed?—A. It was not addressed to any one. It just said "Sir," at the top of it, without giving the name of any district attorney; and he took the letter and wrote my name in on the blank, and published it as an original paper. That has annoyed us considerably. Mr. Broadhead and myself both went to the Times office the day of its appearance, and had a talk with Mr. Hutchings, and a talk with Pulitzer in the office. We told Hutchings that he had made a mistake in publishing the paper if he desired to help us; that he was crippling us instead of helping us; and he laughed and remarked that he was not retained by the Government, and did not think he was under any obligations to keep back the correspondence that passed between the officers of the Government. The next morning's Times had an article rather excusing me from making public such a document.

Q. During the trial of General Babcock did you have any evidence to lead you to believe that any evidence in your possession, or in possession of your associates, had been surreptitiously obtained by anybody, or communicated to the defense?—A. Well, during the entire trial we never took them by surprise on any point that I recollect now. The first intimation that I had of the testimony of Everest being known was in a dispatch from Mr. Wilson in which he informed me that Everest's testimony was pretty well known here at Washington. Of course most of these dispatches, the Sylph dispatch and the dispatch signed "B," were dispatches that had been read in evidence in the Avery trial, upon which Mr. Henderson commented in his speech in that case. Those are all published as a matter of course.

Q. Were there any cipher dispatches produced on that trial?—A. Yes, sir; and the translations of the cipher; and the court held that they were inadmissible on the ground that they were confidential communications between client and counsel.

Q. Who furnished the key to that cipher?—A. I cannot tell you. It was furnished here.

Q. How did you obtain the key?—A. I obtained the key through Mr. Wilson. They gave me a key in the first place. The translation by Mr. Wilson came subsequently. I sent a copy of the dispatch to Washington, and asked them, if they could find an expert to decipher them, to do so, but Mr. Storrs showed me a translation of these dispatches. He said he was perfectly willing that we should see them, but did not want to divulge the cipher, because it was the cipher that was used by the Executive, and some important papers had been transmitted in that cipher, but would give me a correct translation, and he did furnish them. They were afterward found to be substantially correct. He had a translation written out and handed it to us, and when I got the key from here I found them to be substantially correct. Of course there were words used in the cipher that you could not tell what was meant. For instance, they would use the word "Hamlet;" you could not tell who it referred to or what it meant.

By Mr GLOVER :

Q. Do you know at about what date during the trial the revelation of that cipher was first made to you by Mr. Storrs?—A. It was during the trial, but at what time I don't recollect. We had sent for Mr. Luckey, and we brought him there to decipher these dispatches.

By Mr. PLAISTED :

Q. Who was the author of these cipher dispatches?—A. They were dispatches that passed between General Babcock and Luckey, principally. Luckey was at Saint Louis at or about the time that Mr. Henderson made the speech that exceptions were taken to.

By the CHAIRMAN :

Q. What was his business in Saint Louis at that time?—A. I understand he was there as a witness in the Avery case; he was not introduced.

Q. Who is this man Luckey?—A. He was the private secretary of the President.

Q. What official relation did Babcock sustain to the President?—A. He was the private secretary, and Luckey was in the same office.

Q. Then these two gentlemen were both private secretaries of the President, and this cipher was the cipher of the Executive Mansion?—A. Yes; as I was informed. These dispatches related to the employment of Judge Krum, about protecting him there, &c., and it was upon that ground that the court excluded them. The point was that they were not correspondence between the lawyer and his client, but between two secretaries, but the court held that it was tantamount to correspondence because it related to the same thing, and he was conveying to the client the statements made by counsel; so they were excluded.

Q. If I recollect, those dispatches from Babcock expressed considerable reluctance to go to Saint Louis?—A. O, yes.

Q. While his dispatch to you expressed great anxiety to go there?—A. Yes. A dispatch went to Judge Krum. Judge Krum telegraphed him in November to come on and protect himself, but he did not come.

Q. You don't know by whom the key to these dispatches was disclosed?—A. No; I do not.

Q. Did you see in Saint Louis or about your office, during the pendency of that trial, a man named C. S. Bell?—A. O, yes.

Q. Tell us what Bell did there.—A. Bell came there during the trial of William O. Avery, and came to my office and said that he had been in the service of the Government, and had been dismissed. I think that he had some letters and wanted to be re-instated, and wanted a position either there or somewhere else. That was in November, I think. He brought to my office a note signed by William O. Avery, directed to Joseph Fitzroy, by which he expected to show me that he was in the secrets of the other side, and that he could be made very useful to the Government. He said he was going up to Jefferson City, if he could not get the letters from Fitzroy; he was going up to see Joyce, and I think I wrote a note to the warden of the penitentiary to let him see Joyce. During the time, the only occurrence that I recollect now taking place in the office was that he opened a drawer in my desk, and a man named Wiseman, whom I had there employed, prevented him from examining what was in the desk. Bell replied that he was only hunting a match to light his cigar, and had no other purpose. In January, during this trial, he came to Saint Louis, and I was put in communication with him, and met him the night that he came there at the house of Lucien Eaton, and he went on and told me about what he testified to here substantially. He said that Mr. Luckey and this man were trying to hire him to get the testimony out of my office and destroy it.

Q. What testimony?—A. The documentary evidence—such evidence as I might have against Babcock; and then he showed me a cipher that he was to use with Luckey, and the fictitious names of different individuals that were to be mentioned in these dispatches, which he said was in the handwriting of Luckey; and then he had a letter from a man named A. C. Bradley, a brother-in-law of Mr. Shepherd; so I understand. He went on and told me about what those fellows were going to give him; that he went up in January, and had an appointment in the Interior Department; in point of fact he had his commission with him, signed by Mr. Chandler; but these documents that he claimed to have he did not

have there at that time. They were in New York. They afterward came by express, and they were afterward in my hands. We did not use him in the trial of the case, although his statements were very important if they could be relied on. We thought we had better hold Bell in reserve for Luckey, whom we expected the defense to introduce, as a matter of course, and our purpose was to confront Luckey with these papers, and afterward to call Bell in rebuttal. We were keeping that pretty well concealed. He told substantially the same story that he told here yesterday that I have seen published.

[The witness was shown the cipher published in the New York Herald of February 10, and identified it as a copy of the one shown him by Bell.]

By Mr. PLAISTED :

Q. Do you regard Bell as a man of truth and veracity ?—A. I don't know him at all. I would not introduce him, for three reasons. The first was that he did not have his written testimony there to corroborate him in what he was going to state. In the second place, a man who would come in and own up on the stand that he had stolen a bundle of papers and carried them up to Avery, I didn't think such a man was a very credible witness to convict a man on. The third reason was that I thought the better policy in that case was to hold him in reserve for Luckey, if they should put him on the stand. I was as well satisfied of Luckey's knowledge of the matter as I was of Babcock's, and I thought if they introduced him, and he was confronted with his own papers, and Bell was then brought in to sustain the papers, he might do some good.

By Mr. McMAHON :

Q. Did he claim to have taken the papers from your office ?—A. O, he told me all about them, and went on to describe the papers particularly ; which convinced me at once that the fellow was telling the truth. When he said, "I took a bundle of papers out of your office," I went on to inquire what the papers were, with the view of seeing whether he had really taken them. Said he, "I got the letters written by Woodward and a pencil memorandum in the handwriting of the Solicitor, about the testimony that could be found in the Treasury Department, and a dispatch for you [the district attorney] to come to the room of the Secretary of the Treasury, to see him at a certain time about a matter of business." As soon as he described the papers with this particularity I became satisfied that he had been in there and had got the papers. He undertook to explain how he had got them. He said he had just stepped up and thrown his overcoat over the bundle of papers lying on the table, and when he took up the coat he took up the papers also and went off. He said he did not keep them away more than half an hour.

By the CHAIRMAN :

Q. You have said that this clipping from the New York Herald is a *fac simile* of the cipher shown to you by Bell ?—A. Yes, sir.

Q. Did that turn out to be the true key to the cipher dispatches ?—A. No ; I think not. I think this was another cipher. I don't think it was the same cipher with which the correspondence was carried on between Luckey and Babcock.

Q. This was the cipher between Luckey and Bell ?—A. Yes, sir. Bell was to do this work, and he was to communicate by this cipher, but the cipher that was used between the two secretaries was, as I was informed, and as I have no reason to doubt, the cipher used at the Executive Mansion.

By Mr. McMAHON :

Q. Were you with Secretary Bristow and Mr. Henderson at one time when you left them and went over to talk with the Attorney-General at his office ?—A. I don't recollect about that. Mr. Henderson and I were here together at one time.

Q. You had interviews with the Secretary together ; you were all together in the Secretary's room ?—A. O, yes ; we talked about it. I think it would be very unfortunate, very wrong, very unjust to everybody, after all the parties have cooled down, to undertake to record every little conversation that took place between Mr. Henderson and myself or between Secretary Bristow and us. We were all pretty earnest about this matter, and if there was anything wrong, or that we thought wrong, we did not hesitate to denounce it in pretty strong terms. Future developments may explain a great many of these things.

Q. Do you remember Mr. Bristow leaving you at one time and stating that he would go to the President's to see if Mr. Pierrepont had not gone there ?—A. No, sir ; I don't recollect anything of that.

Q. And of Mr. Bristow's coming back and saying that he had gone, and Mr. Pierrepont was there ?—A. I don't recollect that. It might have occurred about something else. I don't think it occurred in this connection, that he went over for the purpose of discovering anything that the Attorney-General might do. I don't think he did that.

Q. I would not ask you the question unless I had some information of the sort.—A. Well, I don't recollect anything of the kind. He might have gone to the President's, and the Attorney-General might have been there, and he might have notified me of that fact.

Q. Might not that have occurred at a time just after you had been at the Attorney-General's Office, and had had an interview with him ?—A. I don't recollect about that. I don't call to mind anything of that sort.

By the CHAIRMAN :

Q. When you were here in January, prior to the letter of January 26, did the Attorney-General or the President intimate to you that any representations had been made to either of them that any injudicious arrangement or bargain had been made by you or your associates with any guilty or supposed guilty parties ?—A. Not at all. There was nothing said about it. The first time I heard anything about it was in that letter.

Q. Has that letter of January 26 ever been revoked ?—A. No. I received a letter from the Attorney-General, and I suppose you have it there—a letter written to me through General Noble. I have looked for that letter through this bundle and cannot find it, but I can forward it to you. When the Babcock trial was over, and he was acquitted, the general impression among these whisky men was that they would make short work of all the other prosecutions; that my head would go off my shoulders, and that these fellows who had been giving testimony would be punished, while the others would get off, and of course it created a great deal of excitement among the men who had given testimony. I left Saint Louis and went up to my old home on some business, and while I was gone there General Noble represented some of these men who had plead guilty. Distillers and rectifiers took alarm and came to Washington and had a talk with the Attorney-General, and the result of it was a letter from the Attorney-General to me, in which he said that he did not know that any promises had ever been made to General Noble's clients or any one else; but if there had been any, it was the duty of the Government to live up to its promises in good faith. That letter I received through General Noble.

Q. That was after General Babcock was acquitted ?—A. Yes, sir: Mr. Noble brought the letter and handed it to me. It was an unsealed letter.

By the CHAIRMAN :

Q. How long was that after the Babcock trial ?—A. I don't know. When I got back to Saint Louis from Pike County, General Noble was in Washington. How long he had been here I don't know, probably he came back in two or three days after I returned, and he handed me this letter from the Attorney-General, a letter that I indorsed very heartily, stating that if there were any promises, express or implied, made to men for their testimony, it was the duty of the Government to carry them out in good faith. General Henderson had been instrumental in getting these men to testify without giving them any direct promises, and they found that he was gone. They had expected that he would be there at the end to take care of them, but now that they thought that he was gone, and they expected that I would be turned out, and they didn't know who would come in—probably some man unfriendly—and they feared that the men convicted by the juries would get the least punishment, and that those who had plead guilty would get the hardest. That was what induced General Noble to come to Washington.

[The witness here produces an abstract of the indictments and convictions in the whisky cases in Saint Louis, stating to the committee that there were 140 indictments found while he and Mr. Henderson were associated in the prosecutions; several of the indictments, however, being against the same individuals under different sections of the law. The abstract is appended.]

Q. Which one of the ring-men had been tried and convicted at the time of the circular-letter of January 26 ?—A. Joyce was tried in the western district and he was convicted, McDonald was tried at Saint Louis and he was convicted, Avery was tried at Saint Louis and he was convicted, and McKee was on trial. I think we got through with him on the last day of January. Megrue had not been convicted; he plead guilty after McKee was convicted; that was in February.

Q. Was there any prominent criminal that you were after, except Babcock, against whom any case was then pending—any prominent ring-man ?—A. There was Maguire; there was an indictment against Daniel W. Munn, supervisor of internal revenue for the Illinois district; that was found November 20.

Q. Pending the trial of Babcock, was there a man from New York named Roger M. Sherman in Saint Louis ?—A. Yes, sir; here is the correspondence about him.

By Mr. GLOVER :

Q. Do you know Supervisor Tutton ?—A. I never saw him until he was introduced in court at Saint Louis as a witness for General Babcock.

Q. Do you know what time he came to Saint Louis ?—A. No, I do not; he was there several days before he testified.

Q. It was after the date of the commencement of the trial of the Babcock case ?—A. I don't know, but I could find out for you from the hotel-register.

The examination of the witness was suspended at this point.

No.	Parties.	Form.	Amount sued for.	Date.
2737	The United States vs. Rudolph W. Ulrich.	Debt on distiller's bond	\$107,000	Oct. 15, 1875.
2738	The same vs. William R. Jouett et al.	Same	27,000	Oct. 15, 1875.
2739	The same vs. Alfred Bevis et al.	Same	70,000	Oct. 15, 1875.
2740	The same vs. John A. Mead et al.	Debt on gauger's bond.	10,000	Oct. 15, 1875.
2741	The same vs. John McFall.	Same	10,000	Oct. 15, 1875.
2742	The same vs. John E. Howard et al.	Same	10,000	Oct. 15, 1875.
2743	The same vs. Louis K. Tellermaun et al.	Same	10,000	Oct. 15, 1875.
2744	The same vs. William I. Bassett et al.	Same	10,000	Oct. 15, 1875.
2745	The same vs. Abijah M. Everist et al.	Same	10,000	Oct. 15, 1875.
2746	The same vs. Louis Tenschler et al.	Debt on distiller's bond.	50,000	Oct. 15, 1875.
2747	The same vs. Gordon B. Bingham et al.	Same	30,000	Oct. 15, 1875.
2748	The same vs. Jas. Busby, adm'r, &c., et al.	Same	35,000	Oct. 15, 1875.
2749	The same vs. Jas. Busby, adm'r, &c., et al.	Same	35,000	Oct. 16, 1875.
2750	The same vs. Jas. Busby, adm'r, &c., et al.	Same	35,000	Oct. 15, 1875.
2753	The same vs. Gerhard Beusberg.	Same	280,000	Oct. 15, 1875.
2754	The same vs. Alfred Bevis et al.	Same	630,000	Oct. 15, 1875.
2756	The same vs. John L. Bernecker et al.	Same	80,000	Oct. 15, 1875.
CRIMINAL.				
819	Conduce G. Megrue	Bribery	Indictment.	June 16, 1875.
829	John A. Joyce	Violation of section 3169	do	July 15, 1875.
867	George W. Fitzroy	do	do	July 21, 1875.
908	J. G. Chouteau	Violation of sections 3324, 3281, 3296	do	Nov. 12, 1875.
909	Victor B. Cropsey	Violation of section 3169	do	Nov. 12, 1875.
910	Zebulon Leavenworth	do	do	Nov. 12, 1875.
911	Henry Almstead	do	do	Nov. 12, 1875.
912	John T. Hogue	do	do	Nov. 12, 1875.
913	B. P. Brashear	do	do	Nov. 12, 1875.
914	Const. Maguire and William McKee	Violation of section 5440	do	Nov. 20, 1875.
915	Daniel W. Munn	Violation of section 3169	do	Nov. 20, 1875.
917	Daniel W. Munn et al.	Violation of section 5440	do	Nov. 20, 1875.

WASHINGTON, D. C., April 3, 1876.

WILLIAM H. BLISS sworn and examined.

By the CHAIRMAN :

Question. Where do you reside?—Answer. In Saint Louis.

Q. Do you occupy any official position at the present time?—A. I am first assistant district attorney of the eastern district of Missouri.

Q. How long have you held that position?—A. Since November, 1872.

Q. Were you engaged in what is generally known as the Saint Louis whisky trials, in your official capacity as assistant district attorney?—A. I was, for the prosecution.

Q. State whether you remember of any request having been made by the Attorney-General of the United States to the district attorney to forward him the evidence taken in any of those trials, for his inspection, or the evidence to be used on any of the trials?—A. I am not certain that a request was made of that kind; I would not be willing to swear whether there was or whether there was not; I have an impression that there was, but my knowledge is not derived from receiving any request myself, nor of seeing a letter or telegram to that effect. I have that impression, but if such is the case, it is derived from conversations in the office; from hearsay.

Q. Do you know anything about a request having been made to the district attorney by the Attorney-General to send to Colonel Gardner any documentary evidence bearing upon the case of General O. E. Babcock, and the names and residences of any witnesses whose testimony he might deem important?—A. I remember such a request. I received it by telegram, in the absence of Colonel Dyer.

Q. To whom was the telegram directed?—A. It was directed to D. P. Dyer, district attorney. He was absent from the city, as I have said, and I opened it, as was the custom in such cases.

Q. Look at the telegram now shown you, [handing a copy of the same to the witness,] and say if that is the one to which you refer, and, if so, make it a part of your answer.—A. To the best of my recollection, this is the dispatch that I received. I presume the date is correct, although I have no distinct recollection of that. It reads as follows :

"WASHINGTON, December 6, 1875.

"Hon. D. P. DYER,

"United States Attorney, Saint Louis, Mo.:

"The President informs me that the court of inquiry convenes at Chicago next Thursday; that General Babcock starts to-night to meet his trial; that Colonel Gardner is the judge-advocate, to whom, at Chicago, you will please send any documentary evidence bearing upon the case, and the names and the residences of any witnesses whose testimony you judge important to make the investigation thorough. If there is any evidence in addition to that sent me, please forward it, and communicate with the judge-advocate by messenger, or otherwise, as you may deem most safe, to the end that this most important inquiry, which will attract the attention of the country, may be complete in every respect. I repeat what I have so often said, that we wish no innocent man tarnished and no guilty one to escape.

"EDWARDS PIERREPONT,

"Attorney-General."

Q. How did it come that you received that telegram instead of Mr. Dyer?—A. Colonel Dyer was not in the city at the time.

Q. What did you do upon receipt of the telegram?—A. I telegraphed to Colonel Dyer to come.

Q. Did you or Colonel Dyer comply with that request?—A. I did not. I presume Colonel Dyer did not.

Q. As district attorney would you have complied with it?—A. No, sir.

Q. Why not?—A. Because that evidence was in our possession, having been furnished under a *subpoena duces tecum*. It was properly under the charge of the district court, and we could not have sent it without incurring a contempt, I suppose. The evidence was virtually in the court. The court permitted us to have the use of it in order to prepare our cases. Strictly speaking, however, it was in the court in response to a *subpoena duces tecum*.

Q. Would you have considered it prudent or consistent with your duty as a prosecuting officer of the Government to furnish evidence of which you had knowledge before using it in the trial of the case that you had in hand?—A. I would not—that is, evidence which had not been already made public. Some of this was public already.

Q. Was there any of it that was not public and that you were endeavoring to keep as quiet as possible?—A. Yes, sir; some of it was not public. No one knew it so far as I know, outside of our office, unless the Attorney-General may have known it.

Q. Did you take part in the subsequent trial of Babcock?—A. I did.

Q. Pending any of these whisky trials did you see a man in Saint Louis named C. S. Bell?—A. I did.

Q. What was he doing there?—A. Ostensibly, he was there to assist us; that was my understanding, derived from him. He told me that he wanted to help us in the Babcock case.

Q. Who was on trial when he made his appearance in Saint Louis?—A. William O. Avery, formerly chief clerk of the Treasury Department.

Q. Had Babcock at that time been indicted?—A. He had not.

Q. By whose direction did he claim to be present at Saint Louis, for the purpose of assisting you?—A. My recollection is that he said he was working for himself.

Q. Do you know of anything that he did while there?—A. I only know what Colonel Dyer told me, that he purloined some papers from his desk; of that I have no personal knowledge, of course. He (Bell) told me that he could get evidence in the Babcock case. I say the Babcock case, but that is not properly the term, because there was no case then in existence.

Q. Then you mean to be understood that he told you that he could procure evidence against Babcock?—A. Yes, sir.

Q. Did you, during the pendency of any of these trials, see in Saint Louis a man named Roger M. Sherman, of New York?—A. Yes, sir; I think Mr. Sherman came from New York during the McKee trial.

Q. How long was that before the Babcock trial commenced?—A. The McKee trial commenced on the 20th of January; I am quite sure that Mr. Sherman was there at that date.

Q. How long did he remain in Saint Louis?—A. I think he left Saint Louis during the closing arguments in the Babcock trial.

Q. When did the Babcock trial commence, and how long did it continue?—A. The Babcock trial commenced on the 8th day of February, and the jury were charged and rendered their verdict on the 24th day of February. I think Mr. Sherman left some time during the three or four days prior to that last date. I am not, however, certain of that.

Q. What was his ostensible business in Saint Louis at that time?—A. He brought a letter from the Attorney-General, which was a letter of introduction to Colonel Dyer, and which letter is, I think, before this committee, stating that he came to make some investigations in Saint Louis relative to pending whisky cases in New York City. I think he told me himself that that was his errand in Saint Louis.

Q. Did he take any depositions while he was in Saint Louis?—A. I was told that he did;

I had no part in that matter. I think Mr. Peddrick was detailed by Colonel Dyer to assist him in his investigations; we were, of course, very busy at that time, going right from the McKee trial into the Babcock trial.

Q. Who is Mr. Peddrick?—A. Mr. Peddrick is an assistant in the office.

Q. Did Mr. Sherman take any part in any way in either of the trials pending in Saint Louis while he was there?—A. No, sir, not to my knowledge; that is, if you mean whether he took any part in the conduct of the trial.

Q. Did he take any interest in those trials unofficially?—A. I used to see him in court very often during both of the trials.

Q. Do you know of his expressing any opinions about the trials, either one way or the other?—A. I think we had some discussions about some question of law which came up, but I cannot now recall it, in which he differed with me. I think he also said that he did not believe we would ever get to the jury in the Babcock case—that is, on points of law.

Q. Had a man named Bingham been tried for complicity in the whisky frauds in Saint Louis?—A. He had not been tried; he did not stand trial. He was indicted and pleaded guilty.

Q. He had not been sentenced?—A. No, sir; he has not been sentenced yet.

Q. Had the court made any order or announcement in regard to the time at which sentence would be passed on Bingham and others who had pleaded guilty?—A. The court had stated that it would sentence none of the so-called whisky ring until after all had been tried—that is, until all of the cases had been disposed of, with the exception of those who had absconded—and that all those in custody and on bail would not be sentenced until the entire cases had been disposed of.

Q. Was there any intimation given by you or Mr. Dyer that you would move for sentence of Bingham?—A. No, sir.

Q. In the trial of Babcock were there any letters from a man named Hoag to Bingham, used in evidence?—A. Yes, sir.

Q. In whose behalf; the prosecution or defense?—A. The defense.

Q. Do you know how those letters were obtained from Mr. Bingham and by whom?—A. I do not. I learned that Mr. Sherman obtained them and delivered them to General Babcock's counsel.

Q. What figure were those letters to cut, or did they cut, in the trial of Babcock?—A. The defense attempted, by means of those letters to show that the information, which they alleged the prosecution charged General Babcock with having furnished, of the approach of detectives to Saint Louis, was obtained from Hoag, and therefore it would be no use in General Babcock's furnishing evidence of the same facts.

Q. Were those letters used for that purpose on the trial?—A. They were used upon that theory, as I understood it.

Q. Was this man Bingham under conviction in any court except at Saint Louis, for whisky frauds?—A. I understand that he is under conviction at Indianapolis for similar offenses committed in that district.

Q. Did you see anything in the conduct of Sherman while he was there to induce you to believe that he was acting in the interest of Babcock?

The WITNESS. If you will make that question a little more explicit, I will endeavor to reply to it. Do you refer to this matter of the letters?

The CHAIRMAN. I refer to anything.

A. That is rather a difficult question. I am satisfied that he was strongly in sympathy with General Babcock in that trial.

Q. If there were any facts or circumstances that produced that conviction in your mind, please state what they were.—A. The affair of the letters was sufficient of itself. I saw him with General Babcock's counsel frequently walking to and from the court-room. I cannot say whether he ever expressed any opinion in my hearing.

Q. How soon after he arrived at Saint Louis did you observe this familiarity between him and the counsel for the defense?—A. I cannot locate the date, it was probably all along during the trial. He was there before the Babcock trial occurred.

Q. Were you present at any time when any conversation took place between him and Colonel Dyer with regard to his interference in that matter?—A. No, sir; I think the communication between them was entirely by letter, that is my impression, and I think the letters are all before your committee.

Q. Is it usual for the Attorney-General to detail a district attorney or an assistant district attorney from one district to pursue investigations in another in cases of violations of the internal-revenue law?—A. As to the custom, I could not state positively; I do not know of any such practice existing. Mr. Sherman, as I understand, was detailed by George Bliss, who requested a letter of introduction from the Attorney-General to Mr. Dyer. He was detailed in reference to New York cases.

Q. Where a district attorney in any particular district desires an investigation shall be instituted in another district to aid him in cases pending in his own district for violation of internal-revenue law, to whom does he regularly apply for the power to do that thing—to the Attorney-General, to the Commissioner of Internal Revenue, to the Secretary of the Treasury, or to whom?—A. I do not know that I can answer that question. If the case was

in court I should suppose that the Attorney-General was the head, but if it was simply an internal-revenue investigation, that properly belongs to the detectives. I do not know of a case of any assistant coming into our district or of any of our assistants going into any other district, but I cannot say that any necessity of that kind has arisen within my term of office. We have never had any depositions for use in our court in any revenue case taken out of the district since I have been in office, so that my answer would hardly be founded upon any knowledge of an existing custom.

Q. Do you remember to have seen the circular-letter addressed by the Attorney-General to the several district attorneys on the 26th of January last?—A. I never saw it until after I saw the newspaper copy. I afterward ascertained that there was such a letter.

Q. Have there been any bargains or understandings made between the district attorney and any person accused of these whisky frauds, to the effect that the accused should not be punished on giving evidence?—A. None that I know of.

Q. Has it or not been the settled policy of the district attorney, from the beginning, to make no such contracts at all and to have no such understandings? I refer to these cases.—A. That is my understanding of the policy of our office.

Q. Was there any necessity whatever for any caution being given to the district attorney, or any of his assistant or special counsel, not to make any such combinations or arrangements or promises to parties accused in the eastern district of Missouri, from anything that had occurred?—A. I do not know of any.

Q. How was this circular-letter regarded by you and your associates as to its effect upon the approaching trial of Babcock; was it your opinion that it would assist the Government in any way, or be detrimental to the interests of the Government?—A. I should not have regarded that it would have aided us particularly.

The CHAIRMAN. Judge Black is said to have remarked that he thought it would rather have had the effect of discouraging the witnesses.

The WITNESS. I am trying to give a fair opinion upon that letter, and I do not wish to give a hasty one. It would not help our cases, certainly. It was not calculated to help them.

Q. Who was the special counsel employed by the Government to assist Mr. Dyer and yourself in the Babcock trial?—A. The general special counsel for all revenue cases were James O. Brodhead and Lucien Eaton at that time in the office. General Henderson was not there at that time.

Q. Do you know of any efforts being made by Mr. Dyer or Mr. Brodhead to have the publication of that letter suppressed, or to have the newspapers correct the probable impression that it would make upon the public mind, or upon the mind of those whom it was desired to have as witnesses?—A. I know that Colonel Dyer never showed me that letter, or mentioned it. I did not know of its existence, and it was customary for him to show me everything that came. He told me afterward that he did not show it to anybody, but locked it up and did not want anybody to know it.

Q. What I mean is, after what purported to be a copy of it appeared in the Saint Louis papers he endeavored to correct the impression?—A. I do not know that of my own knowledge; I know that he was very much annoyed that it should have been published, but whether he took any steps to have it contradicted I do not know; I do not see how he could, having it in his possession.

By Mr. COCHRANE:

Q. Did that circular-letter, which was written and published, have the effect of injuring the prosecution in the Babcock case in any way? and if so, state how.—A. It had no effect that I know of. There was no evidence that we knew of or expected, that was actually suppressed by reason of that letter. In other words, all the evidence that we had or expected was educed on that trial. I do not know of any evidence existing that was suppressed.

Q. You state that fact with reference to your own knowledge?—A. That is all, of course. It suppressed nothing that I knew of, and I think that is the opinion of all the gentlemen as to their knowledge, because what one knew we all knew.

By the CHAIRMAN:

Q. Where are the telegrams which were used in the Babcock trial and offered in evidence?—A. They are in our vault, in the office of the district attorney. We are waiting until these motions for new trials are determined, when we will return them to the telegraph companies.

Q. I understood from Mr. Dyer that they were in the office of the clerk of district court.—A. Well, that may be so. I have been away from Saint Louis for some time. They are either in the court-room or in our vault; but during the trial, of course, we had to have the use of them constantly.

Q. State whether the investigation of these whisky frauds, from the beginning up to the trial of Avery, in which Mr. Henderson figured, were not exceedingly complicated, and whether they did not require very considerable labor for counsel to become familiar with them.—A. I can very earnestly say that such was the case.

Q. They required months of investigation?—A. Yes, sir.

Q. Was it possible for any counsel to step in and take the position vacated by General

Henderson, and prosecute the remaining cases with the same effect that Henderson himself could have done if he had been continued?—A. He certainly could not have had the same knowledge; that would have been impossible. General Henderson had been in since about the first of June, and that was about the 10th of December of the same year.

By Mr. GLOVER :

Q. What did Mr. Sherman say was his specific business at Saint Louis?—A. I think he told me that he came there to take depositions with reference to pending rem cases in his district in New York—seizures of crooked whisky made in Saint Louis.

Q. Do you know of his taking any depositions there?—A. I understood that he did before the supervisor.

Q. At about what time did he take those depositions; I mean with reference to the date of the Babcock trial? Was it prior to the Babcock trial, or during that time?—A. I could not say that; I should suppose it was prior, but I do not know. Mr. Peddrick, I presume, could tell you that, or the records themselves will show.

Q. Could the force in your office have taken those depositions upon the request of the district attorney at New York?—A. That would have depended upon their extent. We were very much occupied—the McKee trial progressing and the Babcock trial going right on afterward—in the prosecution of the one and the preparation of the other.

Q. Was there any application to you to take those depositions?—A. No, sir; I never heard of any.

By Mr. McCRARY :

Q. How many persons have been tried in Saint Louis for complicity in the whisky frauds?—A. We have only tried four; their names are: John McDonald, supervisor; William O. Avery, chief clerk of the Treasury Department; William McKee, and O. E. Babcock.

Q. Has any other person been tried in any other district for complicity in the same general conspiracy?—A. No; Joyce was tried on the conspiracy in the western district, but he was, in fact, one of the leading members, if not the leading member, of the conspiracy of the Saint Louis whisky ring.

Q. Can you tell what number of persons have pleaded guilty without trial?—A. I think at least fifteen have entered pleas of guilty, but, of course, there is more than one case against each.

Q. How many have been sentenced?—A. None.

Q. Is General Babcock the only person who has been acquitted?—A. Yes, sir.

Q. You have mentioned the dispatch from the Attorney-General containing a request to transmit evidence to the military court. Was there other correspondence upon the same subject between your office and the Attorney-General's Office?—A. Yes, sir; Colonel Dyer must have the papers in relation to that matter.

Q. You think there was other correspondence?—A. I think there was.

Q. Look at the printed document purporting to contain the correspondence relative to the military court of inquiry in the case of General Orville E. Babcock, sent to the House of Representatives by the Attorney-General, and state if you recognize that as the correspondence on that subject.—A. [Examining the same.] In my opinion that is the correspondence; as to the dates, of course I am not certain.

The correspondence is as follows :

[Ex. Doc. No. 142. Forty-fourth Congress, first session.]

*Letter from the Attorney-General, in answer to the resolution of the House, of the 3d instant, relative to the military court of inquiry in the case of General Orville E. Babcock.*

MARCH 10, 1876.—Referred to the Committee on Military Affairs and ordered to be printed.

DEPARTMENT OF JUSTICE,  
Washington, March 9, 1876.

SIR : In compliance with the resolution of the House, of the 3d instant, I have the honor to transmit herewith copies of all instructions, orders, letters, telegrams, or other official records and papers proceeding from or addressed to this Department relating to the assembling or the business of the military court of inquiry called to inquire into the conduct of General O. E. Babcock.

Very respectfully, your obedient servant,

EDWARDS PIERREPONT,  
Attorney-General.

The SPEAKER of the House of Representatives.

DEPARTMENT OF JUSTICE,  
Washington, December 2, 1875.

SIR : General Babcock, on account of the charges appearing against him in the public journals, has made a formal demand, as an officer of the Army, for a court of inquiry, which, I suppose, as a matter of course, will be ordered. What is the condition at Saint Louis? Answer at once.

EDWARDS PIERREPONT,  
Attorney-General.

D. P. DYER,  
United States Attorney, Saint Louis, Mo.

DEPARTMENT OF JUSTICE,  
Washington, December 3, 1875.

DEAR SIR : In Cabinet to-day the question was discussed, and the President has ordered a court of inquiry upon the demand of General Babcock. It will be convened immediately, at Chicago, and if the court requires your aid in getting evidence against General Babcock, in your possession or under your control, you will give every facility which can promote a thorough investigation. This court of inquiry does not restrain you in any duty which the law imposes upon you in your official capacity.

It seems to be considered that when an officer has a grave charge publicly made against him he has a right to a court of inquiry. The court will be composed of high officers—Lieutenant-General Sheridan, General Hancock, and General Terry; and there will be an advocate-general.

Yours, very truly,

EDWARDS PIERREPONT,  
Attorney-General.

D. P. DYER, Esq.,  
United States Attorney, Saint Louis, Mo.

[Telegram.]

SAINT LOUIS, December 3, 1875.

To Hon. EDWARDS PIERREPONT,  
Attorney-General, Washington, D. C. :

Your dispatch saying that General Babcock, on account of the charges appearing against him in the public journals, has made a formal demand, as an officer of the Army, for a court of inquiry, was received by me this morning. No bill of indictment has been returned against him as yet. I am not able to say whether the grand jury will make a presentment or not. Do you understand that as a court of inquiry is ordered, that that supersedes an inquiry before the court here? Please give me your views and opinion.

DAVID P. DYER,  
District Attorney.

[Telegram.]

DEPARTMENT OF JUSTICE,  
Washington, December 3, 1875.

Hon. D. P. DYER,  
United States Attorney, Saint Louis, Mo. :

Decided in Cabinet to-day that a court of inquiry be held immediately at Chicago. See my letter by this mail. Does not supersede.

EDWARDS PIERREPONT,  
Attorney-General.

DEPARTMENT OF JUSTICE,  
Washington, D. C., December 6, 1875.

Hon. D. P. DYER,  
United States Attorney, Saint Louis, Mo. :

The President informs me that the court of inquiry convenes at Chicago next Thursday ; that General Babcock starts to-night to meet his trial ; that Colonel Gardner is the judge-

advocate, to whom, at Chicago, you will please send any documentary evidence bearing upon the case, and the names and the residence of any witnesses whose testimony you judge important to make the investigation thorough. If there is any evidence in addition to that sent me, please forward it, and communicate with the judge-advocate by messenger or otherwise, as you deem most safe, to the end that this important inquiry, which will attract the attention of the country, may be complete in every respect.

I repeat what I have so often said, that we wish no innocent man tarnished, and no guilty one to escape.

EDWARDS PIERREPONT,  
*Attorney-General.*

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[Telegram.]

Dated Saint Louis, December 9, 1875.

Received at northeast corner Fourteenth street and Pennsylvania avenue, 2.24 p. m.

To Hon. EDWARDS PIERREPONT,  
*Attorney-General, Washington, D. C. :*

The grand jury to-day returned a true bill for conspiracy to defraud the revenue against Orville E. Babcock. I have a dispatch from the judge-advocate of the court of inquiry at Chicago, asking for charges and evidence against General Babcock. I know of nothing which can be called charges except this indictment and what transpired in the legitimate discharge of duty by the attorneys of the Government in the trials of John McDonald and William O. Avery. Shall I order copies of the stenographic reports of those trials for the judge-advocate? Is it expected that documentary evidence brought into the district court of United States for this district by its process, and which is constantly needed in the prosecution of cases pending before it and before the circuit court of this district, shall be transmitted by me to Chicago, beyond their jurisdiction? I respectfully suggest that I have no power to do so without contempt of this court. I also suggest that the Government is not ready to enter upon the trial of the indictment, and for that purpose I am sending to Chicago a copy of the indictment and a *capias* for General Babcock.

DAVID P. DYER,  
*District Attorney.*

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DEPARTMENT OF JUSTICE,  
*Washington, D. C., December 10, 1875.*

Hon. D. P. DYER,  
*United States Attorney, Saint Louis, Mo. :*

Stenograph report received. After Cabinet to-day, full particulars by mail. I advised you at the first that the military court could not supersede the criminal investigation before the civil tribunal, and you cannot be required to place any evidence out of your control; but you can send witnesses, sworn copies of papers, and facilitate the military court in making a thorough inquiry, by all the means in your power not inconsistent with your duty as United States attorney; of this you must discreetly judge. I cannot direct more specifically at this distance.

EDWARDS PIERREPONT,  
*Attorney-General.*

Q. Did this Mr. Bell tell you who had sent him to Saint Louis?—A. He did not. My understanding from him was that he was working for himself; working, of course, for a reward. I did not anticipate that he was working for nothing.

Q. Did he seek to have you employ him to assist in getting evidence against General Babcock?—A. No, sir; I could not employ him, I being subordinate to the district attorney. He endeavored to be friendly with me. I will relate his own language. He said that he wanted to be "solid" with our office. That word "solid," as I understand, is a slang word to indicate that he wanted to be all right and in with us; he said that he could help us in getting evidence against General Babcock; I had no authority, of course, to employ him.

Q. Did you or Colonel Dyer take him into your confidence in regard to the case?—A. No, sir; as far as I am concerned, I do not think I did, nor did I take anybody else, outside of the office, into my confidence.

Q. You say that Mr. Sherman was sent there, as you understood it, to take depositions in regard to cases pending in New York?—A. Yes, sir.

Q. Had your office any knowledge of these cases and of the facts, that it was desirable to prove on behalf of the Government?—A. I do not know that we had; we had correspondence with Mr. George Bliss in the summer, I think, about some forfeiture cases relating to whisky made in Saint Louis, but I cannot remember what it was. The correspondence it-

self is on file ; my impression, however, is that it was with reference to a desire that we had to get some of the packages with the fraudulent stamps on, to use as evidence.

Q. If it be true that there were pending in New York several important suits with which Mr. Sherman as assistant d'strict attorney was entirely familiar, would he not have been better fitted to take that testimony in Saint Louis than any person in your office would have been ?—A. Yes, sir ; undoubtedly.

Q. I believe you have stated that you know of no particular act which Mr. Sherman did to assist General Babcock in the course of that trial ?—A. Nothing ; except that letter affair.

Q. That you have fully explained, I think ?—A. Yes, sir ; you can obtain full information upon that point from the correspondence which transpired between Colonel Dyer and Mr. Sherman.

Q. Do you think the circular-letter would have done any harm to the interests of the Government, if it had not been published ? I refer to the letter of January 26th from the Attorney-General.—A. I do not undertake to say that it did do us harm. I do not think I have said that ; I certainly have not intended to. If it could do any harm at all, it could only do it by its becoming known and interpreted by the witnesses as intended to dissuade them from testifying. Consequently, if it were not published and not known there would be no possible theory upon which it could do any harm.

Q. Would that letter have made any change in the policy of your office with regard to any prosecutions ?—A. No, sir ; it did not so far as I am aware.

Q. Was it understood and construed as intended to change your policy in any degree ?—A. I could not answer that question, because I never heard of the letter until afterward. Mr. Dyer kept it a profound secret, so far as I was concerned.

Q. Was it understood by you when you saw it as intended to change the policy of your office in regard to the mode of conducting these prosecutions ?—A. No, sir ; I did not understand that it was intended to change our policy or method in any respect.

Q. Was there any correspondence with the Attorney-General afterward with regard to making terms with persons who had confessed and testified against others ; was there any letter received through General Noble, or in any other way ?—A. I think there was a letter brought by General Noble to Colonel Dyer ; I cannot remember whether I saw it or not. I think, probably, not. I heard that there was a letter.

Q. Do you know what the substance of the instructions contained in that letter was with regard to parties who had confessed ?—A. I would not like to answer that question positively ; the letter will tell for itself ; my impression is that that letter stated that it was not the intention of the Attorney-General to interfere with any of the arrangements which had been made.

By Mr. GLOVER :

Q. You say that Mr. Bell sought to ingratiate himself into your confidence ?—A. I did not say that.

Q. You said that he wanted to be "solid" with you ?—A. He said this : "I want to be solid with your office." The meaning of the word "solid" I understand to be "to stand in."

Q. Did he get your confidence ?—A. I do not undertake to say that he wanted to get anything out of me, but my understanding was that he wanted us to trust him and let him go and do certain things, using whatever means our official positions would give him.

Q. Did your confidence extend so far as to co-operate with him in that ?—A. I referred him to Colonel Dyer. I talked with him considerable.

Q. Do you know Supervisor Tutton ?—A. I never saw him until he went on the stand in the Babcock case.

WASHINGTON, D. C., April 4, 1876.

JOHN B. HENDERSON sworn and examined.

By the CHAIRMAN :

Question. Where do you reside, and what is your occupation ?—Answer. I reside in Saint Louis, and practice law.

Q. Were you not employed as special counsel in behalf of the United States in the prosecution of the so-called whisky cases ?—A. Yes, sir.

Q. At what time were you so employed ?—A. I think about the 1st of June ; it may have been as late as the 8th of June ; not later than that.

Q. How long did your employment continue ?—A. I believe that I was discharged the 10th or 11th of December ; I think the 10th.

Q. Can you give the committee some idea of the character of the labor performed by you in that investigation ?—A. It would be very difficult without the report that I made to the Attorney-General, which I believe I have with me. There were found, while I was acting as special attorney, about ninety-four different indictments, containing, perhaps, on an aver

age, five to ten counts to each indictment. The indictments involved almost every section of the revenue laws in regard to distilled spirits, and some in regard to tobacco, snuff, &c. There were about one hundred and seventy-six defendants; I do not mean different individuals, because a great many of those persons indicted were defendants, in different indictments, indicted in several bills. There were twenty-one cases *in rem*, against property that was seized, forfeited spirits, distilleries, and rectifying establishments, involving a large amount of property. In these cases *in rem*, I think some \$300,000 of property was seized and forfeited to the Government; most of the money has been collected and covered into the Treasury. There were fourteen suits upon official bonds, and four or five suits, I think four suits, involving penalties. The official bonds covered about \$500,000. Most of these bonds are regarded as good; and evidence was procured, amply sufficient and adequate, we thought, to judgment upon the bonds for the full amount of the penalty. The penalties involved, under the revenue laws, about \$99,000. There were fifty-five different defendants, I see from these memoranda. While I was a member of the prosecution there were twenty-five pleas and convictions. Evidence had been prepared in all those cases, and most of the evidence was already collated and ready for trial. Suffice it to say, that the labor was very great; there was an immense deal of labor done during the time I was a member of the prosecution.

Q. The fact at which I wished to arrive was this, whether the getting out, preparing, and arranging of the evidence was a matter of difficulty and labor and study, or whether it was such as a lawyer could ordinarily accomplish without much effort?—A. It was exceedingly difficult, sir, owing to the combination made among the members of the ring to suppress all evidence. They had a meeting (the fact was disclosed afterward that they held various meetings) for the purpose of assuring each other and sending off any parties that might be suspected as doubtful. They sent off a man named Everest to Europe, who was the last paymaster of the ring. Perhaps there were some others that left temporarily; I don't remember now; but there was a general arrangement among them to perjure themselves before the grand jury, and it was exceedingly difficult to break the outer crust of the ring; it was done finally, but with much trouble.

Q. Were you or not familiar with those cases and their management from the time of your employment up to the time that you were discharged?—A. Yes, sir; I was quite familiar with all of them.

Q. You devoted to them a very considerable amount of care?—A. My entire time. I abandoned all other business to my partner. After my employment, until my removal, I do not think I spent ten days in any other case or cases, except the Government business. I knew it would be a laborious service when I undertook it, and I hesitated very long before I accepted it.

Q. Were the Departments here in Washington and yourself and your associates in those prosecutions at all times in unison in respect to the policy that should be pursued?—A. I scarcely know how to answer that question. My understanding was that I was appointed at the solicitation of the Secretary of the Treasury; whether this be true or not I do not now know, but that was my understanding. All I know about it is that Solicitor Wilson called at my office in May, just after the seizures in Saint Louis, and left his card. I was then engaged in court, and when I came in I found the card. After my lunch I went back to the court, and at night I found a letter from him, asking me not to take any fee on the other side, and stating that he desired that I should act for the Government. Solicitor Wilson left that evening, and I did not see him at all, and I heard nothing more about it until the appointment came, and therefore I have always acted under the supposition that it was the Treasury Department that requested my appointment, as the law provides. These were revenue cases, and I supposed that the Secretary of the Treasury felt great concern in regard to their prosecution, and I rather looked upon the Secretary of the Treasury as my more immediate client in the matter. I supposed, of course, that it was a matter in which the Attorney-General would appoint upon the solicitation of the Treasury Department. I had more conferences with the Secretary of the Treasury than with the Attorney-General. However, I had conferences with the Attorney-General, and they were always very pleasant. He seemed to be earnestly devoted to the prosecution of the cases.

Q. Were there any facts or circumstances during the pendency of those prosecutions which led you to suspect that any officer of the Government of the United States was interfering so as to protect any accused or suspected party from prosecution or conviction?—A. Well, sir, that is another question that I scarcely know how to answer. There was a good deal of feeling at times about these cases. There were charges made about the time of the indictment of Babcock, I think more especially against me, that I was an enemy of the President, and that possibly the indictment had been procured by influence of mine. These things appeared in the papers, and a great many things were stated in the papers to the effect that this was a mere political persecution, and Mr. Dyer was represented in the newspapers as a political enemy of the President. An evident attempt was made to give it a political bearing, to show that it was designed on our part to strike President Grant, through his private secretary; all of which, of course, was felt to be a reflection upon ourselves. I am sure that, so far as I was concerned, I had no feeling of that character. But when these charges were made, of course there was more or less feeling among us, and perhaps we were too ready to suspect.

Q. At what stage of the proceedings did you first discover facts leading you to suspect the complicity of any Government officer in the frauds?—A. As early as August. Do you mean Government officer?

The CHAIRMAN. Yes.—A. O, much earlier than that. Mr. Avery was indicted in July, I think, at the May term of the court—I call it the May term of the court because it continued until about the 1st of August—perhaps about the 30th of July. Mr. Avery, who was then chief clerk of the Treasury Department, was indicted at that term. We felt confident of his guilt or else we would not have caused his indictment. General Babcock's complicity, to a certain extent, appeared before the first grand jury, or rather it was in possession of the prosecuting attorneys. We had some evidence, but we thought it insufficient. I did, and I advised against the indictment then. It is proper for me to say at this point that, not believing that my appointment authorized me to go before the grand jury, I never did appear there, but when I say that, I do not desire to avoid any of the responsibility of the indictment of anybody, for the evidence was all laid before me, together with the associate counsel, and no indictment was found without our full understanding of the bearing of all the testimony in the case. Colonel Dyer, I think, never ventured an indictment without consulting us, unless it was a very clear case; especially in any case of importance, he always submitted it to Mr. Eaton and myself as special counsel, and no indictment was found without my concurrence. I advised not only as to the advisability but also as to the form of the indictment, and the sections of the law under which to indict, and I generally revised every indictment myself.

Q. When was this celebrated "Sylph" dispatch discovered by the prosecuting attorneys?—A. We had that in July or August last. It was known to the Attorney-General, to the Secretary of the Treasury, to Mr. Bluford Wilson, Mr. Dyer, Mr. Eaton, and myself.

Q. In July?—A. Yes; in July or August—the first of August or the last of July.

Q. Do you remember the purport of that dispatch?—A. Yes, sir; I can give you the words of the dispatch:

"WASHINGTON, December 13, 1875.

"JOHN J. McDONALD, Saint Louis:

"I succeeded. They will not go. I will write you.

"SYLPH."

Q. At what time was the first evidence forwarded to Washington for the inspection of the head of the Department of Justice?—A. I cannot state. The Sylph dispatch was found in the office here—the original, of course. It had been deposited in the office here and it was found by some officials of the Government here. We had a copy at the other end. I cannot tell now what time we discovered that such a dispatch as that had been sent over the lines, but when we found it out we supposed that it was Avery's dispatch, and I think that on consultation among the attorneys we requested Colonel Dyer to have the original obtained here at Washington by subpoena. My impression is that it was so obtained and turned over here to Solicitor Wilson, if I am not mistaken, and was examined here and sent to us at Saint Louis. We did not know in whose handwriting it was when we first got it. At what period of time the first evidence was sent I cannot tell. If you mean sent under a request from the Attorney-General, it must have been some time in October. Colonel Dyer was on here some time in October. He came to me one day and informed me that he was going to Washington. I said to him that I could not very well spare him at that particular moment, as Judge Miller was at Saint Louis and we were trying motions to quash. He informed me that he had been summoned here by the Attorney-General. I asked him why he could not get along by correspondence, and that it was a very unsuitable moment for him to leave. He stated to me that the President had ordered him to come on—I regarded it as an order. I think he showed me the letter, and so I construed the letter, and of course gave my consent to do the additional work necessary to spare him. He came on and staid a very short time. It was a short time after that, I think, that some evidence was certified and sent on.

Q. Colonel Dyer did not bring on any of the evidence with him?—A. I think not. I cannot state positively that he sent on any evidence at all at that time. This is all hearsay, because you are aware that the entire official correspondence passed between Colonel Dyer and the Department, and, not appearing before the grand jury, I had no control of the record except to read it myself.

Q. Please explain briefly to the committee the significance of that "Sylph" dispatch in connection with those frauds. It was used in evidence, was it not?—A. Yes, sir.

Q. For what purpose?—A. The purpose of using it (whether it accomplished the purpose or not I cannot say) was to show that General Babcock, or whoever sent the dispatch, was aiming to give information to McDonald as to the coming of revenue-agents to Saint Louis, so as to prevent a sudden descent upon the distilleries and to enable them to put their houses in order before the agents got there. That was the construction given to it by the prosecution.

Q. Was there talk at any time between yourself and your associates as to the propriety of sending on evidence here to the head of the Department of Justice?—A. I think that we talked about it several times. Whether there was any formal conference, I cannot say.

Q. Was it with your approbation that the evidence was forwarded here and examined?—  
A. I think I was rather opposed to sending it; anyhow, I was at a later period. At first, I was not.

Q. At what period did you object to sending that testimony on?—A. I think as early as the middle of October or the 1st of November.

Q. Were General Babcock and the President of the United States at Saint Louis during that fall?—A. Yes, sir.

Q. About what time were they there?—A. They were there in the latter part of September. I have a letter before me dated September 24. They were there then.

Q. How long did Babcock remain there at that time?—A. I think about a week.

Q. Do you know whether he was in conference with any of those accused parties while he was there, of your own knowledge?—A. No, sir; I do not know of my own knowledge.

Q. You were discharged on the 10th of December; do you know why you were dismissed from that prosecution?—A. Nothing except what the dispatches disclose.

Q. Did you receive no formal notification of your having been discharged from further service?—A. No, sir; there never was a communication sent to me upon that subject. You will observe that the dispatches were all sent to Colonel Dyer. I sent a dispatch to the Attorney-General in person after the first dispatch notifying me that I would not be paid any longer for my services.

Q. It is said that you were discharged on account of certain remarks that you made in arguing the Avery case.—A. Yes, sir; that was the cause that was alleged in the dispatches.

Q. What were those obnoxious remarks?—A. I never knew, sir. They were not quoted to me. The Attorney-General never informed me what they were.

Q. Have you any report of your remarks on that occasion with you?—A. I have not, sir. I do not know to this day why I was discharged; I have never been informed,

Q. I believe you had not failed to convict in any one of your prosecutions?—A. No, sir.

Q. My own recollection of the trials is that you were unusually successful.—A. I do not know in regard to that, sir. In many of the cases we would go to work and prepare evidence and go down to trial, and the parties would plead guilty on the morning of the trial. We had just as much trouble to get ready in the cases as if they had been tried; there was no labor avoided but the mere form of a trial which would have amounted to but little. We were not very slow to inform the attorneys for the defense what evidence we had. We were on good terms with them. They were gentlemen and we very frankly told them what the evidence was, and their clients would plead guilty, but in all cases tried there had been convictions, and in all cases reached there had been either a conviction or a plea of guilty.

Q. Did you or any of your associates to your knowledge make any promise to any of the accused parties that you would not prosecute or insist on a judgment against them in case they would testify for the Government?—A. I did not, sir; and I am sure that nobody did. Colonel Dyer was not present on the morning that the pleas of guilty were taken by the distillers and rectifiers. He was present when some officials pleaded guilty subsequently. Mr. Eaton and myself were present when the distillers and rectifiers plead guilty, and there had never been any pretense that any pledges or promises were made.

Q. Had you had any jury-trials at all in those cases until you put Avery on trial?—A. O, yes; Mr. McDonald had been tried before Avery.

Q. Were you counsel for the United States at the time that Colonel Dyer received a dispatch from the Attorney-General directing him to forward the documentary evidence and the names of witnesses, &c., to Colonel Gardiner?—A. I was. I had not then been removed. I was consulted about that dispatch. It caused a great deal of concern.

Q. On what account?—A. Well, it would be merely our belief—what passed between ourselves.

Q. Of course you understood that to comply with that request would lay you amenable to the charge of contempt of court?—A. We thought so. We thought we had no right to send the evidence that had been procured by the subpoenas of the court.

Q. Supposing that that difficulty had been entirely removed, as a mere matter of propriety as prosecuting officers for the Government, would you have had any difficulty in regard to it?—A. Yes; I am frank to say that in time of peace I should give the preference to the civil courts rather than to the military courts for the trial of any offense. It is bad enough to have to resort to military courts in time of war, but in time of peace I could see no necessity at all for a military court at that particular moment, when the grand jury was in session investigating the case of Babcock, and when the evidence which had been procured there was daily needed in the prosecution of other cases. A few days after that the McKee and the Maguire cases had been set for trial. I don't remember the date of the Attorney-General's dispatch to us ordering the evidence to be sent up to Chicago, but it was in the early days of December, and it would have deprived us of the power of trying the McKee and the Maguire cases, if we had sent the evidence to Colonel Gardner. I did not think it meet or proper that civil judicature should cease in the presence of a military court. I opposed the proposition on that ground, and our dispatch, perhaps, under the circumstances was a little harsh to the Attorney-General. I do not know; but we thought that it was a very singular order, and we thought that it had been ill-considered by the Attorney-General.

Q. Leaving out of view the mere question of propriety as between the civil and the military

courts, would you have considered it prudent as a prosecuting attorney to have disclosed the evidence peculiarly within your own knowledge in any other forum, so as to put the defendant entirely in possession of your hand?—A. Certainly not, sir; I thought it was entirely wrong, even on that ground.

By Mr. McCrary:

Q. Was that talked over among you at the time?—A. Yes, sir; very fully, and talked over perhaps with feeling that I would not like to express now.

By the CHAIRMAN:

Q. The evidence that you had implicating Babcock, did it consist of a variety of circumstances constituting a chain, or proof, or of direct facts that could not be countervailed?—A. The chief testimony that we objected to sending, and would have objected to sending away under any circumstances, consists of telegrams; original telegrams which could not have been proved except by the handwriting of the parties sending them. If the originals were lost the copies would not be evidence. They were original telegrams, and we did not design to lose possession of them. They were not only telegrams important in the investigation of the case against Babcock, but very important in Avery's case also, which had not then been decided when this dispatch came from the Attorney-General on the 3d of December. That was the day that I spoke in the Avery case, and we did not know but there would be a new trial, and we should need all this testimony in the retrial of the Avery case, whatever might be the action of the grand jury in the case of General Babcock.

Q. Did you pay any further attention to the prosecutions after your dismissal?—A. I did not, sir; I turned over all papers and documents that I had in the presence of Bluford Wilson, the Solicitor of the Treasury, to Mr. Dyer and his assistants.

Q. Who was employed in your stead?—A. James O. Brodhead, of Saint Louis.

Q. Do you know anything of the effect produced by the circular-letter of January 26, from the Attorney-General?—A. That would be very difficult for me to say. I saw the letter first in the papers, and I did not talk with the witnesses at all, and therefore it would be a mere matter of inference of my own as to the effect produced. Colonel Dyer and Mr. Bliss and Colonel Brodhead would be much more competent to testify on that subject than I would be, I think.

By Mr. Glover:

Q. In view of your own great labor and study in the preparation of these cases, do you think that an attorney coming newly into the case would be competent to give that attention to it and to do it that justice that you could have done with your experience?—A. Well, I really do not know in regard to that. Colonel Brodhead is a very fine lawyer.

Q. Would his efficiency be as great as that of a gentleman who had been months in the consideration of the case?—A. Well, I have been disposed to regard Colonel Brodhead as a better lawyer than myself at all times. He is an older man than I, and has had more experience at the bar than myself.

Q. That is hardly an answer to the question. If he had had the same experience that you have had, that might be so; but putting him newly into these cases, could his efficiency be as great as yours after months of labor and experience in them?—A. I can answer that in this way, by saying that it is a fact no better known to me than to you, as a lawyer, that a man who is perfectly familiar with the facts of the case is, upon the spur of the moment, better qualified to do it justice than one who is not.

Q. Did you know Supervisor Tutton?—A. I did not.

Q. You did not meet or converse with him in Saint Louis?—A. I did not. I read the statement that was made by him a short time after my removal, which you, of course, read—the statement that was published in vindication of the action of the President in overruling the order transferring the supervisors, in which he took the responsibility of that action, and I believe he so testified in the case of Babcock at Saint Louis. I never knew him before that time. I never heard anything about him until, perhaps, during the trial of the Avery case. His name came up in the testimony of Mr. Douglass, who testified in that case. I never had heard his name before.

By Mr. McMAHON:

Q. Give us in that connection what Douglass testified about Tutton.—A. It was very short. He merely alluded to him as one of the men that he had selected to go to Saint Louis in the place of McDonald, Tutton being the supervisor in Philadelphia; that he, Douglass, had hoped for very great changes and reforms in the collection of revenue by making this transfer, and that had selected Tutton, because he had great faith in him, to go to Saint Louis in McDonald's place, where the Commissioner supposed the greatest frauds existed. The Commissioner seemed to have long suspected fraud at Saint Louis, and he was trying for years, as he testified, to get rid of McDonald and Joyce.

Q. Had you any acquaintance with Mr. Sherman, who came from New York to Saint Louis?—A. I never saw him but once. I was introduced to him at the dinner-table at the Lindell Hotel a short time after he came there. I was about through my dinner when he came in and took a seat, and I left in a few moments, and never saw him afterward.

Q. Did you make a visit to Washington during the fall while you were engaged in these prosecutions?—A. Yes, sir; I was here in the latter days of August last.

Q. Were you summoned here at that time?—A. Yes, sir.

Q. By whom?—A. Colonel Dyer. I had gone to Western New York, near Auburn, to spend a few weeks in a cool climate, and was very much worn down, and Colonel Dyer had either come here of his own accord or had been summoned, and he telegraphed me to Western New York to meet him here on a certain day for conference with the Secretary of the Treasury and the Attorney-General, and I started from Auburn; and at the Fifth Avenue Hotel I met Secretary Bristow, and informed him that Colonel Dyer had telegraphed me to come on, and he stated that he had an interview arranged with Mr. Dyer, and that the Attorney-General was then in New York, and we would all come down to Washington. The next morning I met them at the Jersey City depot, and we came down together. When we got here we found Colonel Dyer, and we had various conferences about the cases, about the indictments, and about the mode and manner of prosecuting them. There was perfect accord between us at that time.

Q. Can you fix that date?—A. It was between the 25th and the last of August; I should think about the 26th or 27th of August. I was here for several days.

Q. At that time was it fully understood in your conferences what the policy should be in dealing with those that should plead guilty?—A. No, sir. That question had not arisen. It may have been discussed, and, I think likely was; but it would be impossible for me to state what did occur. It became a serious question very soon thereafter, but at that particular moment we expected to try all the cases. We did not see any breach made among the members of the ring, and we supposed we would be compelled to try the cases on the strength of outside evidence, though it was discussed, I think, as one of the probabilities.

Q. How was this fact, that this had become a serious question, communicated to Washington so as to call forth that dispatch to Bluford Wilson?—A. It was from a dispatch of ours, I suppose. I know that the question was discussed among ourselves repeatedly at Saint Louis.

Q. Did you regard the instructions contained in the circular-letter as being in consonance with the instructions under which you had been previously acting?—A. Do you mean the circular-letter in January?

Q. I mean the circular-letter by the Attorney-General—the letter which was afterward published, which you have spoken of, from the Attorney-General, and of having seen it in the newspapers. Did you regard the instructions contained in that circular-letter as being in consonance with the instructions under which you had been previously acting?—A. Well, to answer that question you must understand that at the time of the circular-letter I was not acting at all.

Q. I understand that; but suppose you had been acting at that time for the Government, did you regard the instructions therein contained as being of the same character as those under which you had previously acted?—A. I can simply state that when I saw the circular-letter published, I did not believe that the Attorney-General had ever written any such letter. I believed that it was a forgery.

Q. Why did you so believe? State in full.—A. It would be a mere matter of opinion.

Q. Give us your opinion—why did you so believe?—A. Well, I did not see any necessity for it, so far as Saint Louis was concerned. I had never heard anybody intimate that any agreement had been made at Saint Louis. I could not imagine that such a letter had been addressed to Colonel Dyer.

By Mr. McMAHON:

Q. Had it been intimated in any of the newspapers published in Saint Louis?—A. I never had seen such a statement. It was perfectly well known to all the newspaper men in Saint Louis that no such terms had been made.

By the CHAIRMAN:

Q. Your policy and action had been strictly in accordance with the letter of October 12?—A. Yes, sir; strictly so.

By Mr. COCHRANE:

Q. Go on and state what other reasons made you think it was not genuine.—A. Well, I thought it was one of the things that got into the papers without any particular authority or foundation. I have stated since frankly to the Attorney-General, in conversation, that I was astonished at the letter. But that is a bare opinion, such as any of you gentlemen might form for yourselves. I did not see any necessity for it at Saint Louis. I had seen some newspaper slips mentioning something at Chicago, but I did not see any intimation anywhere that there was any such thing at Saint Louis. I stated at my first interview with the Attorney-General afterward my surprise at the letter. I have been very frank with the Attorney-General always. Whenever I have condemned his course, I have been frank to tell him so.

Q. Did you not believe that his course in writing such a letter at that time and under all the circumstances, was worthy of condemnation?—A. You will excuse me, while I condemn the Attorney-General in person, if I intimate that I think that is an improper question.

Q. You would prefer not to answer that question?—A. If the committee so vote it. I don't object to answering any question myself. I have an opinion about it, but as it is but a bare opinion, and I might do the Attorney-General injustice, I shall not answer that question unless you gentlemen insist upon it. If so, I will answer anything. I have stated to the Attorney-General frankly that I thought he committed a great error in writing such a letter. I did in the first interview I had with him after the letter, and I have done it within the last few days.

By Mr. COCHRANE :

Q. In your opinion what effect was likely to be produced at the time of the publication of the circular-letter? How did it strike you at the time in reference to the effect it would produce?—A. It struck me exactly as it would strike you. I would say, of course, that the tendency of such a letter as that would be to frighten away witnesses and to prevent their testifying frankly and freely in the case.

Q. Please state whether Babcock had an opportunity of appearing upon the stand, upon the trial of the Avery case in Saint Louis, and explaining the telegrams.—A. Mr. Luckey was there all the time during the Avery trial, and they were in cipher communication all the time. All those cipher telegrams would have been delivered to you by Colonel Dyer the other day, if you had wanted them, and the translation of them. General Babcock was telegraphed to early in November by his attorney, Judge Krum, to come and vindicate his character. That was during the trial of the McDonald case.

By Mr. GLOVER :

Q. Do you know what his reply to that was?—A. I cannot state that. There were several telegrams, but I do not remember them. The purport was, that he did not desire to come to Saint Louis. He desired to be excused, if it could be done. He did not wish to come there.

Q. Do you know that subsequently to that he sent a telegram asking to be put upon the stand?—A. He did at the close of the Avery case. That was about the 30th of November. It was after the close of the testimony in that case.

Q. Do you know that Mr. Luckey was present in the Avery case when the testimony was closed?—A. I did not see him at all at Saint Louis, but I was informed by the witnesses we had that he was present all the time during the Avery trial. I have no doubt that he was. We got the cipher telegrams that passed between Mr. Luckey at Saint Louis and Babcock here.

Q. Do you recollect whether there was a telegram from Luckey to Babcock, indicating the close of the testimony in the Avery case?—A. That I don't remember. The reason why I cannot recollect is, that the translation of these telegrams came after I was disconnected with the cases.

By Mr. PLAISTED :

Q. Who discovered the authorship of the "Sylph" dispatch?—A. I did when I first saw it. The dispatch was sent to us. We got a copy of it at Saint Louis, by a *subpoena duces tecum*. You know they keep copies at the other end of the line where it is received, and the original where it is dispatched. When we got the copy we then desired to get the original to see in whose writing it was, but when we got it we sent back to Washington, not knowing the handwriting, to Wilson, to ascertain whose handwriting it was in, and I do not know how it was discovered that it was in Babcock's handwriting, but some suspicion grew up that it was in his writing, and the Secretary of the Treasury or the Attorney-General informed us that they took the dispatch and showed it to Babcock, and asked him if it was in his handwriting, and he said it was.

Q. Was it not the Attorney-General?—A. I think it was; that is my impression; I won't be certain.

Q. Then you first learned that it was Babcock's dispatch through the Attorney-General?—A. No, I did not. I learned it first through Mr. Wilson, when he was on a visit to Saint Louis some time in the summer.

Q. You say the tendency of the dispatch or letter of the Attorney-General of January 26, was to frighten off witnesses; can you state whether it did frighten off any?—A. I cannot. That was a mere opinion. I did not desire to answer the question, but it was so often repeated that I made this answer. What effect it really had I cannot state.

By Mr. COCHRANE :

Q. When did McDonald's case commence?—A. It was commenced about the middle of November. It was not far from that, at least.

Q. Prior to the closing of the testimony in that case, do you know of any communication with General Babcock upon the part of any one, and of any request that he should come to Saint Louis and explain any matters connected with the case?—A. I can simply

state that I am aware of a dispatch having passed over the lines. It came to us, because we obtained a dispatch by a *subpoena duces tecum*.

Q. What was that dispatch; give us the substance of it; also state by whom it was written.—A. My impression is that it was a dispatch sent to General Babcock by John M. Krum, one of the attorneys of General Babcock, as he afterward proved to be. The substance of it I do not know that I can state precisely. It requested him to go to Saint Louis and clear himself of the charges that had been made in the testimony of some one of the witnesses.

Q. At what point in the progress of the trial was that dispatch sent?—A. It was about the period when the testimony of the witnesses developed the fact that it had been understood that General Babcock was connected with it.

Q. How long prior to the conclusion of the testimony for the commonwealth?—A. My impression is that the dispatch was during the early part of the McDonald trial—as early as the 17th or 18th, or somewhere along there.

Q. About how long after that did the commonwealth close its case?—A. I should say some two or three or four days.

Q. Have you that dispatch?—A. No, sir: I have none of the papers at all.

Q. Where is that dispatch?—A. It is in the hands of Colonel Dyer, I presume, or in the possession of the district court.

By Mr. GLOVER:

Q. Was that one of the dispatches published in the papers?—A. I really cannot say; I apprehend that it was published, however.

By Mr. COCHRANE:

Q. Do you know of any reply of General Babcock to that dispatch?—A. Personally, I do not.

Q. Do you from having seen a reply?—A. I do not think I have; no, sir.

Q. Do you know of an answer having been made to that dispatch?—A. I understood that an answer passed over the line. It would be mere hearsay on my part. I apprehend that dispatches of that sort were obtained. I am pretty sure that there were.

Q. Can you give the reply of General Babcock, or the substance of it?—A. I cannot now, except he desired not to be brought to Saint Louis. That is my understanding.

Q. Did you not understand that he was very anxious not to be brought to Saint Louis?—A. I do not know that I can state how great his anxiety was, but my impression was that he did not desire to go; that he desired to be excused from going.

By Mr. MCMAHON:

Q. As a witness you mean of course?—A. Yes, sir.

By Mr. COCHRANE:

Q. Did General Babcock communicate with the counsel for the prosecution in any way or make any effort to explain these charges; I mean during the trial of McDonald?—A. No, sir. I am not aware that he did. He did not with me, and I do not think that he did with any of the others, or I should have heard of it. He did subsequently, during the trial of Avery. Babcock telegraphed to Mr. Dyer about the 30th of November.

Q. What did he telegraph?—A. During the investigation of the Avery case, the dispatches passing between Babcock, Joyce, and McDonald had been read in the trial of the case and had produced a good deal of excitement, and widespread comment by the papers, and General Babcock telegraphed to Mr. Dyer that he was innocent of the charges inferred from the dispatches—the inferences that had been drawn by the newspapers and also our inferences in the trial of the case—that he was innocent of those charges and desired to be put upon the stand, according to my remembrance, to exculpate himself.

Q. When did that dispatch reach Colonel Dyer; at what point in the investigation of the Avery trial?—A. My impression is, that when Colonel Dyer received the dispatch, the evidence in the case had been closed, but how long it had been closed I cannot now state.

Q. But you are quite well satisfied that the evidence for the prosecution had closed?—A. My impression is that it had closed on both sides; there was very little evidence offered in defense; very little indeed; perhaps it occupied one or two hours.

Q. How long did it take to introduce the testimony for the prosecution in the Avery case?—A. Some six or seven days. Six days I should say.

Q. Were the telegrams offered in evidence early in the case?—A. No, sir; not early.

Q. About what period of the case?—A. On the 29th; perhaps some of them had been offered on the 28th, but the body of them was offered on the 29th, and appeared in the morning papers of the 30th, as I now remember. Some of them had been introduced on the 28th.

Q. Do you know what, if any, reply was made by Mr. Dyer to General Babcock?—A. Yes, sir.

Q. What was the reply?—A. The reply to him was that the evidence in the Avery case was closed; that the next case which would be for trial was set for the 15th of December,

alluding to the McDonald case and the Maguire case. That is the reason why I know that on the receipt of that dispatch by Colonel Dyer the evidence was closed, because I remember the language of his reply; that the evidence in the Avery case was now closed and the next case to be tried was on the 15th of December, so as to give him an opportunity to be then present.

Q. Was the McKee case tried on the 15th of December?—A. It was not.

Q. When was it tried?—A. It was tried about the 25th of January.

Q. Before or after the finding of the indictment against Babcock?—A. After.

Q. Between the date of the Avery trial and the finding of the indictment against Babcock, do you know of any effort having been made by him to explain these dispatches by personal interview with yourself, or with Colonel Dyer, or any one connected with the prosecution?—A. I know of none; I had no interview with him, and had no correspondence with him.

Q. And you know of none with the other members of the prosecution?—A. No, sir.

Q. When did he first come to Saint Louis, if you know, or about what time?—A. I do not think General Babcock came to Saint Louis after his indictment until the time of his trial. My impression is that he gave bond in Chicago.

Q. Was he in Saint Louis from the time of the McDonald trial to the time of his trial?—A. I am not sure of his being there; he may have been. I never saw him; I do not know of his having been there.

Q. State whether if he had come you would not have been likely to have known it.—A. Well, yes; I suppose I should have heard something about it.

Q. State whether, as you won these cases and convicted these various conspirators, you were in receipt of assurances from the Secretary of the Treasury and from the Attorney-General that your course was to be commended, and were complimented by them?—A. Yes; Mr. Dyer received such; the official correspondence was all through Mr. Dyer.

Q. State whether these expressions of good feeling and of compliment were tendered to Mr. Dyer and to the other gentlemen of the prosecution for the success which attended their efforts.—A. I think so.

Q. Do you recollect of any such communication from the Attorney-General?—A. I think so, sir.

Q. What was the substance of these communications?—A. They were complimentary to our energy, zeal, discretion, &c.

Q. State whether they also intimated that you should proceed in a like manner as you had been in the prosecution.—A. I think they generally wound up by the expression that the President made in the preceding July, in the indorsement upon his letter from Long Branch to the Secretary of the Treasury, "Let no guilty man escape;" that was the general watch-word.

Q. From the time that General Babcock was indicted, all along during the progress of his trial and until its conclusion, did you receive any such complimentary messages from the Attorney-General, or any such assurances?—A. You are aware that the day on which General Babcock was indicted I was removed; that is, the day after.

Q. I have reference now from the time it was first mooted as to whether General Babcock should or should not be indicted; from the time it was probable that an indictment would be found against him, did you receive such assurances from the Attorney-General of his desire to aid you in these prosecutions and to encourage you to press them vigorously as you had received before?—A. I do not think that I ever had any correspondence.

Q. I have reference to correspondence officially with Mr. Dyer—whether any such correspondence was received, to your knowledge.—A. I do not think that General Babcock's name was ever used much while I was connected with the prosecution. General Babcock was indicted on the morning of the 9th of December, I think; that is, the indictment was returned; the vote had been taken on it, perhaps, on the afternoon of the 8th, and on the 10th I was removed, so that I never saw any correspondence between Mr. Dyer and Attorney-General Pierpont specially in reference to General Babcock's case.

Q. I will ask you if you did not observe a marked difference in the actions of the Attorney-General?—A. Would it not be better for me to state facts, and you to draw conclusions?

Q. I put that question first, whether you did not observe a marked difference in the actions of the Attorney-General; then I will ask you to state facts. Did you not observe a marked difference in the actions of the Attorney-General, and was it not with you a subject of comment?—A. I scarcely know how to answer that question. I was connected with the case so short a time after this indictment was found, and one thing that attracted my attention was the calling of the military court at Chicago about the second or third of December. I thought that was a very strange proceeding and I think so still. I did not understand it. I may have come to the conclusion in my own mind that the Attorney-General, perhaps, was inimical to any proceedings being taken in the civil courts there against General Babcock, but I may have been wrong in that. That is a mere conclusion, perhaps, in my own mind, and that conclusion may have been erroneous.

Q. During the progress of the various cases with which you were connected prior to the time that it was proposed to indict General Babcock, were not the parties prosecuting those

cases in constant communication with the Attorney-General?—A. Yes; I think Mr. Dyer was, as the head of the Office.

Q. Were they not encouraged, constantly by the Attorney-General, in the various steps which they took to ferret out and punish these criminals?—A. I think so, sir.

Q. Did the Attorney-General show the same anxiety after the indictment of General Babcock, or after the time it was proposed to indict General Babcock?—A. I don't think the Attorney-General knew of any design to indict General Babcock until the thing was done. No; I will correct that. I don't think that he had any idea that we had any dispatches sufficient to indict General Babcock before they were read in evidence in the Avery case, and that was on the afternoon of the 29th of November. They appeared in the papers on the 30th of November. We had never communicated to General Bristow, to Mr. Wilson, nor to the Attorney-General, the substance or the character of those dispatches. They did not know anything at all about them—I mean the last batch of dispatches; I do not mean the "Sylph" dispatches. We obtained them late in November, and during the progress of the Avery trial. We got them from the telegraph office. We did not communicate the fact. I did not, and I do not think Mr. Dyer did, until they were read in the case. Possibly the Attorney-General was taken by surprise at the introduction of testimony of that kind in the Avery case.

Q. Now, from that date on—from the time that those dispatches were introduced and made public, did the Attorney-General show the same anxiety to prosecute the cases that he had shown before?—A. I really had no communication with him, because a few days after that I was removed.

Q. Do you know of any communication with Colonel Dyer?—A. I am not aware of any laudatory dispatches following the Avery case. I do not know of any. I never was shown them, if any came.

Q. Was not the failure upon the part of the Attorney-General to so communicate with Colonel Dyer a matter of comment with you? Did you not comment upon what you deemed to be a change in his line of action?—A. About that I really cannot say. The verdict in the Avery case was rendered the night of the 3d. On Saturday I did not see Colonel Dyer; and Sunday I did not see him. Monday I did see him a few moments, but I had no conversation with him at all. On Tuesday I was summoned to Mr. Dyer to get up a reply to an order by the Attorney-General to furnish the evidence to Chicago, at the military inquiry, and possibly the matter was talked over—I think probably it was—that it was a strange proceeding. We did not wish to put ourselves in contempt of the court, and we did not wish to put ourselves in contempt of the Attorney-General. We were in rather a delicate situation, and, as Colonel Dyer said, we all had a hand in framing the dispatch in answer to the Attorney-General. I dislike to repeat many things that may have been said in our conference at that time. There was a great deal of excitement and feeling, and I may have expressed some distrust. Colonel Dyer may have expressed some; Mr. Eaton may have expressed some. Possibly we said many things which the light of subsequent events rendered improper; I do not know. What it was I cannot now remember. Suffice it to say that we were displeased with the dispatch. We did not wish to send the evidence away; did not think we had any right to send it away, and we thought that it was an extraordinary demand; still, however, we desired to yield as far as possible.

Q. Were not you and your associates of the opinion that the Attorney-General was seeking to shield General Babcock? I am not now speaking whether your opinion of it was justified or not in the light of subsequent developments, but at that time were not you and your associates in the prosecution of the opinion that the Attorney-General was seeking to shield General Babcock?—A. I would rather that you would let me state facts. I do not think really, with the greatest deference, that my bare opinion, based upon a certain state of facts ought to have any more bearing than your own. I can give you the facts. I hope I may be excused from giving any opinion upon that point. We were of course startled and very much surprised to get the dispatch ordering us to send this evidence to Chicago. We could not account for it; we did not know what it meant, and we thought, coming from a distinguished lawyer, that it was at least a strange proceeding. We did not see what power we had to take the dispatches from the court. They were in the possession of the court and had been brought there by the process of the court, and we could not take them away without contempt of court, and yet we did not wish to put ourselves in contempt of the Attorney-General, who was our superior officer. Now, when you come to my opinion about it, after having given you the facts and stating that I was very much surprised at the order, I would rather be excused from giving my opinion. My opinion probably would not differ from the opinion of you gentlemen, upon this state of facts.

By MR. COCHRANE :

Q. As the state of facts then existed?—A. As they then existed. I did not know, in fact, what to think of it; that was about the whole of it. I did not know what to make of it.

Q. When did you first have serious suspicions that General Babcock was criminally connected with the whisky ring at Saint Louis?—A. That is hard to answer. We had possession of some of the telegrams in July or August preceding. The "Sylph" telegram had come to our knowledge.

Q. At the conclusion of the McDonald case did you entertain serious suspicion that General Babcock was connected criminally with the whisky ring?—A. I cannot say that I had made up my mind at the conclusion of the McDonald case.

Q. I do not mean positively, but did you have serious suspicions that he was connected with the ring?—A. The evidence in the McDonald case tended to implicate General Babcock. It tended in that direction. It was not sufficient evidence to convict.

Q. I understand that, but I am simply asking you as to whether there was serious suspicion?—A. There were facts developed in that case tending to show that he was connected with the ring.

Q. Do you know whether these facts were communicated to the Attorney General?—A. That I cannot say positively. My impression is that Colonel Dyer sent the evidence along to the Attorney-General pretty regularly.

Q. You were in constant communication with him, were you not?—A. Mr. Dyer was. I never corresponded with him myself in person.

Q. Was there also a correspondence kept up with Secretary Bristow?—A. Yes. I think so.

Q. He also was kept informed of the progress of matters pretty regularly as they occurred?—A. I think so. That was our purpose, to keep the officials here posted in reference to the progress of these cases.

Q. Then, in pursuance of that purpose, the testimony tending to implicate General Babcock which had been delivered upon the McDonald trial was forwarded to the two officials whom I have mentioned?—A. I take it for granted that it was.

Q. From the time of the conclusion of the McDonald trial, were not the communications of the Attorney-General with you much less frequent than they had been previously?—A. That I cannot state positively.

Q. State to the best of your recollection.—A. Many of the dispatches, I suppose, were not shown to me by Colonel Dyer. A great many of them were of but little importance; that is, as connected with the prosecution of the cases. I cared nothing about dispatches unless they related specially to the work in hand.

Q. Were not the communications of the Attorney-General, in regard to the work in hand, much less frequent after the date of the McDonald trial?—A. That I could not state positively. The McDonald trial was commenced on the 15th of November, and concluded on the 22d.

Q. Was it not a matter of comment with you that the only party from whom you were receiving any encouragement, after the date of the McDonald trial, was Secretary Bristow?—A. Well, I think Secretary Bristow gave us pretty warm encouragement to go ahead.

Q. And was not he the only one who did?—A. I think he gave more encouragement than any other official here.

Q. Do you know of the Attorney-General having given any after the date of the McDonald trial?—A. My impression is that the Attorney-General did communicate to Mr. Dyer, during the early part of the Avery case, but at the conclusion of the Avery case I do not remember any congratulatory dispatch from the Attorney-General. I think that, perhaps, was noticed or remarked by some of us, whether by me or Colonel Dyer, I do not know.

Q. And along from the conclusion of the McDonald trial was it not a matter of comment between you and Colonel Dyer, that the only party who seemed to be giving you any real encouragement and vigorously pushing this prosecution, was Secretary Bristow?—A. Well, that would be doing injustice, perhaps, to the Attorney-General, if I was so to answer, and yet it may be true. You will remember that the Avery trial was concluded on the 3d of December. On the morning of the 9th of December, a dispatch was received in Saint Louis—an infliction in my family prevented my having any thing to do with Colonel Dyer from that time, until these dispatches commenced coming, dismissing me or finding fault with me; and on the morning of the 9th a dispatch arrived which complained that I, in the Avery case, had reflected upon the President; that, I think, was the first dispatch shown to me by Colonel Dyer, or a copy of it. The Attorney-General requested Mr. Dyer to hand it to me, and he had it copied and delivered to me in the court-house. I think it was the first day I had been in the court-house after the trial of the Avery case.

Q. That was the first dispatch you received from the Attorney-General?—A. Yes; I think it was; that is, after the conclusion of the Avery case. Between the 4th and the 9th I do not think I saw any dispatches from the Attorney-General, except the one in regard to the court-martial at Chicago; that came in the *interim*—two dispatches. I think that dispatch was dated about the 2d or 3d of December, and perhaps it was shown to me after the conclusion of the Avery case.

Q. From the time of the conclusion of the McDonald trial up to the date of that dispatch, of which you have just spoken, do you recollect of seeing any dispatch from the Attorney-General urging you to vigorously prosecute these suits?—A. I could not point to one now.

Q. Do you recollect of any?—A. They may have occurred, and yet, unless I had the official correspondence before me, I might have forgotten them. The Avery trial did not last more than about eight or ten days, and I had but little time, having the chief management of that trial, to examine official correspondence; and, possibly, if any was received I would not have seen it. I was very busy from morning until night, and in fact late at night.

Q. Then you don't recollect now at all about that?—A. I could not point to any; no, sir.

Q. You could not state that any has been received?—A. No, sir; and I could not state that it had not been received. I could not state that it had or had not.

Q. State if, from the time of the conclusion of the McDonald case, it was not a matter of comment between yourself and Colonel Dyer that you were not receiving the same encouragement from the Attorney-General that you had been receiving prior to that time.—A. It may have been, and it may not have been, just at that period of time.

Q. I am speaking of any time between the date of the McDonald trial, from that time or down, whether it was not a matter or frequent comment?—A. During the early part of the Avery case I do not think that anything occurred to estrange the Attorney-General from us. If you desire my opinion on the subject, I think that the Attorney-General, in the light of circumstances then surrounding us, and in the light of what I have understood from him since, came to the conclusion, during the introduction of the testimony in the Avery case, that we had gone out of our way to offer evidence that was not appropriate or competent evidence in the prosecution of Mr. Avery. In other words, that we had introduced dispatches between Babcock, McDonald, and Joyce, when really Babcock was not on trial, and, in his judgment, it did not tend to prove the issues in that case. I think that was about the opinion of the Attorney-General, and it was a question in our own minds as to whether we should introduce them or not—whether they would cut against us or in our favor. It was an exceedingly questionable proceeding as to whether evidence tending to show that there was more than one party in Washington giving information in Saint Louis would not injure our case against Avery; but we came to the conclusion, after a deliberate examination of the whole matter, that the evidence of those dispatches tended to prove the guilt of Avery instead of acquitting him. I know a conclusion was arrived at by Colonel Dyer and myself that the Attorney-General did not like the manner in which we had prosecuted the Avery case. He was not pleased with our proceeding. What particular point he objected to was not communicated to us at that time, because there was no correspondence except the correspondence dismissing me. And now, if you will turn back to those dispatches which relate to my removal, you will see how I gathered the inference that I now give: that the Attorney-General was displeased at the manner in which we had conducted that case because it was a complaint made in the Avery case that caused my removal. The first dispatch was that information had reached Washington City to the effect that, in the trial of Avery, I had gone out of my way to attack the President of the United States, who was not on trial, and that Mr. Dyer would please inform me that I would no longer be paid for such services. I then at once came to the conclusion that the Attorney-General was offended at the manner in which I had conducted the trial of Avery, and either from what then impressed itself upon my mind or from what I afterward learned, I came to the conclusion that he thought that the dispatches had been offered prematurely, or improperly connecting General Babcock with the matter; that we need not to have undertaken to offer the declarations and acts of Babcock as a co-conspirator in order to convict Avery. Now, how I arrived at that conclusion I cannot tell you. A variety of circumstances operated. The dispatches themselves removing me, the subsequent talk, perhaps, with the Attorney-General, and with General Bristow and Mr. Wilson, and a variety of other circumstances, may have combined to produce this impression on my mind. I am satisfied that we came to the conclusion, and perhaps commented upon it, that the Attorney-General was not satisfied with the manner in which we had conducted the Avery trial; but what particular thing was said between Colonel Dyer and myself, or Mr. Bliss or Mr. Peddrick, I cannot say; but we came to that conclusion, I think, pretty generally, that he was not satisfied or pleased.

Q. Prior to that time were any comments made between you and Colonel Dyer as to the Attorney-General not communicating with you as he had previously done?—A. No, sir; I think not. I think, perhaps, there was something said at the conclusion of the Avery trial that we were not complimented for our conduct in that case, and I don't think that anything ever occurred until the trial of Avery to produce any estrangement between the office there and General Pierpont; not earlier than the 29th of November, toward the conclusion of the Avery trial.

Q. Between the date of the conclusion of the McDonald trial and the conclusion of the Avery trial, do you remember of seeing dispatches from Secretary Bristow in reference to a vigorous conduct of the case?—A. There may have been dispatches, and yet I could not refer to one or give the substance of one. I can only state in reference to this as I would in reference to a dispatch from General Pierpont. My impression is that dispatches were received, but the substance of them or the date of them I cannot now give.

Q. Did you receive complimentary expressions from General Bristow?—A. I think so.

Q. After the conclusion of the Avery case?—A. I think so, sir; that is my impression.

By Mr. McCrory:

Q. Were you in the whisky-fraud cases from the beginning or from about the beginning?—A. I think that the seizures were made either about the 10th or 12th of May, and I was employed in the cases between the 1st and 8th of June. The distilleries had all been seized and also the rectifying houses in town. There was a general suspension of business, and

the revenue agents were there working up the cases in the interim, but I was not employed regularly in the cases until some time in the early part of June.

Q. The principal part of the labor in preparing the cases and developing the facts was done after you were employed?—A. Almost entirely so; in fact, when I was first employed it was a matter of exceeding doubt whether we would ever be able to do anything.

Q. As I understand you, your success in the cases depended upon breaking the ring and compelling some of the conspirators to testify against the others?—A. Yes, sir.

Q. About what time was that purpose accomplished; that is to say, about what time did some of the conspirators come in and agree to testify against the others; in other words, when was the ring first broken?—A. It must have been as late as from the 20th of June to the 1st of July.

Q. Was not the testimony comparatively easy after the ring was broken and members of it began to plead guilty and began to give testimony against the others?—A. There were no pleas of guilty. Nobody pleaded guilty until October following, but a certain class of cases became comparatively easy after the distillers and rectifiers concluded to go before the grand jury and tell what they knew about the cases. Some few of them did so at the first session of the grand jury.

Q. The conviction of the principal conspirators was a comparatively easy thing after you had broken the ring?—A. Yes; I think so.

Q. Was the Babcock case a very complicated one, or one difficult to comprehend?—A. It was rather a difficult case, because it depended upon circumstances. It depended very largely upon the construction to be given to certain telegraphic correspondence, and that construction had to be obtained in the light of all the surrounding circumstances; therefore, every fact connected with the conspiracy from its inception down to the seizing of the distilleries in May, 1875, became an important ingredient in construing those dispatches. I do not know a fact that was connected with the conspiracy at all that did not become important in considering the meaning of those dispatches, whether they had a hidden meaning or not, because the dispatches were possibly susceptible of an innocent intention, and they were quite susceptible of a guilty intention. The success or defeat of the prosecution, according to my understanding, depended entirely upon the array of circumstances that might be brought in aid of these dispatches.

Q. Have you any reason to believe that the counsel who tried the Babcock case on behalf of the Government did not fully understand it, and thoroughly present every question of law and fact to the court and jury?—A. I think, sir, it would be better to ask me for the facts even in this case. When I left the prosecution I turned over every paper that was in my possession to Colonel Dyer in person.

Q. I do not wish to ask an opinion, if you think that is one. Did you at the time of General Babcock's trial have knowledge of any fact or any evidence, or have any information in relation to that case which was not equally well known to the counsel who tried it?—A. I retained no fact; I turned over everything that I had to Colonel Dyer.

Q. How many counsel were employed in the Babcock trial on the part of the Government, and who were they?—A. Col. D. P. Dyer, the regular district attorney, James O. Brodhead, Washington F. Peddrick, William H. Bliss, and Lucien Eaton. Eaton and Brodhead were special counsel. Mr. Brodhead having succeeded me. Mr. Peddrick and Mr. Bliss were regular assistants of the district attorney.

Q. Which of them had been in these cases from the beginning, or from the time that you were first employed in them?—A. They had all been in them except Mr. Brodhead, who succeeded me.

Q. What do you say as to the character and standing as a lawyer of Col. James O. Brodhead, who was appointed to take your place?—A. He is a very able lawyer, and stands at the head of the bar in Saint Louis.

Q. Was any other person appointed, or requested to take your place, before Colonel Brodhead's appointment?—A. My impression is that Samuel T. Glover was applied to by the district attorney, and possibly under a dispatch from Washington. About that particular fact I do not now remember, but I do know that he called upon Mr. Glover to take my place, and I supposed that was done under orders from here.

Q. What was Mr. Glover's standing in the profession?—A. I do not think there is any better lawyer in the United States than Samuel T. Glover to-day.

Q. Were Colonel Brodhead and Mr. Glover in sympathy with the administration of General Grant politically?—A. I think not, sir.

Q. You have given the construction of the "Sylph" dispatch which was placed upon it by the prosecution. Will you give the explanation which was placed upon it by the defense in the Babcock trial, if you know what it was?—A. I never heard any. I do not remember of any explanation being given, except the mere general impression to be produced that it applied to somebody else than revenue agents, but I do not remember any specific fact that was proved going to show that any particular parties were prevented from going unless it were revenue agents. I was not in the trial, and therefore I would have to speak with some caution about a thing of that sort.

Q. I supposed of course that you would, with regard both to the theory of the prosecution and the other fact.—A. The reason I spoke of that was that that dispatch

was long in my hands while I was a member of the prosecution, and inasmuch as I advised an indictment partially upon the strength of that dispatch, I was the more ready to give the construction which the prosecution had. I did not intend to give any particular construction that I myself had. Certainly, however, that was the theory upon which the prosecution advised the indictment, that that dispatch could not be explained except on one theory.

Q. That dispatch was in evidence in the Babcock case, was it not?—A. Yes; together with numerous others.

Q. You say that you and Colonel Dyer objected to turning over any evidence to the military court?—A. We did.

Q. Did you inform the Attorney-General of your reasons for objecting?—A. I think we did. We sent a dispatch to him, which I think is in evidence here. That dispatch was gotten up with a good deal of care.

Q. Did not the Attorney-General, in response to that dispatch, submit the whole matter to Colonel Dyer's discretion?—A. I think he did, substantially. He at least informed Colonel Dyer that it was not expected that he would send original dispatches, or put himself in contempt of the court at Saint Louis, or that he would do anything to interfere with the regular discharge of his duties in the prosecution of these men in the civil courts.

Q. Did you not understand the original order or dispatch as requiring you to transfer the original documents, and as virtually superseding, at least for the time being, the trial in the civil courts?—A. I did. Colonel Dyer asked the question directly, I think, of the Attorney-General whether it was intended to supersede it. That was the construction which Colonel Dyer put upon the dispatch when he first received it. I think he was impressed with the idea that the Attorney-General wished him to stop all proceedings at Saint Louis in the civil courts for the time being against General Babcock.

Q. You say he asked the Attorney-General whether such was his purpose?—A. Yes, sir.

Q. What was the reply of the Attorney-General?—A. I think he very distinctly replied that it was not his purpose. That was the substance of it. Not having the dispatch now before me I cannot say positively.

Q. Was not your opinion as to the propriety or impropriety of the first dispatch of the Attorney-General largely based upon the construction you gave to it which would require the transmission to the military court of the original papers so as to supersede your proceedings in the civil courts?—A. Yes; if the testimony had been sent to Chicago which bore upon the Babcock case, and all witnesses had been sent, it would have taken every witness from Saint Louis that we were daily using in the prosecution of other cases, because the conspiracy which had to be established in each case was proved always by the same witnesses, no matter who was tried. If those witnesses went to Chicago, of course it stopped all proceedings before the grand jury at Saint Louis, and stopped also all proceedings before the court in the trial of cases, and it likewise took dispatches away, which dispatches, if not directly inculcating certain parties, at least constituted the declarations and acts of co-conspirators, and they were necessary in every case. Therefore it would have stopped all proceedings in Saint Louis.

Q. Your opinion, then, of the Attorney-General's order was somewhat modified, was it not, when you learned that it was intended only to require you to place such evidence before the military court as you could place there without interfering with the other trial?—A. Yes; I modified my opinion after he modified his order, but a modification of the order was an absolute necessity, for we positively refused to stand it. We intended to stand on that policy; in other words, we had made up our minds to be removed upon that ground if it became necessary. We did not court a removal, but we resolved not to send the evidence away.

Q. Had you any evidence at that time against General Babcock which had not been made public in the course of preceding trials?—A. Yes; some few dispatches and some declarations of co-conspirators which have never yet been made public. They were not admitted. The declarations of co-conspirators were not admitted in the Babcock case.

By Mr. GLOVER:

Q. Had they been admitted in the Avery case?—A. No, sir; we did not ask for them in the Avery case.

By Mr. McCRARY:

Q. Was that evidence which you state was not made public known to the Attorney-General at that time?—A. I am not so sure about that. In October Mr. Dyer had come here, and the Attorney-General, as I understood, had ordered him to forward the testimony in the Babcock case to him. When Mr. Dyer sent it, or in what parcels he sent it, and how often he sent it, or what particular evidence he sent, I am utterly unable now to say, because I do not think that I paid any attention to that part of our duties there, and I am inclined to think that Colonel Dyer sent the evidence along at different times, and toward the close he did not send it any faster than he could help. I think it was the policy of the office not to be very liberal in furnishing it. That is my idea.

Q. You say that the Attorney-General ordered him to send the evidence?—A. I should state that that was merely upon the report that Colonel Dyer gave to me and what he testi-

fied to here. Colonel Dyer was ordered here by the Attorney-General, and remained here a short time in October, 1875, and upon his return he informed me that the Attorney-General requested him to forward the evidence that might be developed against General Babcock, I did not know then for what purpose, nor do I now.

Q. Do you know whether the suggestion was first made by the Attorney-General or by Colonel Dyer as to sending the evidence?—A. That I do not know. My impression is that perhaps Mr. Dyer suggested it to the Attorney-General, but it was under peculiar circumstances. The Attorney-General wanted to know of Colonel Dyer whether it was our purpose to indict upon the evidence which we then had.

By Mr. COCHRANE:

Q. Indict whom?—A. General Babcock. I think that Colonel Dyer informed me that he informed the Attorney-General that there was more evidence than that which he had yet seen, and further along in the course of conversation it came up that Colonel Dyer felt that perhaps his conduct would be a little hampered there should the evidence disclosed be sufficient in his judgment to indict, provided the Attorney-General should not agree with him, and I think, perhaps, Colonel Dyer did send the evidence here to let the Attorney-General decide for himself; but I think the Attorney-General, as I understood in that conversation, refused to take the responsibility here, but still desired that the evidence should be sent forward. Perhaps that was as a mere matter of curiosity to know whether our purpose was to indict General Babcock upon what he regarded as insufficient evidence or not. I don't know that. I never could understand why this was done, not that I doubted the right of the Attorney-General to be possessed of evidence of that sort; but still I thought it would be more properly left to the attorneys who were specially in charge of the cases there, and perhaps my conclusion was more or less drawn from the fact that I knew we were very cautious and never intended to indict anybody of whose guilt there was any doubt.

Q. I will now call your attention to the circular-letter, as it is called, of January 26. I believe you stated that when you first saw it in the newspapers you did not believe that the Attorney-General had written it?—A. I doubted it; I doubted its genuineness.

Q. You supposed at that time that it was a letter addressed to Colonel Dyer. It purported to be a letter addressed to Colonel Dyer alone in the paper?—A. Yes, sir.

Q. At that time you had no knowledge that it had been addressed to Mr. Hazleton, at Milwaukee, with directions to send a copy to the district attorneys at Saint Louis and Chicago?—A. No, sir. I saw it published in the Saint Louis Times as a letter addressed to Colonel Dyer. Perhaps it will be proper for me to state my reasons for doubting the genuineness of a letter of that sort addressed to Mr. Dyer. It arose from the fact that I never had up to that moment an intimation that at Saint Louis there had been any improper agreement made with these gentlemen pleading guilty. I had seen an intimation from Chicago a few days before, but I had seen none at Milwaukee and none at Saint Louis.

By Mr. GLOVER:

Q. You had seen it announced in the papers at Chicago a few days before the appearance of the letter?—A. Yes; I saw an article in the Inter-Ocean of Chicago to the effect that an agreement had been made by certain distillers and rectifiers there, that if they would plead guilty and implicate certain political parties they would have their offenses compounded or would be pardoned. I saw that statement a few days before the Attorney-General's letter was published, but I had never heard of any such thing at Saint Louis, and did not suppose that anybody charged it.

By Mr. MCCRARY:

Q. And supposing that the letter was addressed to Colonel Dyer, and to him alone, and knowing that there was no ground for any such thing at Saint Louis, you reached the conclusion that it must be a forgery?—A. Yes, sir.

Q. Did you know, or do you know now, what representation had been made to the President and to the Attorney-General to induce the writing of that letter; that is, as to the state of things at Milwaukee, Chicago, or Saint Louis?—A. Yes, sir; the Attorney-General has told me in the last few days.

Q. But you knew nothing at that time and know nothing now of your own knowledge as to those representations?—A. No, sir.

Q. Was not your opinion as to the propriety or impropriety of that letter based, in part, upon the belief that the letter had been given to the public by the Attorney-General, or with his consent?—A. Well, I do not know. I did not see any necessity for the letter itself, even as an official document, so far as Saint Louis was concerned; and if there had been a necessity I should have said that it was altogether improper to publish it just at that moment; and it would have affected my judgment very much—the mere fact of the publication.

Q. If you had known that it was written as a secret and confidential communication and based upon representations from responsible sources to the effect that there was danger that improper bargains were to be made with criminals, and merely as a caution against such things, would it not have greatly modified your opinion?—A. Very much. It would, perhaps, have entirely removed all feeling about it.

Q. Do you remember when the dispatch came from General Babcock asking to be heard in the Avery case—asking to be allowed to testify in that case?—A. Yes; I think it was about the 30th of November, either the 30th or 1st of December.

Q. The answer of Colonel Dyer, I believe, was that the Avery case had been closed, and that the next case was set down for the date which you mentioned?—A. Yes; the 15th of December.

Q. Between the time that Colonel Dyer sent that dispatch and the 15th of December, was Babcock indicted?—A. Yes, sir.

Q. Then, before the trial of the first case succeeding the Avery case, he had been indicted himself?—A. Yes, sir; the indictment was returned on the morning of the 9th, I think. It was determined on in the grand-jury room on the afternoon of the 8th of December.

Q. You have been asked a good many questions as to the change in the tone of correspondence between your office and the Attorney-General's Office after the development of the charges against Babcock. I will ask you if that correspondence is all on file in the office of the district attorney, and if it will show for itself whether there was any change?—A. My impression is that it is.

Q. Now, in regard to your removal. You understood, I suppose, that it was based upon your speech in the Avery case?—A. The dispatch stated that in the speech in the Avery case I had attacked the President or had reflected upon the President. It was something to that effect.

Q. I hold in my hand the affidavit of James Holland, stating that he was the stenographer who reported your speech in that case.—A. I believe that Mr. Holland reported it. I am not sure which one of the reporters was there. It was, however, some member of that firm.

Q. He gives, in this affidavit, certain extracts from that speech, which, he states, contains all that you said in relation to the President. Please look it over and state whether, according to your recollection, it is correct?—A. That is a thing I have never done yet. I do not think I have ever read a speech of mine a second time. I have never reviewed or revised or looked over this speech. It was extemporaneous. Mr. Holland is a good reporter, and I have no doubt that he has reported it correctly. If it is under his affidavit I have no doubt it is correct.

Q. Do you think you could state from memory, by looking over this report, what you did say?—A. I doubt it. The speech was an extemporaneous one entirely, based on the evidence in the case. I see here that I have said, "What right has the President to interfere with the honest discharge of the duties of a Secretary of the Treasury?" The evidence subsequently did show that he interfered with the Secretary of the Treasury. I did not know it at that time. The interference, I thought at the time, was with the Commissioner of Internal Revenue, and I did qualify it in my speech. It was subsequently developed that he did overrule the order of the Secretary of the Treasury, and had I known the fact while I was speaking in the Avery case, I should have made my remarks a great deal stronger.

The affidavit of Mr. Holland is as follows :

UNITED STATES OF AMERICA,  
*Eastern District of Missouri, ss :*

James Holland, being duly sworn, says he is a member of the firm of Walbridge, Holland & Brown, and that he reported stenographically the speech of Hon. John B. Henderson on behalf of the Government in the case of the United States against William O. Avery; that the foregoing are true transcripts of all that was said by Mr. Henderson in that speech touching the President and his action, and that the same is literally correct, and that he was officially employed to report for the United States the proceedings of that case.

JAMES HOLLAND.

Sworn to and subscribed before me December 7, 1875.

‘T. D. TOWNSEND,  
*United States Commissioner Circuit Court Eastern District of Missouri.*

EXTRACT FROM SPEECH.

"This is the blot upon our Government, that it is possible for such things to exist. They could not exist in England, France, or any other civilized government, but are peculiar to our boasted Republic. It is party, party, party that damns our country, and he who has the nerve to resist the behests of party is worthy of more credit than the bravest of old Roman soldiers. Under the name of party every fraud and infamy within the range of possibilities is perpetrated. It is to be hoped and prayed that the time is coming when a man who has the imperious force of character to resist the dictates of party will be looked up to as a hero. But we may go to the bottom, corruption may feast in all our institutions, and our nation may decay and fall before we learn this great truth. I respect party when it is composed of honest men, organized for honest purposes; but when it is composed of men banded together

to perpetrate frauds upon the Government, or to serve the personal ends of its leader, then away with it. I'll none of it. Let republicans and democrats all take hold and join in the support of principles which will serve to secure the best results to our Government, which will give dignity and stability to our nation, and which will inure to common benefit; and never let us be led astray so far as to make one officer of our Government be subservient to another. What business had Babcock to go to Douglass? He is put there for what purpose? To watch the revenues of the country, to collect them honestly, and see that they are honestly paid out. That is his whole duty. What business has Babcock with it? What business has he to interfere with the discharge of those duties? None whatever, sir. When an official goes into office he ought to be free and independent except where the law binds (upon) him. He should know no master except the law, and if he knows any other master our Government is tumbling down. What right has the President? He has the right to turn this officer out, if he wants to, and put in another; but what right has he even, (though there is no evidence that he ever attempted it, I believe.) What right has the President to interfere with the honest discharge of the duties of a Secretary of the Treasury? None whatever. What right has he to interfere with the discharge of the duties of Commissioner Douglass? None. The law tells Douglass what to do. Douglass only showed a lamentable weakness of character in listening to Babcock or any other mortal man.

"Here is a telegram, which reads:

" 'WASHINGTON, D. C.,  
" 'December 5, 1874.

" 'JOHN A. JOYCE, *Saint Louis, Mo. :*

" 'The order directing you to report at Philadelphia to Supervisor McDonald on the 15th is suspended.

" 'J. W. DOUGLASS,  
" 'Commissioner.'

"Gentlemen, why does this man bend the supple hinges of the knee? Why does he yield to presidential interference, or to the interference of the secretary of the honored President? It was none of their business. It belonged not to Grant, it belonged not to Babcock, it was Douglass's own business. He stood responsible. After accepting that office and after giving his pledge by an oath, to the people of the United States to faithfully demean himself in office, it was his duty to carry that order out or resign his position. I would to God we had more of the sterner stuff that formerly animated the bosoms of Federal office-holders in the country. Why not leave an office when a man is unable to hold it with honor?

If I am designed your lordling's slave,  
By nature's law designed,  
Why was an independent wish  
E'er planted in my mind?

"Sir, is it to continue in this country that because a man holds an office at the hands of another he is to become his slave? What have we gained by the abolition of slavery in this country if the black man is free and the white man is substituted for him in chains of slavery—the slavery of office? My God! if men could think of it for a moment, they had better live as private citizens in honor, in honesty, and with a fair name than to have all the gold and the shining, glittering, corrupt honors of office."

Q. I now wish to ask you if you desire to comment at all upon that report? If so, you can do so.—A. I do not desire to make any comments upon it. The speech has been abundantly commented upon in this case.

By Mr. COCHRANE:

Q. I will ask you what the interference of the President was which you subsequently ascertained in relation to the Secretary of the Treasury?—A. The law provides that the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue, may change supervisors from one district to another. Mr. Douglass was a witness on the stand in the case of Avery. He testified that for some two or three years he had been endeavoring to break up the frauds at Saint Louis, and had appointed agent after agent, and they never could arrive at Saint Louis without notice preceding them, and that he had learned to suspect McDonald and Joyce of complicity in the frauds, and that he had sent Joyce, in the spring of 1874, to California with a view of getting him out of the way, in order that he could commence a raid upon that district, and did so; but that notice preceded even these agents, and he had to abandon it entirely. On the return of Joyce from California about the 1st of July, 1874, the frauds were re-inaugurated there and carried on with more success than they ever had been from the 1st of July, 1874, to the spring of 1875. In January, 1875, he determined, as the only means of suppressing fraud, to make a change of supervisors, and he resolved upon Mr. Tutton at Philadelphia, in whom he seemed to have entire confidence, as the man most proper to be substituted for McDonald at Saint Louis. He was to send McDonald to Philadelphia. He testified that upon the issuance of

that order, approved as it was by the Secretary of the Treasury, Mr. Bristow, a very great influence was suddenly brought to bear here to revoke it—to induce the President to revoke it; that he was sent for to the White House, went to the White House and had a conversation with General Babcock, who besought him to revoke that order, and he told him that it would be injurious to an inferior officer to have one of his orders overruled, and that he was dissatisfied with this, and told General Babcock that if the order was reversed it would have to be done by superior power, and he left the Executive Mansion declaring that he would not revoke it. Babcock stated to him that if he did not willingly do it the President would have to do it, and it would injure him, (Douglass)—Douglass then being a candidate, as it was subsequently developed, for a judgeship in the Court of Claims, and that it would interfere with his appointment for the judgeship on the Court of Claims. He did not state that fact in the testimony there, but it was subsequently developed. That was the injury that was to be done him. Immediately thereafter, an order was issued by the President revoking that order and ordering the Commissioner of Internal Revenue to notify the supervisors by telegram of the fact that it was revoked. My comments upon that action, I thought, were justified by the law and the fact. My comments were not with a view of implicating the President in these frauds or intimate that he in any manner was connected with them, but were just as much in condemnation of Mr. Douglass, the Commissioner, as they could possibly have been of the President, and perhaps a little more in condemnation of the Secretary of the Treasury, who permitted an order of this sort to be made and their orders to be overruled. My position was that the President had no power at all to revoke an order that was deliberately made by the Commissioner of Internal Revenue, unless sanctioned by the Secretary of the Treasury; that when these men were in office it was their duty specifically to carry out the law, and that the President of the United States has no power to interfere. Hence it is that I say that there is no master of this Government except the law itself, and that a superior officer has no right, simply because he appointed him, to overrule his orders. That is the ground that I took, and any comment that I made was in condemnation of this practice of superior officers undertaking to do everything, which converts our Government certainly into a mere monarchy. If because the President of the United States nominates, by and with the advice and consent of the Senate, all its officers, or the officers of the Government, the President can dictate their course of action, the President of this country is a mere monarch. I hold that every man in an official position is independent except where he is restrained by the law. He has no master in the shape of an individual, and that is what I said in the speech. I said nothing more. The whole speech taken together would show that there was no reflection upon the President. I remember in the trial of the Avery case something that was said in the introduction of those telegrams. It was something that I said in regard to the President. This occurred on the 29th of November, upon the introduction of the testimony in the case. Judge Krum, counsel for Avery, objected to the introduction of these telegrams, upon the ground that it was a drive at the White House. If I had known that there was any controversy about any reflections upon the President of the United States, and I had been asked what I had said in the Avery case, or what occurred in the Avery case, that would have been sent as a part of the proceeding that was published in the papers in Saint Louis on the morning of the 30th of November. Anything that I may have said in the argument before the grand jury, of course, was in connection with what had occurred during the trial of the case. I was talking to the same court and jury, and I supposed, of course, that anything I had said would be construed in the light of what had taken place at a preceding time. I did not deem it necessary to go back and exculpate the President again, because I had already done it.

By Mr. GLOVER :

Q. This was in the Avery case?—A. Yes, sir.

Q. You mean to say that this extract sent to the President did not embrace all that you said about the President?—A. Certainly it did not, sir. I in person informed the Attorney-General that I had not reflected upon the President. That was done before my removal, and if they had been wanting to act with anything like discretion they ought to have had the entire proceeding of the Avery trial before them. So far as the removal is concerned, I apprehend that they did not regret it themselves. It certainly was ill-advised on their part. It is not that I care anything about it. I have no feeling about it one way or the other. The speech that I delivered in the Avery case was two and a half hours in length. It would have filled ten or twelve columns, probably, of a daily newspaper. I speak with rapidity, and the proceedings of the Avery case would have been one hundred and fifty pages of octavo matter. To pass upon a thing of such importance as that upon the extract that they had before them is simply ridiculous. That was all there was of that.

By Mr. MCCRARY :

Q. In regard to the action of the President in revoking the order sending a supervisor down from Philadelphia to Saint Louis, and McDonald from Saint Louis to Philadelphia, do you remember the explanation given of that matter by Mr. Tutton on the Babcock trial?—A. I read it.

Q. Can you give the substance of it?—A. I should not like to trust my memory. His testimony is preserved.

Q. You have stated the testimony of Douglass, I believe?—A. The reason of that is that I took it myself. That was in the Avery case.

Q. Was it not in substance that it was deemed the best course to take in order to detect and punish the conspirators—that is that the revocation of that order was done for that purpose, and upon the recommendation of Mr. Tutton himself?—A. Yes; he so stated.

By Mr. GLOVER :

Q. It has been stated here, and possibly at Saint Louis, that the attorneys of General Babcock were in possession here, at Washington, of the evidence bearing in his case. Have you any reason to believe that the testimony furnished by Mr. Dyer to the Attorney-General reached the hand of the attorneys of General Babcock while here in Washington?—A. I had a conversation with the Attorney-General here the other day—since I came here this last time—in reference to that matter, and he stated to me that some gentleman who was upon the grand jury at Saint Louis, had, he thought, furnished to the President the testimony that was taken before the grand jury.

By Mr. MCCRARY :

Q. I think you do not exactly get the question of Mr. Glover. I understand that he asked if you thought the testimony sent to the Attorney-General from your office was by the Attorney-General, or in any other way, communicated to the counsel.—A. I do not know, personally, anything at all about it. That is personal. I have heard something in regard to it that I would rather be excused from answering, if it be the desire of the committee so to excuse me.

Mr. COCHRANE. As you are on the subject, we would like to have you tell what you heard.

The WITNESS. You ask me if I have any reason to suppose that General Babcock's attorneys got possession of the evidence?

By Mr. GLOVER :

Q. I asked you if you have any reason to believe that the evidence furnished by Mr. Dyer to Attorney-General Pierpont reached the possession of General Babcock from the Attorney-General's office. It has been so stated here, and it has been a common rumor.—A. I have heard that rumor very often. I suppose the rumor has come from the fact that they seemed to be conversant with everything that would be developed. The attorneys were not taken by surprise, I think was the language of Mr. Dyer, by anything that appeared in the testimony in the case, and I have heard it repeatedly so stated.

By Mr. COCHRANE :

Q. You stated that you would rather not answer the question that was put. What were you going to say?—A. I never heard myself personally that the attorneys of General Babcock ever got any testimony from the Attorney-General's Office. I never learned that the attorneys were ever there, or ever got any testimony.

Q. Did anybody else, so far as you learned? and, if so, state all you know about it.—A. I never had any conversation with anybody except General Bristow and Mr. Wilson.

Q. Let us have whatever you know in reference to it, and whatever you heard. If there is any evidence at all, directly or indirectly, indicating that the evidence sent by Mr. Dyer to the Attorney-General's Office has reached the attorneys of General Babcock, it is right and proper, I think, that it should be known.—A. I never heard that it reached the attorneys of General Babcock.

Q. Did it ever reach anybody else?

The WITNESS. Suppose that any confidential communication between General Bristow, who was my client substantially in this case, or a confidential communication between Major Wilson and myself, any inferences, or anything of that kind, had been given—you don't want that?

Mr. GLOVER. I do not know but what we might be entitled to that. We are representing the Government, and if there is any such improper thing as the one I have intimated, I think the country ought to know it.

Mr. COCHRANE. You have already placed yourself right by saying that you would rather not answer it unless the committee insisted upon it. The committee insist upon your stating whatever fact you were going to state.

The WITNESS. I was not going to state any fact. A great many things have in all probability passed between General Bristow and myself and Major Wilson and myself of a confidential character. Perhaps communications have passed between us, especially between Major Wilson and myself. There is nothing improper—nothing at all; nothing except conduct looking to the prosecution of these frauds.

Mr. COCHRANE. We would like to know what those communications were, if you please.

The WITNESS. I think there ought to be some protection. It is said that I was the attorney for the United States; but who represented the United States?

Mr. COCHRANE. We are now representing the United States, sir.

WITNESS. But, certainly, sir, conferences between attorneys and clients ought to be protected.

Mr. GLOVER. We all feel the delicacy of such a situation, but there is a great people behind this that I think should be protected, too.

Mr. MCCRARY. Supposing it to be true that a member of the grand jury gave information to Mr. Babcock's attorneys, would that explain everything in the nature of talk and conversation and communication that you had in reference to the matter?

WITNESS. Yes, sir; if it be true that a member of the grand jury communicated facts to General Grant, and those facts were communicated to General Babcock, it accounts for the suspicions that I had or entertained, or that anybody entertained.

Q. Suppose that certain facts were disclosed that were not before the grand jury, could that be explained on the hypothesis that the grand jury told the President?—A. No, sir; it would not if that be the fact.

Mr. COCHRANE. While the committee do not, of course, want to place you in an embarrassing position, yet we are trying to get at the bottom of this thing if we can, and if there is nothing in it nobody will more joyfully say so than myself. If there is anything in it, then we desire to know what it is. So far as I am concerned, I would feel like asking you to make a statement of these communications in reference to which you have spoken.

WITNESS. If I thought that they would tend at all to elucidate any matter connected with these trials I would not hesitate a moment to give them. I have no desire to conceal anything from the country. I am sure that I have simply endeavored to do my duty in connection with them, and I have nothing to fear. I know that, but at the same time we are all liable to do our fellow-men injustice, and especially in periods of high excitement. I was here in January, and I had some conversation with the Attorney-General, and also some conversation with Major Wilson, and with Secretary Bristow. I was here in August last, and I had conversations with all of them. Again in the last few days I have conversed with them all. It is a mere repetition, the whole of it, what has occurred at all times.

Q. Be kind enough to tell what occurred—what conversations you had.—A. It would take me perhaps six or eight hours, perhaps ten hours, to tell all that has occurred in regard to it, and in fact I could not remember all.

By Mr. GLOVER:

Q. If at these three different interviews the same things occurred, please state what occurred at the first interview.—A. It covers the entire range of these prosecutions. It would be a long story, longer than that of *Æneas* and *Dido* in the fall of Troy. Will you direct my attention to any particular fact that I can get it?

By Mr. COCHRANE:

Q. All in reference to the fact spoken of by Colonel Glover, to wit, the giving of the testimony by the Attorney-General to any one connected with General Babcock.—A. I never heard that the Attorney-General gave to Mr. Storrs permission to examine any testimony, or to Judge Porter, his attorney.

Q. Or to any one else?—A. No; I shall not say that.

Q. I am not asking you to say that; I put it in the form of a question.

WITNESS. Am I bound to state this; is that the decision of the committee?

Mr. COCHRANE. The majority of us have come to that conclusion.

Mr. MCCRARY. I think if General Henderson chooses to decline he has a perfect right to. A man employed by the Government of the United States has a right to have confidential communication with the officer who employed him, as much as any lawyer has with his client.

WITNESS. During the progress of these cases, a short time before I was removed, it became apparent that there was a belief here on the part of the Attorney-General, and possibly on the part of the President, that General Babcock's indictment was for the purpose of injuring the President, or injuring the republican party, or something, I did not exactly understand what, and that it was rather a conspiracy within itself, and that it was rather for the purpose of making the President of the United States in the future than for subserving the ends of justice. Of course, whenever anything was said to me I simply stated what I am now willing to say, that it was utterly untrue; that I had no purpose of the sort, and I was not aware of any such purpose on the part of anybody.

By Mr. GLOVER:

Q. Whose opinion was that which you have recited?—A. I learned that it was the opinion of the President and the opinion of General Pierrepont; that is, that he was rather inclined to think that General Babcock had been indicted upon insufficient evidence, and that the juries in the West were organized to convict, and that a man did not stand a very good chance of acquittal; that the courts were highly prejudiced against this defendant; in other words, that there was a great deal of feeling and excitement in the West, and that a man did not stand a very good chance of a fair trial. He expressed himself to me so.

The Attorney-General was very frank and asked me if I knew whether such feelings existed, and whether I thought those defendants had and would have a fair trial at Saint Louis.

By Mr. COCHRANE :

Q. When did he ask you that ?—A. In January, about the 15th of January, perhaps the 12th or 13th

By Mr. GLOVER :

Q. Did he ask you that in relation to the Babcock case only ?—A. In regard to all those cases pending. He gave me a conversation that he had with Senator Carpenter, who had been defending some of the parties at Milwaukee. Carpenter told him that there was no chance of a fair trial out there, and he recited to me some of the judgments and opinions of Judge Drummond in order to illustrate the impossibility of getting a fair trial for any of these whisky conspirators. I undertook, as far as I possibly could, to remove any feelings of that sort from his mind.

By Mr. KNOTT :

Q. Was he not aware that Judge Drummond had nothing to do with the Saint Louis trials ?—A. He spoke of that as a feeling existing all over the West ; that there was intense excitement, and that it had been wrought up by the newspapers, and that a man stood very little chance, according to his understanding. Representations had been made to him ; he did not profess to know of his own knowledge, but he seemed to think that there was rather a danger, in the fever of excitement of the moment, of subverting justice rather than administering it.

By Mr. COCHRANE :

Q. What was said as to Bristow's opinion on the other hand ? You had conversations doubtless with him ?—A. Mr. Bristow did not seem to entertain any feeling of that sort. Bristow is a very prudent man, as well as General Pierrepont. He is careful in his expressions. General Bristow seemed to be satisfied with the management of the cases—fully satisfied. He was willing to leave it to the attorneys in charge of the case, and with the courts, in whom he had entire confidence.

Q. How in reference to General Pierrepont ? Did he seem inclined to leave it discretionary with attorneys ?—A. I have already stated his belief. He was fearful that in the rage of the moment men would not be treated fairly. I assured him that there was no fear of the conviction of any innocent man at Saint Louis. I did not know how it was at Chicago or Milwaukee, but I attempted to quiet his feelings so far as Saint Louis was concerned.

Q. This was on the 15th of January ?—A. About the 13th or 15th. At the time that I had the first conversation. I subsequently had conversations with Judge Pierrepont about the 24th of January.

Q. In regard to this same matter ?—A. Yes—well, matters generally.

Q. Did he express the same opinion at that time that he did at the previous interview ?—A. I think he did. He said that other parties had told him so.

By Mr. KNOTT :

Q. Did he mention their names ?—A. He mentioned Senator Carpenter as one man. He had been in the defense of the cases at Milwaukee, and I am not so sure that he did not mention somebody from Saint Louis, but he did not name him. He said some person from Saint Louis had made the same remark to him, that he did not think that fair trials could be secured there.

By Mr. GLOVER :

Q. Did he give any expression as to the opinion of the district attorneys at Chicago and Milwaukee in that same connection upon that subject ?—A. I do not think he did.

Q. It occurred to me that the officers of the Government should have been consulted also upon that subject ?—A. I do not think he said anything at all about the officers themselves.

By Mr. COCHRANE :

Q. Did you have any further conversations or communications of a kindred character with the Attorney-General subsequent to the 24th of January ?—A. I have had since I came here this time some conversations with him, but nothing very material.

Q. Now, be kind enough to answer the question which was put a few minutes ago in reference to communications by the Attorney-General of the testimony against General Babcock to any one in the city, to General Babcock or to anybody. Did he communicate the testimony sent him by Mr. Dyer to anybody ?—A. In a conversation with the Secretary of the Treasury, (and at the same time I protest against giving this testimony, it being a confidential matter entirely,) in a conversation with the Secretary of the Treasury about the 23d or 24th, and, I think, perhaps the 23d, day of January last, we were deprecating the

state of things existing and imprudence of General Pierrepont in the matter—not so much the imprudence as, we thought, the folly of his course. It commenced about my removal; the want of necessity of anything of the sort, and the error that, in our judgment, had been committed, and the over-anxiety of Mr. Pierrepont about General Babcock's case—that he had unnecessarily busied himself. I think, perhaps, I talked more than anybody else. There was a remark made during the conversation, and, I think, as much jocularly as anything else. He said that General Porter and General Babcock had had access to the evidence against General Babcock. Now, I say General Porter and General Babcock; it might have been General Porter or General Babcock, I am not sure which; I will not say positively—that they had had access to the evidence in the Attorney-General's Office against General Babcock.

By Mr. GLOVER :

Q. Was it stated how that occurred?—A. I do not think there was a great deal stated about it, and I did not understand exactly how, or, if the statement was made, I do not now distinctly remember it; nor was any statement made as to what evidence it was. I do not know what the evidence was, and I did not make any special inquiry about it. I knew that the testimony had been sent here, and I supposed, of course, that it was some particular part of the testimony which had not been published. The dispatches had nearly all been published—perhaps all of them.

By Mr. COCHRANE :

Q. In speaking of your discharge, when the Secretary remarked that it was unfortunate, what else did he say in that connection; why was it unfortunate, in his opinion?—A. Well, he thought that it was unfortunate because he thought that it put the Administration in an improper attitude; and he thought that I was sufficiently conversant with the cases to have attended to them, perhaps, as well as anybody else, or better.

Q. Did he not express the opinion at that time that you were, in his opinion, the most competent person to have conducted that prosecution?—A. Well, he seemed to think that I was more conversant with the facts of the case than perhaps anybody could be upon the spur of the moment; and it would have been better, he thought, all around that I should have been retained; and he said that he regretted very much my removal. He expressed that to me.

Q. In speaking of the interest which General Pierrepont had taken in the case of General Babcock, what facts did Mr. Bristow mention as indicating that interest?—A. I do not think that it was our opinion that General Pierrepont was corrupt in regard to this matter; but our opinion was that he was weak, and was disposed to swallow the story that we were persecuting General Babcock. I thought that that was the opinion of the Secretary of the Treasury. I have never heard any harsh expression from him. I do not think he thought at that time that the Attorney-General was otherwise than deceived about the matter; that Pierrepont really thought that there was a conspiracy against General Babcock and the Administration, and he felt it his duty to protect its interests. Mr. Pierrepont, perhaps, had come to the conclusion that we were about to convict an innocent man.

Q. What ground had he for that conclusion?—A. I do not know.

Q. Had he any ground—I mean any tangible or substantial ground—for any such opinion?—A. O, a great many men think so even yet, I suppose.

By Mr. GLOVER :

Q. You cannot say that there were any intimations as to the manner and mode of procuring evidence in the possession of the Attorney-General by Babcock or any of his friends?—A. In a conversation with the Attorney-General, in order to refresh my remembrance the other day, I asked him if either one of these gentlemen had had any access to his office within his knowledge. He told me no. I told him that in all probability something that I may have said in a moment of excitement, perhaps, at Saint Louis, may have given rise to the reports in the public press that they had had access to the office, one or the other of them, and that I desired to be frank with him about it; and I desired to know whether such was the fact, and whether any injustice had been done him. I understood him to say that he was not aware of anything of that sort; that such a thing might have occurred; that the evidence might have been communicated, but, if so, without his knowledge. I could only express my regret if I had, at any time, done him any injustice.

By the CHAIRMAN :

Q. What was the remark that you had made in Saint Louis that you thought possibly gave rise to this report?—A. It was just what I have stated, that I had understood that one or the other of them had read the evidence, or a part of the evidence, in his office.

By Mr. GLOVER :

Q. Did you find, when these gentlemen appeared in the case in Saint Louis, that they were perfectly familiar with all the evidence?—A. You are aware, sir, that I was not in the trial.

Q. You do not know whether the Attorney-General had asked the forwarding of the testimony in the Avery case, or in the McDonald case, as in the Babcock case?—A. I do not know in regard to that. Colonel Dyer submitted all the official correspondence, and his letters may show. I suppose they do show.

Q. You have no knowledge that testimony in these other cases was called for? I mean in the Avery or McDonald cases?—A. No, sir; none at all.

By Mr. COCHRANE:

Q. Suppose you had known, at the time you saw the circular-letter published, that similar letters had been written to district attorneys elsewhere, would you not still have considered the letter to the attorney at Saint Louis as a very singular one?—A. I think I have stated that substantially; that I was surprised to have seen the letter.

Q. You would have been equally surprised if you had known that other district attorneys at other points had been thus notified?—A. Well, I do not know; I certainly was surprised to see a letter addressed to Mr. Dyer upon a point that I had never heard agitated at all.

Q. You stated also, in answer to Mr. McCrary, that all the telegrams and official correspondence were kept; were these congratulatory telegrams retained also as part of the official correspondence?—A. I think so.

By Mr. MCCRARY:

Q. When you had your conversation with the Secretary of the Treasury, I understand you to say you were under the impression that evidence had been communicated from the Attorney-General's Office, in some way, to Porter, or Babcock, or both; you were under that impression at that time?—A. Yes, sir.

Q. Have you had any reason since to change that impression?—A. Nothing, except what the Attorney-General communicated to me the other day.

Q. Was not that impression based mainly upon the fact that you knew that Porter and Babcock, or the counsel of Babcock, had obtained that evidence in some way?—A. Yes; we knew that they had.

Q. Now, if it be true that a member of the grand jury had communicated it to them, or to some person who communicated it to them, would not that explain all the suspicion and question that you had in your mind at that time?—A. It would.

Q. Was there any evidence sent to the Attorney-General from the district-attorney's office at Saint Louis except what had been developed before the grand jury?—A. That I cannot state. You will have to refer to Colonel Dyer's testimony upon that subject.

Q. Do you know anything about a grand juror named Fox having communicated any facts with regard to the testimony before the grand jury?—A. The Attorney-General so informed me. I know nothing about it personally. The Attorney-General in his conversation with me the other day stated that it was true that he had communicated to the President of the United States the testimony that was given to him, and that if Babcock or Porter got it they must have gotten it in that way; that he deemed it his duty to communicate it to the President; he held the confidential relation to the President which required at his hands that he should do so; but he invariably found, when he communicated it to the President, that the President knew it beforehand. It was known beforehand to the President, whenever he would commence telling him any testimony which had been communicated to him in regard to Babcock, as he deemed it his duty to do, because Babcock was holding a relation there that made it his (the Attorney-General's) duty to tell the President what was going on. In fact we can see very well why the Attorney-General should do so. I do not know but it was partially at my request, and Colonel Dyer's, that the original Sylph telegram was taken by the Attorney-General to the President. That was in August last, or in July last. General Pierpont may in very good faith have communicated all these things to the President in order to warn the President of the danger that he was in, to warn him of the necessity of his discharging this man as his private secretary.

Q. Did he say that he actually communicated it, or that he broached the subject to the President and learned that he had previously been acquainted with the fact?—A. I believe you are right; that he did on several occasions commence telling the President, and that the President would always anticipate him and say that he had already found it out; that he already knew it. And then he gave me my first information in regard to the communications made by Fox to the President. I knew nothing of it before, though I knew Fox was here during the months of December and January, just after the adjournment of the grand jury. The grand jury at Saint Louis adjourned on the 9th or 10th of December; and Fox came here immediately after.

Q. The communications that Fox had made, if any, were unknown to you and to the Secretary of the Treasury and Solicitor Wilson at the time you had the conversation?—A. Yes. I knew nothing of it until within the last four or five days, since I came here. I did not desire to do the Attorney-General or anybody else any injustice, and I talked with him very freely the other day about this matter; and he really stated things that I had never heard of before, and which put a new phase upon a great many things that I had thought very strange of; I could not account for them at all. I desire to state, in reference to this

matter between Mr. Bristow and myself, that it was stated more in grief at the time than anything else, that Mr. Pierpont and the President had come to the conclusion that we were running a conspiracy against Babcock, and that really there was an effort being gotten up here for the purpose of inducing the public to think that Mr. Bristow himself, for his own selfish ends, was part and parcel of this same conspiracy; and he was deprecating anything of that kind, that an honest discharge of duty on his part should have created an impression of that kind in the mind of the President and Attorney-General. And without any design on our part to implicate the Attorney-General as a part and parcel of the scheme to acquit General Babcock, we came to the conclusion that he was doing whatever he did do believing that we were persecuting Babcock, and that he was doing it in the interest of justice, although we agreed that he was in egregious error; that was about our feeling; you can naturally see what it was.

W. F. PEDDRICK sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. I am now residing in Saint Louis.

Q. Do you occupy any official position at this time ?—A. I am assistant United States attorney for the eastern district of Missouri.

Q. How long have you occupied that position ?—A. One year and a month.

Q. Did you at the direction of the district attorney for the eastern district of Missouri at any time lay before the Attorney-General the evidence that had been taken in any of these whisky trials at Saint Louis ?—A. Not by direction of the district attorney. When I was here last January I called upon the Attorney-General, as I always do when I am in Washington, and in conversation with him one day he told me that he had written to the district attorney requesting him to forward the evidence, or to give a statement of the evidence, that had been before the grand jury in the Babcock matter. He told me that no answer had been yet given to that letter, and asked me as an assistant United States attorney what that evidence was. I then stated to him substantially what the evidence before the grand jury was. He thereupon said, or led me to believe, that his mind had not been fully informed in regard to the testimony that was pertinent to that case. In the evening of that day I received a telegram from Colonel Dyer, requesting me to report forthwith to Saint Louis, stating that the Attorney-General wanted the evidence in the Babcock case, and wanting me to get it up from my notes, or assist him to get it up. I then telegraphed to Colonel Dyer in reply, stating that I had been to see the Attorney-General and had given him such information that I thought my presence would not be needed in Saint Louis at that time. In fact, the Attorney-General stated to me, upon my inquiring, that my answers to his questions were all that he expected or wished by his letter to the district attorney. Colonel Dyer replied to my telegram to him, stating that he wished that I would come right away. When I got to Saint Louis I discovered that he did not want me merely for the purpose of getting up this testimony, but that Mr. Bliss and himself wanted to leave the office, and that I should be there to act for the Government. The testimony that I gave to Judge Pierpont was substantially the testimony that was introduced in evidence in the case. I gave to him the telegram, of which he knew something already, or of some of them, and then stated what I thought of the atmosphere engendered in the grand-jury room by the cloud of witnesses who came there, in regard to Babcock. It was not direct testimony. It was not even valid indirect testimony, so far as Babcock was concerned; but it related to the impressions formed among the members of the ring in regard to the complicity of General Babcock. Of course, that came out in our general investigation. I was before the grand jury, under Mr. Patrick, before Colonel Dyer came into office and before General Henderson was appointed. I was appointed a short while before these investigations were started, and I had been in the grand-jury room from that time up to the present time at every session of the grand jury.

Q. Had you been connected with the Department of Justice here before you went to Saint Louis ?—A. O, yes; I have been private secretary to the Attorney-General for eight years. I was appointed by Mr. Stanbery previous to the impeachment trial, and I resigned and went to Europe as the private secretary to the counsel for the Government in the Geneva arbitration, and returned and was appointed to my old place, which I kept until I went to Saint Louis.

Q. What time did you go to Saint Louis ?—A. I went there last February a year.

Q. Besides the telegrams of which you have spoken, what testimony did you detail to the Attorney-General as to that case ?—A. I gave him the declaration of co-conspirators, not that they knew that Babcock was in the thing, but that it was the general impression among the members of the whisky-ring there, the distillers and rectifiers, that he was in it; also, the fact that certain letters were used by Joyce.

Q. What letters were those ?—A. They were letters that purported to come from General Babcock.

Q. To whom were they addressed?—A. They were addressed to Joyea. They were shown to these distillers and rectifiers for the purpose of awakening in them a sense of encouragement, and they had that effect. That was proved on the trial. These things I mentioned to the Attorney-General. There was a great deal of testimony, of course, elicited in the grand-jury room.

Q. You gave him a full account of the testimony?—A. No, sir; I do not think that I ever gave him a full account; but I come to that point where I stated, "I do not want to detain you; I could go on with this if your mind is not satisfied." "Well," he said, "that will do, Mr. Peddrick."

Q. Why did he want to hear particularly the evidence that was against Babcock?—A. That I do not know.

Q. Did he give you any reason for his anxiety on that subject?—A. No. I know this: that in important cases, when assistant district attorneys come to Washington, the Attorney-General would ask or might ask questions upon these subjects as to the testimony introduced in such cases.

Q. Did you say anything about Everest's testimony?—A. No, sir; I did not. When I returned to Saint Louis I stated to Colonel Dyer what I had said to the Attorney-General, and that I felt it was my duty, as assistant United States attorney, when called upon by the Attorney-General to give him answers to such questions.

Q. What time in January did you say this occurred?—A. It was either the day before or the day after the first of January, or about that time. I was only here about a week.

Q. Did you meet Roger M. Sherman in Saint Louis just previous to the Babcock trial?—A. I did.

Q. What was his business there at the time?—A. His business was to make an investigation in regard to the shipment of high wines from the city of Saint Louis to the city of New York, which high wines were alleged not to have been properly gauged and stamped.

Q. Did he take any depositions there?—A. He did.

Q. Whose deposition did he take?—A. He took the deposition of John W. Bingham; he took the testimony of Thorpe. I cannot say absolutely that he took the testimony of those witnesses; I can only state that I gave him their names, under the direction of Colonel Dyer, as the witnesses in Saint Louis who could give him the testimony which he needed to prosecute his cases in New York City. I gave him a list of gaugers, distillers, and rectifiers.

Q. How many were embraced in that list?—A. I think there were seven or ten.

Q. Do you remember any of the names except Bingham and Thorpe?—A. Yes, sir; John E. Howard was one; Meade; Everest.

Q. Did you give him the name of Everest by Dyer's direction?—A. No, sir; he had the name of Everest.

Q. How did he procure that name?—A. I gave it to him; that is, we took the papers that he had from New York, which have the name of Everest upon them. Form No. 52 contains the statement of the high wines—the number of the high wines, and the gauger who gauged these particular high wines. He brought these papers from New York with him, and I looked over them with him and pointed out the gaugers' names, and as they were pointed out he wrote them down as I read them off. There were Everest, Meade, Howard, Kellerman—all those gaugers who gauged those wines.

Q. How many of these men were used as witnesses in the Saint Louis whisky trials?—A. Everest was used. I think we examined Ulrici, a distiller. I do not think he was called on the stand. He was one of the witnesses giving testimony as to the conspiracy, but he could not give any as to Babcock's complicity. There were also other witnesses. I think Bemis's and Frazer's names were given him by me. He showed me in rooms at one time the depositions that he had taken.

Q. How many depositions did he show you?—A. I did not count them all. They were written out by a reporter that he had there, and made a volume of testimony in bulk. I suppose there were at least half a dozen.

Q. How long would it require to take depositions in that way by a stenographer?—A. It depends. If you had the men all before you, and could examine them from 9 in the morning until 6 or 5 at night, you could, I think, get through with the testimony in two or three days; but I think he had appointed hours there. He could not get witnesses always when he wanted them.

Q. What was the question that arose between him and Mr. Dyer?—A. Mr. Sherman took some offense at Colonel Dyer personally, I believe, either apparent or real. He wrote a letter to the Attorney-General. He read that letter to me before sending it, and asked me what I thought of it. I told him it was unjust and unfounded, and, furthermore, that it reflected upon me. He said that he did not so conceive it; that it was intended to have no reflection upon me whatever. I told him that from my relation with Colonel Dyer that letter might have that effect, and I advised him not to send it. He, however, sent it. The Attorney-General sent a copy of that back to Colonel Dyer, and, of course, that produced a breach between Colonel Dyer and Mr. Sherman. I do not know what conversations they ever had about it, but afterward, as perhaps you are informed through newspapers, Mr. Sherman was charged with being a spy and informer.

Q. Were all of these witnesses, or any of them, supposed to be implicated in the ring?

I refer to the witnesses whose depositions were taken by Sherman.—A. All of them were supposed to be.

Q. Did you read over the depositions they gave?—A. No, sir. I read over one, I believe, which was Bingham's.

Q. Was he asked anything at all about Babcock?—A. Nothing at all in that deposition. I was not present when the depositions were taken. There was nothing written down in the depositions that had any relevancy at all to Babcock.

Q. Do you know anything about certain letters that were written by a man named Hoge to Bingham?—A. I know that it was in reference to this letter that this charge of being a spy and informer was made against Mr. Sherman. I know that these letters were introduced in the trial by the defense.

Q. Do you know how the defense procured those letters?—A. Not from my personal knowledge. I might observe right here that on most of these points Colonel Dyer or General Henderson have almost all the information that I could possibly give you.

Q. General Henderson was not employed in that trial.—A. I am speaking, however, generally of any evidence I could give.

Q. Do you know of Sherman getting out a subpoena and making any attempts to get the evidence of Everest?—A. When I introduced Mr. Sherman to the supervisor of internal revenue in Saint Louis, I requested, on behalf of the district attorney's office in Saint Louis, that the supervisor should furnish Mr. Sherman every facility for conducting his investigations; that he came there to the city with a letter from the Attorney-General.

Q. Right at that point let me ask if it is customary when a district attorney goes from one district to another to have as much formality as was observed in that case—to have a letter from the head of the Department of Justice?—A. I do not know that it is; but I can very well understand why such a letter as that would be desirable, and why it might have been obtained.

Q. If Mr. Sherman had come there with a simple letter of introduction from his principal, Mr. Bliss, would you not have taken as much pains to assist him?—A. Undoubtedly, sir.

Q. Or if he had come himself and made himself known to you as an officer of the Government, honestly in search of information in the detection of frauds, would not you and Colonel Dyer have as cheerfully rendered him any assistance?—A. Well, I do not know—not at that time; I should have been a little more cautious.

Q. I say, if you had known him as an officer of the Government in search of evidence for the detection of fraud?—A. No, sir; I should not have done it unless he had had some letter of recommendation.

Q. If you had known him to be such, of course you would not require any letter?—A. Yes; but an officer might come from one district to another and interfere in matters in which he was not authorized.

Q. Did you ever know that to be done?—A. No, sir; but I can understand how it might have been, and could be, done at that time.

Q. Did you understand that it was done, pretty clearly, in that particular instance?—A. I know that he had a letter from the Attorney-General.

Q. I am not speaking about that. Do you not know that, in place of being actually in search of testimony to elucidate the cases that he had on hand in New York, he was there trying to find out what testimony you had against Babcock?—A. I will say that, so far from knowing that, I have never seen an act on the part of Mr. Sherman, I have never heard a word fall from his lips, that betrayed that he was upon any errand that was not perfectly honorable all the time I was with him in the city of Saint Louis, except an intemperate zeal on behalf of General Babcock and the harsh criticism of the gentlemen or of the conduct of the prosecution.

Q. What was the criticism?—A. He criticised the abilities of the men and the motives of the men openly; he made no secret of it. I will say here that while I knew him socially, and while I was with him, wherever he made such criticism in my presence I always protested; I protested against it, and told him that it was unjust and unkind, and that I could not tolerate it.

Q. Had Mr. Dyer, or yourself, or Mr. Bliss, or Mr. Brodhead shown any discourtesy to Mr. Sherman in any way?—A. Not that I know of.

Q. About these letters of Hoge's; granting that he procured those letters from Bingham, and delivered them over to counsel for the defense, did you consider that very honorable and fair dealing for an officer of the Government who had come with his credentials from the Department of Justice?—A. If he did that with the knowledge and with the purpose of assisting the defense, I should consider it very imprudent; and if he had an improper motive in it, I should consider it dishonorable.

Q. Was not he requested to show these letters to the counsel for the prosecution?—A. I understand so from Colonel Dyer's letter. I saw a letter to Colonel Dyer from Mr. Sherman offering to show those letters to Colonel Dyer.

Q. At what time in reference to the trial?—A. It was during the trial, I think.

Q. Do you know for what purpose he procured the letters from Bingham?—A. I do not.

Q. Do you know how the counsel for the defense ascertained that he had the letters?—A. I do not; I never heard.

Q. At all events you know that the counsel for the defense did have the letters and did use them on the trial?—A. Yes, sir.

Q. In behalf of their client?—A. Yes, sir.

Q. They cut a pretty important figure in the trial, did they not?—A. I thought so. I have heard some lawyers say they did not. I heard one say that, but I thought they were important myself.

Q. How long did Mr. Sherman remain there from the time he first came?—A. I think he must have been there nearly a month.

Q. Would it require a month in Saint Louis to take ten depositions?—A. I do not think so, speaking generally. There are circumstances, of course, where it would, perhaps, take much longer.

Q. Do you know how Mr. Dyer came by information that Mr. Sherman was endeavoring to get at Mr. Everest?—A. I was coming to that in connection with that matter, and I will answer that question in the sequel. When I introduced Mr. Sherman to Supervisor Meyer I requested that the supervisor should extend to him all the facilities that he could. Thereupon Mr. Sherman asked the supervisor to issue subpoenas or summons for this list of witnesses that I had named. I then said to him, "Mr. Sherman, you ought not to send off these witnesses at this time; they are needed—a great many of them—in the court by Colonel Dyer; and you ought not to interrupt the progress of a trial to perform work which you can wait for." Well, he said that the interest of his cases was as great as that of the Government at Saint Louis. I said I could not conceive that; that our cases were now on trial and pending; and I thought he ought to defer to prevent a conflict. As to the name of Everest, I said to him, "I think you ought not to send any subpoena for him." He said that in this matter he should be controlled by his own sense of what was prudent and expedient. I said to the supervisor that I did not wish him to understand that the district attorney's office justified or requested that any subpoena should be sent for Mr. Everest, and that if Mr. Sherman did it he must do it entirely upon his own authority; and that the Government office there in Saint Louis gave no countenance to it at any time. I repeated all that conversation to Colonel Dyer in the evening, the next time I saw him, to prevent a subpoena going out for that man in particular, and, I believe, for other witnesses who might have been needed in the prosecution.

Q. What did Colonel Dyer do when you communicated to him the fact that there was a subpoena out for Everest?—A. I do not think the subpoena got out. I think I got to the colonel before the subpoena was issued. I understood from Colonel Dyer afterward that he had, upon my suggestion or the suggestion of somebody else, called upon the supervisor in reference to the matter. I wish to repeat that I have never seen anything, except what I have mentioned, in Mr. Sherman that led me to believe, or even to suspect, that he was there on a dishonorable mission. If there is evidence to the contrary I never have seen it.

Q. He did not seem to have a very high idea of the representatives of the Government in Saint Louis?—A. No, sir; he did not speak very highly of them.

Q. Did he make any suggestion, to your knowledge, about having the sentence of Bingham deferred in any way?—A. No. Although I was with him a great deal in Saint Louis socially, and living at the same hotel, and he having been formerly in the Attorney-General's Office, I do not think he ever mentioned that subject to me until I had learned it from other sources. In the first place, he read that letter about Colonel Dyer to me. Why he read that I do not know. He afterward admitted, however, that my advice in regard to that letter was good advice.

By Mr. GLOVER:

Q. Are you a short-hand reporter?—A. Yes, sir.

Q. Have you been in the service of the district attorney at Saint Louis?—A. I am assistant United States attorney.

Q. Did you take the evidence in the Babcock case?—A. I did in the grand-jury room. I took all the evidence there offered, from the first session in the grand jury, under Mr. Patrick, former district attorney, down to the last session.

Q. When did the evidence in that Babcock case close before the grand jury?—A. The investigation in regard to this indictment, growing out, as it did, of one grand conspiracy, spread over, of course, a great surface both of time and of matter, and it was all interwoven; you may say that it was one grand case extending over months; we would get a scrap here and a scrap there, of course, all links in the chain.

Q. Were you on a visit to Washington any time during the last fall or winter?—A. I was here in the latter part of December, and went away on the 4th of January, I believe.

Q. Did you have any interview with the Attorney-General?—A. Yes, sir.

Q. Did he send for you?—A. No, sir; I came here upon business, and called upon the Attorney-General, as I always do when I come to the city. I think it was at the second interview I had with him that he told me he had written to Colonel Dyer for the evidence in the Babcock case, and asked me if I knew what it was. I told him that I thought I did, a part of it, and I thereupon sat down and told him what it was.

Q. Did you have any interview with other parties as to the testimony while you were here?—A. No, sir; I never mentioned it to any other person.

WASHINGTON, D. C., *April 11, 1876.*

WILLIAM O. AVERY sworn and examined.

By the CHAIRMAN :

Question. Where do you reside ?—Answer. In Washington.

Q. Were you formerly in any official position under the United States ?—A. Yes, sir ; I was from 1864.

Q. What was that position ?—A. From first-class clerk up to chief clerk of the Treasury Department.

Q. What office did you hold during the year 1874 ?—A. Up to and including the 30th of June, 1874, I was chief clerk in the Internal Revenue Bureau. From July 1, 1874, until December 31, I was chief clerk of the Department.

Q. You are the same William O. Avery who was indicted and tried in Saint Louis ?—A. Yes, sir.

Q. What was the charge upon which you were tried there ?—A. The indictment had four counts in it ; three of the counts were quashed, and I was held on a conspiracy to defraud the internal revenue.

Q. Who were indicted with you as co-conspirators ?—A. I don't know that I can tell them all ; John A. Joyce and John McDonald. Joyce was a revenue-agent and McDonald was a supervisor ; and there were two or three distillers whose names I don't remember, except Beavis and Frasier and Mr. Ulrich. I don't remember their names, not having seen but one of them in my life.

Q. What were the facts charged against you, particularly ?—A. The facts under this conspiracy indictment ?

Q. Yes.—A. If I had thought I would have brought a copy of the indictment. I can't remember the wording of it, but it was an indictment for conspiracy to defraud the revenue.

Q. I understand. I am not talking about the substance of the indictment, but your complicity.—A. O, I was charged with having a knowledge that guilty practices were being performed, in failing to report the same to my superior officer, the Commissioner of Internal Revenue, and of informing Joyce and McDonald of the coming of revenue-agents to investigate, &c.

Q. It had come to the knowledge of the Department that there were frauds being perpetrated there ?—A. Yes, sir.

Q. And arrangements had been made to send out some officer to investigate those charges ?—A. No, sir ; we had a corps of officers called revenue-agents, and we also had a corps of clerks in the office. The duties of the revenue-agents were general ; they were to investigate frauds on the revenue, either of whisky, tobacco, or whatever it might be, to examine collectors' accounts, if they were competent and had previous knowledge of accounts, and covering the whole range of revenue matters. Then we had in the office a corps of clerks who were experts, or supposed to be, in collectors' accounts. They were very intricate. There were some four or five clerks who have been there for years ; many of them have worked on one special thing for years—collectors' accounts—and they were sent out from the Department to particular districts to look over tobacco and stamp accounts, and general accounts, money-accounts of the collectors. Those clerks are still being sent out from time to time.

Q. What excited the suspicion of the Department that frauds were being perpetrated in Saint Louis ?—A. That I can't say sir. I can say that it was not Saint Louis alone, but every other district where there was large whisky interests. It was not alone to Saint Louis. My knowledge of the Internal Revenue Bureau would lead me to say that in every district where there are large whisky interests they required watching all the time, not for frauds, perhaps, but for technical irregularities which would all the time keep growing if they were not checked. The system is intricate—books and accounts and reports without number ; and distillers, well-meaning and honest, wanting to render the Government its duties, would fall into irregularities ; and it was to keep those corrected all the time as much as to discover frauds.

Q. I understand you now that the particular accusation against you was that by virtue of your position you ascertained when these revenue-agents were to go to Saint Louis ?—A. And other places. That was not true, however, in all cases. It was only in a general way that I knew that, because the Commissioner and Deputy Commissioner would and did send many times secret expeditions to Saint Louis, Chicago, New Orleans, and other places.

By Mr. GLOVER :

Q. Without your knowledge ?—A. Without my knowledge, many of them.

By the CHAIRMAN :

Q. The question I commenced to ask was this. The accusation against you was that by virtue of your position you knew that these agents would go to Saint Louis and other places, and you had given information to parties perpetrating frauds there of the coming of the agents ?—A. Yes, sir ; I had given to Col. John A. Joyce. I don't know that I was

charged explicitly with that, but that was what was developed, and the form it took after I went on trial.

Q. Do you know anything about information having been given to Joyce?—A. I gave information.

Q. You gave him the information?—A. I gave him certain information for certain purposes.

Q. Where was Joyce at that time?—A. He was a revenue-agent, stationed at Saint Louis.

Q. He was at Saint Louis?—A. I telegraphed three or four times.

Q. What was the information you gave him?—A. In a general way. If you would allow me I would say how I came to do this, and would be happy to say it.

Q. Certainly.—A. Mr. McDonald was an uneducated man and of an irascible temper, who got his position as supervisor by certain influence, and he was always jealous of his rights, or his supposed rights, as supervisor of internal revenue. This was one of the arguments or one of the reasons that Mr. Joyce brought to me why he ought to know when parties were coming, as I will show you further on. He says, "General McDonald is, as you know, quick-tempered. Now, if these clerks and agents come to our district and go to working underhanded, McDonald will get angry and there will be a row, and all that sort of thing." I knew McDonald only slightly. "Now," he says, "if you can tell me when any of the boys from the office are coming out here, I will try to be in the city and show them the hospitalities of the city, and will allay any irritability on the part of McDonald, because if I am here they can investigate just as much as they are a mind to, but if I am out of the city, and McDonald finds these men here, with the dignity of his office on him, he could not brook being, as he supposed, worked under and undermined;" and he asked me to do this two or three times. I knew of one clerk going out there from the office here, and McDonald swore a little about it; and I had the highest regard for Mr. Joyce, never having heard a syllable in regard to his integrity. I knew him in the office here. I had known him intimately, I might say, since 1867, although he has been there since the latter part of 1871. I knew his wife before he married her, and in that way got intimate with him. But that was the reason and the only reason that I ever informed him of the coming of any agent in my life.

Q. When did you give him that information?—A. I can't tell you. I never gave him any information of any kind, I think, until in 1873 some time; I can't remember the exact date.

Q. Were the telegrams that you sent him produced against you in evidence?—A. Yes, sir.

Q. All used against you?—A. Yes, sir.

Q. All that you sent?—A. That I can't say. I might have sent one more than was produced. They produced three against me. I sent them with the kindest motive, out of my regard for Mr. Joyce. It was a plausible story. Of course, I was acting under the lights I had then. I didn't know of any whisky frauds.

Q. Did you hold any conversation with General Babcock along about October, while these whisky trials were pending out there?—A. October last, 1875.

Q. October, 1874?—A. There was no trial in 1874.

Q. Well, the frauds were going on.—A. The frauds were developed in May, 1875; the seizures were made. That was the first knowledge I had that frauds had been committed.

Q. Did you have any conversation with Babcock during the fall of 1874 in regard to these so-called whisky-ring men in Saint Louis?—A. I think probably I did.

Q. What was it?—A. I never called on him in my life to give him any information. I don't know that he ever called on me to get any information; but I have met him in a casual manner. I frequently used to call to see Mr. Luckey at the White House. Mr. Luckey and myself were intimate, had been to Europe together on Government business, and I frequently went there. Occasionally he would ask me how the boys were getting on, Joyce and McDonald. I don't know that he ever mentioned frauds in his life. He had mentioned the fact to me that McDonald had said to him—as McDonald had said to me also—that there was a set of black-mailers—mud-slingers, he called them—in Saint Louis, that were trying to pull him down.

Q. Babcock said that?—A. McDonald had told General Babcock so, and had also told me so, and he made some casual remark in regard to these men, anonymous letters, and all that sort of thing.

Q. What did he say about the anonymous letters?—A. I don't know that Babcock ever spoke of anonymous letters, except as coming from McDonald.

Q. How did he say that they were trying to throw mud on him?—A. By trying to get into his district to black-mail, and to create a feeling against him.

Q. With whom?—A. With the officials here.

Q. Who were these parties, did he say, that were trying to black-mail him?—A. I don't think that McDonald ever said anything to me in regard to them. Colonel Joyce did many times.

Q. What did Mr. Babcock say about those things?—A. If you will allow me—I don't know but it would be irrelevant in your examination here, but I would like, as I had some

little knowledge here of an attempt to bribe me, I would like to give it to the committee, if you deem it material.

Q. We are investigating these Saint Louis whisky frauds; whatever is relevant to that. We don't know what you know.—A. This has a direct bearing and it will go to show, I think, how I have been—well, used.

Q. Well, you can go ahead and state it, sir.—A. I will leave out the previous information I had about the man, but I will mention the previous knowledge I had gained of him from other transactions which had come to my knowledge through the then Commissioner, Mr. Delano, when I first knew this man, C. G. Megrew. I will leave that all out and commence with the first effort. I might say, that he made on me. On Thanksgiving day, 1872, I was at my office in the Internal Revenue Bureau, then the head of a division, acting chief clerk; we didn't have a chief clerk until the following December—the 24th of December; on Thanksgiving day, the 26th of November, I sat in the office writing private letters, &c. A man came in whom I had met before, and knew slightly, named C. G. Megrew—Conduce G. Megrew. He spells it Megrew and McGrew, both ways. He came and sat down at the end of my desk and said, "Avery," after passing numerous compliments on me, and I hardly knew him. I knew more of him through others than I did personally; he said, "There are three revenue agents in Saint Louis investigating the distillers." That is the first I ever heard of it. I told Mr. Megrew that I didn't know anything about it; if they were I didn't know it. Well, he made some jocose remark; he said, "Of course you, in this position, wouldn't be likely to know anything about it, but, however, they are there, and have been there a month. Our people, the distillers, are sick and tired of it. They want to get them out of there so that they can open their distilleries and go to work now." He says, "I have a little scheme by which we can make a good thing for ourselves." I let him finish his conversation; he said, "If you will write a note to General McDonald"—and he indited about what he wanted; it was to this effect: "Dear General"—this is to McDonald from me—"Dear General: I have talked with Major Megrew in regard to matters in your district. If you will see him on his return, matters in your district can be arranged satisfactory to you, to him, and to all concerned there." He said, "You write me that note to McDonald; I will take it and show it to my friends, the distillers, who are all friends of mine, and I can squeeze"—that is the word he used—"I can squeeze \$20,000 or \$25,000 out of them, with an assurance from this office or from you that these men will be called off." I resented it with what little indignation I could command, and the next morning reported it to Mr. Douglas and General B. J. Sweet, the first deputy. No, I didn't report it the next morning to Sweet, for he was away on Thanksgiving, and did not return for several days, but on his return to the office I reported the facts to him. I afterward told the same story to Mr. Luckey on our trip to Europe. We were speaking of the dangers that young men had to encounter in public life, positions like his, and then I related to him this occurrence. Unfortunately, Mr. Douglas don't remember it, but Mr. Luckey, I guess, will. I have not talked with him on the subject. I saw no more of that man. I had no communication then with him until the last week of March, 1874, when he came to my house Sunday morning. He was very chatty, and he came in, and I was reading the morning papers; he says, "Avery, I have a proposition to make to you," and he says, "I hope you won't go off of the handle until you hear it. I have got a little scheme that we can make a nice thing out of. Our distillers are in trouble; they are being investigated, and we can make a nice thing for ourselves." Well, I didn't hear him out. I rose out of my chair and told him that I would hold no more communication with him. I have got a little ahead of my story. First, I declined to have any conversation with him even. I declined to talk to him. He asked me why, and I told him I didn't care to talk to him out of the office; that he had reported on the streets of Cincinnati, where he formerly lived, that he could get anything he wanted from Billy Avery. That came direct to me from the man who he told it to, and I didn't propose that he should have anything if I could help it; but he said, "Don't go off the handle now until you hear me out." Then he made his proposition that the distillers there were being investigated, that they were sick and tired of it and wished it stopped, and they could make a nice thing by having it stopped. I got up out of my chair, and opened my front door, and bid him good morning. He threatened me then on the steps, and I reported that interview to Mr. Douglas the next morning—Monday morning.

Q. Has Mr. Douglas forgotten that?—A. No, sir; he has not forgotten it, from the very language that he used in reply to me. Nothing else saved me on that. He has a very treacherous memory. I reported it the next morning to Mr. Douglas, and he said, "Mr. Avery, if Mr. Megrew or Mr. anybody else makes any such proposition to you again, take a club, break their heads for them, and I will defend you out of the appropriation for suppressing frauds on the revenue." When I first spoke to him after my indictment, about this interview, he didn't remember it; then I called up the language, and says he, "Of course I did," and he so stated it on the witness stand. That man has pursued me ever since. He was himself indicted. I don't know that this is relevant further, but he was himself indicted in July last. When he was arrested here by the deputy marshal he swore he would get even with me; he went out there and went before a grand jury and perjured himself, and when he came off the stand he swore that he had got even with me. He went to New York; he rode

rom New York to Washington with a friend of mine, who I suppose you know, Mr. J. J. Noah, formerly from Alabama, and he told Mr. Noah that he had got even with me, and said to twenty people in this town that he had got even with me, and he intended to, and if I got a new trial he would get me in a worse hole than I was now.

Q. Now we have got through with Megrew, let us get back to Babcock. I asked you if you had any conversation with General Babcock in regard to these whisky conspirators in Saint Louis during the fall of 1874?—A. Yes, sir; we had some little conversation, but not much, however; he spoke to me frequently on coming to the White House to see Mr. Luckey. I never went there, I think, to see him at his request, not on that subject. I did on one other subject, a subject relating to the Treasury Department wholly.

Q. What did he say?—A. I can't remember the exact language, but he said he had information from McDonald that there was a set of black-mailers, mud-slingers, inimical to McDonald, who were trying to injure him in the eyes of the authorities here.

Q. How came he to make that revelation to you? How came he to tell you what McDonald had been saying to him?—A. I can't tell you.

Q. Did he say anything about when the revenue agents would go to Saint Louis?—A. I don't think he ever did in his life.

Q. Did you tell him when they would go?—A. No, sir.

Q. He usually introduced the subject about these Saint Louis men himself, did he?—A. Well, many times he would ask me how the boys were getting along in Saint Louis.

Q. Those boys were Joyce and McDonald?—A. Yes, sir; as I understood it.

Q. He appeared to be on intimate terms with them, did he?—A. Yes, sir.

Q. And spoke of them familiarly as "the boys"?—A. Yes, sir; they always visited him. at the White House when they were here, I believe; they always boasted of it, I believe.

Q. That is all that you heard Babcock say?—A. In 1874, yes, sir.

Q. Did you have any conversation with him in 1875?—A. Yes; I did in the spring of 1875. I cannot fix the date now, but it was the latter part of January, 1875. After Mr. Douglas had, by the direction of the Secretary or the President, issued an order for the transfer of supervisors from their present districts to other districts, Babcock spoke to me about that order.

Q. What did he say?—A. I was not then connected with the Internal Revenue; I was chief clerk of the Department. He spoke to me about this order, and asked me what I thought of it. I think it was the same day I had had a talk with Supervisor Tutton in regard to these transfers. Tutton had been ordered to Saint Louis; Tutton came down to see the Commissioner, and Secretary, and President in regard to it, and I think I had had a talk with Mr. Tutton the same day, or the day before this talk with General Babcock. Mr. Tutton, of course, came down to try to get relieved from going out there, and gave his reasons to me, and said that he was to see the Secretary at 11 o'clock. The Secretary was then in his bed, from a sprained ankle. Mr. Tutton and I agreed in regard to the order, that it would do no good to issue it, because they had fifteen days' knowledge or more. The order was issued, I think, the 27th of January—the 27th or the 28th—and they had until the 15th of February to report to their new districts.

Q. Who had the fifteen days' notice?—A. The different supervisors; they were ordered to report the 15th of February.

Q. Were those orders made public, or were they communicated to the supervisors privately?—A. Privately.

Q. Where did you have that conversation with General Babcock; in your office?—A. No, sir; I think it was in front of the White House, in the flower-garden there.

Q. Had the order then been made?—A. The order had been made; the order, but not the revocation.

Q. You had made it as Acting Secretary, I believe?—A. No, sir; the Secretary had made the order, or the President had made the order. It was a presidential order, I think, on the recommendation of the Secretary, who was asked to do it by the Commissioner.

Q. Douglas was Commissioner at that time?—A. Douglas was Commissioner at that time. Q. The Commissioner requested the Secretary to make such an order, and the Secretary suggested it to the President?—A. Yes, sir.

Q. And the order was made by the President?—A. Yes, sir; by his direction.

Q. Then you were approached after that order had been made, by General Babcock?—A. Yes, sir.

Q. With reference to it?—A. Yes, sir.

Q. What further did he say? As far as you have gone, you say he asked you what you thought of it?—A. Yes, sir.

Q. What further did he say?—A. I told him that I had had a talk with Mr. Tutton, and Mr. Tutton and I agreed that if it was intended to suppress frauds that already existed, it would fail in its purpose.

Q. What did he say then?—A. He said he thought so too, and he thought it would give the President great trouble, on account of the pressure that would be brought to him by the supervisors and their friends to retain their offices at their homes.

Q. What further did he say?—A. We had a long talk on that occasion; I can't give you all we said; and he said that McDonald and Joyce—this is the import of it, not the exact

words—he said Joyce and McDonald had enemies, and it seemed to be a drive more particularly at them.

Q. Who did he say was driving at them?—A. He didn't say. He said they seemed to have enemies that were inimical, and this seemed to be a drive to get them changed, and that all were brought in and made uniform; and then he said that in his opinion those things should be managed as they manage things in the Army, to send competent officers to investigate a district, open and above board, and report; that if the officers were incompetent, from lack of knowledge, to perform the duties required of them, to dismiss them, or if they were found to be dishonest to dismiss them.

Q. Who did he say these enemies were that were after Joyce and McDonald?—A. I guess he called them "damned black-mailers," or "black-mailers;" I won't put the damn on.

Q. Did you ask him who they were?—A. I don't think I did, because I knew something of the character of letters, &c., that had been received in the Department against them, anonymous communications many of them—most of them.

Q. Have you given the whole of that conversation?—A. That was the drift of it. It was nearly all of it in regard to this order, the idea that it would be inoperative.

Q. How long was it after that before the order was revoked?—A. I can't tell you; only a day or two.

Q. By whom was it revoked?—A. By the President.

Q. Was the President in the habit of making orders changing the supervisors from one district to another?—A. It never had been done before; this was the first time.

Q. Was it done subsequently, during your official life?—A. No, sir; it never was attempted.

Q. That is the only solitary instance?—A. There have been supervisors changed before, but of a general change, this was the first.

Q. Whose duty is it to supervise the supervisors? Is it the President's duty or the Secretary's?—A. It is the Commissioner's duty.

Q. Has he authority to send them from one district to another?—A. No, sir; he can send them temporarily, but the law puts it in the hands of the President, and the President may transfer supervisors from one district to another. I don't remember the date of the law, but it is quite a recent law; it is since 1872.

Q. A day or two after the conversation with Babcock that order was revoked?—A. Yes, sir.

Q. And the changes were not made?—A. No, sir.

Q. Did you have any subsequent conversation with him about these Saint Louis men, or the crooked whisky, or anything of that sort?—A. I had a number of conversations with him after the seizures were made.

Q. Before we get to that, did you know that Babcock, during October, 1874, was carrying on a telegraphic correspondence with Joyce?—A. I did not.

Q. When did that fact first come to your knowledge?—A. On my own trial.

Q. You were not aware of it at the time?—A. No, sir.

Q. You said you had some conversations with General Babcock after the indictments were found?—A. After the seizures were made.

Q. When were they made?—A. The 10th of May, I think, 1875.

Q. Who was the supervisor at Saint Louis at the time the seizures were made?—A. John McDonald.

Q. Who was the agent that discovered the frauds that led to the seizures?—A. That I can't state; there are so many claiming the honors that I can't state.

Q. When was the first conversation that you had with General Babcock after the seizures?—A. I can't tell you the date; it was immediately after the seizures or about the time of the seizures.

Q. What did he say then?—A. He talked over the matter. I can't give his language. I don't know that I can give the substance of it. It was expressing great surprise at the indications of fraud that were made manifest.

Q. When was it first brought to the knowledge of the Secretary of the Treasury that you were suspected of being implicated in the matter?—A. The Secretary called my attention to it just before or just after the seizures were made, and I can't remember which; early in May; but my name had been brought to him by Mr. Megrue. He had declined to have any communication with him, and sent him to the Solicitor, Bluford Wilson.

Q. How long did you continue in office after that?—A. I continued in office until the 26th of July, 1875.

Q. Did you have any further conversation with the Secretary, or he with you, in regard to the matter?—A. Several of them; many of them.

Q. Was the subject of your complicity in the frauds recurred to by him in those conversations?—A. Yes, sir; the first conversation we had in regard to the matter was, as I say, early in May. He said that this man professed to have personal knowledge that I was concerned there, and he said that he had given him no credence whatever. That was the first interview.

Q. Well, the subsequent interviews; did he recur to the same suspicion?—A. We had another interview. I can't remember the date, but it was some time afterward; not very

long, of course, but several days afterward, in which he stated that the agents that had been sent out to Saint Louis had said that it was notoriously stated on the street that I belonged to the conspirators. They were not conspirators then, of course; they didn't call them conspirators, but that I belonged to the—

Q. To the ring?—A. Yes; to the ring. I remember early in July, when this Star newspaper first attacked me—they attacked me, I guess, every day for ten days—the Secretary called me into his room one day, and I gave him the facts, as I have given you this morning, in regard to this man, and in regard to the occasion of my giving this information, that it was in the light I had supposing Mr. Joyce was an honest man. The Secretary was very kind. He said to me, "Avery, I don't believe these; I can't believe them." He also told me that he had a communication from District Attorney Dyer that they would probably find an indictment against me. This was after the Star attack, after the arrest of Megrue here, and his return to Saint Louis, and his appearance before the grand jury. Mr. Dyer had written the Secretary that the grand jury would probably find an indictment against me. This was probably about the 10th of July, I should say. The Secretary then took occasion to say in, I think, a very warm manner, "Avery, I dislike to say this, but I am going to tell you just exactly as it is." I said, "I thank you for doing so." He said, "If they find an indictment against you, of course it is going to embarrass me, because I like you." I told him immediately that I would relieve him from any embarrassment at once if they did. He said, "If they do not indict you, you shall stay right where you are, all the newspapers to the contrary notwithstanding, no matter what they have said, nor what they may say. If the indictment is not found, you shall stay in your office." I had one or two more conversations with him before I left the office. I remember Saturday, the 24th of July, he called me in and asked me if I had any private information from Saint Louis that an indictment had been found; the newspapers had already reported the fact several days. I told him I had not. I asked him if he had, and he said he had not. Then he took occasion again to say that he hoped it was not so; that he should retain me right in my place if it was not so. On the next Monday morning, the 26th of July, he called me in and told me that he had had a telegram from Mr. Dyer, the district attorney, that an indictment had been found. I resigned that day, without his asking me for it.

Q. Did Mr. Bristow at any time say to you that if you would come out and tell all that you know about it you should be protected?—A. Never.

Q. Never made any such proposition?—A. No, sir; nothing like it.

Q. Did Mr. Babcock ever have any conversation with you in regard to your disclosing anything which you might have known?—A. No, sir; I believe not.

Q. Or Mr. Luckey?—A. No, sir.

Q. Who was the stenographer in your office?—A. J. M. March.

Q. Did you ever say to Mr. March that Bristow had made a proposition to you that it would tell all you knew you would be protected by the Department?—A. No, sir; I have no remembrance, and it cannot be possible.

Q. Did you ever tell him that Mr. Babcock or Mr. Luckey had intimated to you that it would not do it you would be protected from the White House?—A. No, sir; I never made any such statement.

Q. Have you been speaking with anybody about being brought before this committee?—A. Never said a word to a living soul.

Q. Haven't had any conversation with anybody about it?—A. Not a person living, that I remember now.

By Mr. McCrary :

Q. Who first proposed the revocation of the order transferring supervisors?—A. I can't tell you, sir.

Q. Who did you first hear it from yourself?—A. Supervisor Tutton first spoke to me about the revocation of the order.

Q. He was one of the supervisors who had been ordered—A. To Saint Louis from Philadelphia.

Q. Did he come over to Washington?—A. Yes, sir.

Q. What reason did he give you for desiring to have the order revoked?—A. He said that his private interests in Philadelphia would suffer somewhat if the change was to keep him any great length of time from his home; and further, for the reason that the supervisors had fifteen or eighteen days' notice of the changes; that any frauds then being committed could be covered up and the object of the change would be defeated.

Q. Did he confer with Commissioner Douglas at that time about it?—A. Yes, sir.

Q. Do you know what statements he made to him on the subject?—A. He told me that Mr. Douglas was very firm; he believed that the order would do good.

Q. Did Mr. Tutton also see the Secretary on the subject?—A. He told me that he was to meet him at 11 o'clock, and afterward told me that he had met him, on his return from the Secretary's house.

Q. Do you know whether he also called on the President?—A. He did; it was so reported to me afterward.

Q. You said, I believe, that the President had originally made the order for the transfer?  
—A. Yes, sir.

Q. Do you know at whose suggestion?—A. At the suggestion of the Secretary of the Treasury.

Q. Do you know what the Secretary of the Treasury thought about revoking the order after hearing Tutton's statement?—A. Mr. Tutton told me that he agreed somewhat with him, but that he sent him to the President, telling him that it was the President's order and he didn't propose to interfere with it.

Q. Do you say that Babcock expressed surprise at the discovery of frauds at Saint Louis, after the seizures were made?—A. Yes, sir; the magnitude of them; he seemed very much surprised.

Q. Was he surprised simply at the magnitude, or surprised at the fact that fraud existed?  
—A. At both, because he expressed himself as having been a warm friend of the officers there, Joyce and McDonald; he couldn't believe that they were guilty.

Q. Were you in Saint Louis at the time of the Babcock trial?—A. I was.

Q. Do you remember the testimony of the mail-carrier in regard to some letters that were deposited in a mail-box?—A. I remember the testimony of both the mail-carrier and Mr. Everest.

Q. It was testified that one of those letters was addressed to you, was it not?—A. Yes, sir.

Q. Did you ever receive such a letter?—A. I did not; this was the letter purporting to contain a \$500 bill, or \$500?

Q. Yes.—A. No, sir; from Saint Louis or any other place.

Q. You never received any money in that way from Saint Louis?—A. No, sir; or any other place.

Q. Did you ever receive any money for the information that you gave?—A. No, sir.

By Mr. GLOVER:

Q. You stated that Joyce and McDonald and General Babcock were warm friends. Do you know what their friendly relations grew out of?—A. No, sir; I don't know that I could say.

Q. McDonald had never lived here, had he?—A. No, sir.

Q. General Babcock had never lived in Saint Louis, had he?—A. Not that I am aware of.

Q. And yet they were strong friends?—A. They always visited the White House, both of them, and boasted of their friends there, and of the influence they possessed there.

Q. Have you known of any presents being made by those gentlemen, or either of them, to either the President or Mr. Babcock?—A. I know nothing personally; no, sir.

By the CHAIRMAN:

Q. From either one of them, or Babcock?—A. No, sir.

By Mr. GLOVER:

Q. Do you know whether they, either of them, spent much time in the company of General Babcock when here?—A. No, sir; I can't tell you; I only know that I have heard them both say that they had spent an hour or two at the White House with General Babcock. If they called on the President they would state it, and make a flourish.

Q. Did you ever hear General Babcock speak of his friendship for these two gentlemen?—A. Yes, I think I have.

Q. Were you intimate with either of them?—A. Yes, sir; I have been quite intimate with Mr. Joyce. I never saw Mr. McDonald until after he was appointed.

Q. The cause of your giving information, as detailed by you, you say, was owing to the nervous and excitable character of McDonald?—A. That was one reason, and the other reason to treat the boys well when they came out.

Q. Did you think that a sufficient reason for giving information when you had heard that probably there was fraud being committed in Saint Louis?—A. I had heard no charges of fraud, any more than I had in other districts—Chicago or Milwaukee.

Q. The investigation there by these agents was not instigated by the knowledge of frauds?—A. No, sir.

Q. But simply in pursuance of the regular duties?—A. Yes, sir; as I said early in my statement, it was on account of the great number of reports required. Without a constant supervision they would fall into irregularities, and soon become flagitious and unlawful.

Q. Is it usual, in making investigations into the operations of internal-revenue affairs, always to make public the visits of these investigators?—A. No, sir; I don't think it is.

Q. You don't know any good reason, then, why it should be an exception in this case of Saint Louis?—A. No; I don't know that it was made an exception. I would have done the same thing for any other supervisor or revenue agent in good standing.

Q. You would have given information to any others, though you knew the Government was sending out a secret investigation?—A. Yes, sir; any supervisor in good standing.

Q. Do you think that that would be proper conduct, to thus defeat your superiors?—A. Mr. Douglass has told me many times that any supervisor asking him if he was going to send revenue agents soon to his district he would answer him.

## WHISKY FRAUDS.

Q. It would seem in this case that Mr. Douglass was wanting to pursue a different policy, wouldn't it, rather?—A. Yes. All large whisky districts have about the same policy pursued.

By the CHAIRMAN :

Q. Why was the order changing the supervisors made—for what purpose?—A. The object was to get the supervisors out of the old ruts.

Q. Why did they want to get them out of the old ruts?—A. They might have had a good many friends; they had got into a certain groove of doing business.

Q. Isn't it a truth that you wanted to change the supervisors in order to detect fraud?—A. That was one object.

Q. Could you have had any other object in view?—A. No; I think probably that was the prior object.

Q. That was the prior object, to detect fraud?—A. There never was any intimation that Supervisor Tutton, of Philadelphia—that there was any fraud in his district.

Q. You understand we are not particularly investigating Mr. Tutton now; I am simply asking you the question if the sole object of changing these supervisors was not to detect fraud, wherever that fraud might be?—A. No, sir, I don't think it was the sole object.

Q. Then what other object could they have had in it?—A. As I say, if a supervisor from laxity had allowed a low standard of efficiency to exist, to get him out of that.

Q. That would not have been fraud, for the supervisor to allow a low standard of efficiency?—A. No, sir; not necessarily a fraud; simply negligence.

Q. A neglect of duty?—A. Yes; perhaps a neglect of duty, or perhaps for the reason that they were not competent.

Q. Then you wanted to swap supervisors to see whether some of them had not been neglecting their duty?—A. Undoubtedly that was one object.

Q. But you finally came to the conclusion that it would be unnecessary to change them, either to detect fraud or to ascertain whether any of them had neglected their duties?—A. I didn't come to that conclusion.

Q. I think you said a while ago that you thought the order was unnecessary and ought to be revoked.—A. No, sir; I beg your pardon; if I said so I will correct it. I said that I agreed with Mr. Tutton that the order would become inoperative for the reason that the supervisors had from fifteen to eighteen days' notice of the change, and if there was any fraud existing they could cover it up.

Q. Then you were not suspecting the supervisors of fraud?—A. O, no, sir.

Q. Then why did you suppose that they would cover it up?—A. If there was any existing anywhere.

Q. Did it occur to you that the supervisors might, however, be either guilty themselves or have a knowledge of frauds being perpetrated?—A. Yes, undoubtedly that was one element that entered into it.

Q. And still it would not be wrong, in your opinion, to have notified the gentlemen with that suspicion on them that the special agent was coming?—A. Not if there was no suspicion against them. They were high officers, sworn officers of the Government. Mind you, any information that I gave was a year before this.

Q. I understand that; it was in the fall before the fraud was found out.—A. In the spring before; a year before.

Q. You concurred with General Babcock that that order changing the supervisors would be nugatory?—A. I told him that I agreed with Supervisor Tutton; yes, sir.

Q. Tutton had some private interests that he didn't want disturbed by being sent out to Saint Louis?—A. He said he had private interests which would suffer if the order was to keep him away from his district any great length of time, and he would resign if it was carried out and he was to be kept away.

Q. Was the order revoked to keep him from resigning, do you suppose?—A. I can't tell.

Q. Mr. Tutton was in Philadelphia then?—A. Yes; that was his headquarters.

Q. He has been changed since to another district, hasn't he?—A. Not that I am aware of. I have not kept track of it since I went out of office.

Q. Is he the same Tutton that is supervisor in Milwaukee?—A. General Hedrick is supervisor there, I understand.

Q. Has Tutton been on duty out in the Milwaukee, Chicago, and Saint Louis districts?—A. Temporarily he has been in Chicago, as I have seen from the newspapers.

Q. When was he sent to Chicago?—A. I can't tell you. Since I left the Department I have not kept close watch of it. I can't tell you where he is now.

Q. You don't know when he was sent out there?—A. I do not.

Q. Nor for what purpose he was sent out there?—A. I can't tell you that. It has all occurred since I left the Department, and I haven't kept posted.

By Mr. GLOVER :

Q. Was it not a fact in this case that these changes of supervisors were intended to be made, because there was previous knowledge of fraud in Saint Louis?—A. Not that I am aware of, sir. Remember, sir, that I was out of the Internal Revenue Bureau at this time and in another sphere.

Q. You say that there was given fifteen days' notice of the change; do you mean by that to say that Joyce had the same notice that Tutton had of the change?—A. Yes, sir; the order was issued on the 27th or 28th of January, if my memory serves me, and it was to take effect on the 15th of the following month.

Q. It was given to both of these parties?—A. Given to all the supervisors in the country.

Q. To change places?—A. Yes, sir.

Q. Is it not a fact that under the present internal-revenue system that no frauds can be committed without the knowledge of the sworn officers of the Government that you spoke of a while ago? Supervisors and others?—A. O, yes, sir; there may be a great amount of frauds without their knowledge.

Q. How can it be? I mean the sworn officers of the Government. All these officers are sworn?—A. I thought you referred to the officers which we have mentioned, the supervisors and the revenue agents.

Q. You spoke of the fact that these gentlemen were sworn officers, and I infer that all sworn officers would be of the same character that you gave to these. Would you say now that in view of the present internal-revenue system there can be fraud in the distilleries without the knowledge of the officers who are sworn and put there to prevent it?—A. Not without the knowledge of some officers. I think it is impossible to defraud the revenue from whisky or spirits without the gauger and the storekeeper at the distilleries are bought up—without their knowledge.

By Mr. MCCRARY:

Q. But you think it might be done without the knowledge of the supervisors?—A. Undoubtedly, sir.

Q. When these special agents were sent to investigate the affairs of any particular point, was it the custom of the Department to keep that fact secret from the supervisor?—A. Not always; sometimes it was and sometimes it was not. I don't think in a majority of cases it was a secret mission.

WASHINGTON, D. C., April 11, 1876.

JAMES O. BRODHEAD sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. Saint Louis, Mo.

Q. Were you one of the special counsel of the United States in the recent whisky trials in Saint Louis?—A. Yes, sir; I was retained by the Government a short time prior to the trial of McKee, as attorney in that case and the Maguire case and the Babcock case.

Q. Do you remember to have seen a circular-letter addressed by the Attorney-General of the United States to the district attorneys at Saint Louis, Chicago, and Milwaukee, on the 6th of January?—A. Yes, sir; I saw that letter first in the Saint Louis Times, published about the 10th of February, I suppose; it may have been a little earlier than that; it was during the early part of Babcock's trial, at any rate. I had learned from the district attorney. I had been to his office the day before and I saw the letter the next morning published in the Times, and before its publication my attention was directed to it from the fact that several of the witnesses for the prosecution had come to the district attorney's office to see Mr. Dyer and myself, and to know what that letter meant. They were evidently very much alarmed, and two of the witnesses of the prosecution—I think Mr. Bevis was one and Fitzroy the other—had seen the publication of this letter, and became very much alarmed, and we undertook to explain to them then that the Attorney-General had no control over their cases after they had plead guilty; their cases were in the hands of the court entirely; that he could not give any direction as to how they should be punished or whether they should be punished at all or not; all that he could do was to have some influence on the question of pardon afterward, but that he had no control over the cases as they stood before the court. We saw Colonel Noble, who was the attorney for most of the parties, and he got them together and allayed their fears in the same way by explaining it to them. Mr. Dyer went to the Times office to know why they should have published that letter at that time, and told them the ill effects that it had upon the witnesses. Mr. Dyer then told me for the first time, what I did not know before, that he had received such a letter some time before that, probably a week or ten days before that, and that he had not made any publication of it. This letter, it seems, was procured from a German paper published in Chicago, and translated for the Saint Louis Times, putting Mr. Dyer's name in the place of the district attorney of Chicago, whose name was in the copy which was copied from the German paper in Chicago. That is all that I know about the publication of that letter and its effect upon the witnesses. It was calculated to have that effect and undoubtedly did have that effect. We procured the newspaper men to publish an editorial the next morning in one or two of the papers in Saint Louis, the effect of which was to quiet the fears of the witnesses in that respect; that was the object of it, and it probably had some effect in that direction.

Q. Did you observe any difference in the manner in which the witnesses testified subsequently to that letter and before its publication?—A. No, sir; I cannot say that I did. I think the witnesses became satisfied from our talk to them that there was nothing to be feared from the letter. We had to take some pains to do it, though, and use some exertions for that purpose. Colonel Noble aided us in that particular; he was attorney for all these distillers, and was hoping for some leniency so far as his clients were concerned, and of course he wished in good faith to hold them.

Q. Did you observe anything in the trial of Babcock to create a suspicion in your mind that the evidence of the prosecution had been disclosed to the defense before the witnesses were put upon the stand?—A. No, sir; I cannot say that I did. I received that impression, but I cannot state any fact that gave me the reason for that opinion. That impression was on my mind throughout, that they knew what the testimony would be beforehand.

Q. That is, from the beginning of the trial?—A. From the beginning of the trial. They may have learned it from some declarations made by the attorney on the other side; that was the impression on my mind, anyway.

Q. Did you observe any remarkable readiness on the part of the counsel for the defense to anticipate points that you made in the prosecution?—A. I cannot call to mind any circumstances now that enable me to say so.

Q. Had you conversed with Everest before he was used as a witness?—A. Yes, sir.

Q. Had the counsel for the prosecution taken any steps to keep him from having intercourse with the parties or counsel for the defense?

The WITNESS. Everest?

The CHAIRMAN. Yes, sir.

A. Not that I am informed of. We kept him very close while he was in Saint Louis up to the time he testified. He staid at a private house, and did not come out until a day or so before he came on the stand. We kept him so close that a great many persons doubted whether he was there at all or not.

Q. Why was he kept so close?—A. Of course we had reason to suppose that efforts would be made to get him to testify otherwise, and he was guarded in that way; and so with all the most important witnesses. We had reason to believe that very strong efforts were made on behalf of the defense by the parties themselves and by their counsel.

Q. What was the purport of Everest's testimony?—A. He testified that he was the postmaster of what was called the ring after Fitzroy ceased to be the postmaster; that he was in the habit of collecting the money from the distillers and bringing it to Joyce about once a week, generally on Saturday, and it was then divided into separate packages and distributed among a certain number of parties. We did not ask him, and I do not think he stated any of the parties, except perhaps Joyce and McDonald, at that time. He testified in the Babcock case that upon one occasion he went to report to Joyce; he was required to report to him during the week as to what was being done—but he went there and Joyce requested him to go down to the subtreasury and get him two five-hundred-dollar bills, and paid him the money, a thousand dollars, and he went down to the subtreasury office and there he exchanged the money which Joyce had given him for two five-hundred-dollar bills and brought them back to Joyce, and when he returned, Joyce had two letters upon his table, directed, one to William O. Avery, and the other to General O. E. Babcock. He testified that he saw Joyce put one five-hundred-dollar bill into the Avery letter, and he thinks, though he could not state positively, that the other five-hundred-dollar bill was put into the letter directed to Babcock. He sealed the letters up and handed them to Everest and requested Everest as he went out to deposit them in the post-office box. Everest testified that he went out and did deposit them in the box at the corner of Fifth and Pine streets, which was diagonally across from the office occupied by Joyce, the supervisor's office, and about the time that he put the letters into the box he looked and saw Joyce watching him from the window, and he just waved his hand to him and passed on. That was the substance of his testimony.

Q. Was there any further evidence introduced on that trial in regard to those letters?—A. On the part of the defense by a man named McGill.

Q. What was the purport of McGill's testimony?—A. McGill testified that on the afternoon of a certain day, he could not name the day exactly, but it was about the time testified to by Everest, the time that Everest stated that he put those letters into the post-office box, that he was coming down Pine street, and when he got near the corner of Fifth and Pine that Joyce accosted him, or met him, and told him that he had put two letters into the box and he wanted to take them out, and he asked him what letters they were, and he told him one was directed to Babcock and the other to Avery, and the witness McGill said that he replied to him that that was not his beat, and he did not know that he had any authority to open the box. It seems, however, that those mail-carriers have keys that will open all those boxes. Joyce told him that it would be all right, and he opened the box and took the letters out and gave them to Joyce and walked off. That was the substance of McGill's testimony.

Q. Who was McGill?—A. McGill is a mail-carrier in Saint Louis. I don't know whether he holds that office now, but I think he does. He was at the time he testified in the employ of the postmaster at Saint Louis as a mail-carrier, distributing letters through the city.

Q. Through whose agency was McGill procured as a witness in that trial?—A. We became satisfied that his testimony was made up for the occasion, and I personally took it upon myself to make some investigation of the matter. I didn't succeed very fully, but I found out some things about it. I got a friend of mine to apply to the mail-agent at Saint Louis, I don't recollect his name now, and after several conversations with him—at first he declined to tell him anything about it, but after several conversations with him the mail-agent told him that Parker, of Colorado, whom we had summoned as a witness for the prosecution in the Babcock case, and was collector of internal revenue in the Colorado district, had been up to see Joyce at Jefferson City, and on his return he came to him and asked him to send for the mail-carrier who was on that beat two or three years ago, about the time when this letter was said to be put into the post-office box. He said he sent for a man that was named Murray that was one of the oldest carriers in the city, and he came up and he asked him whether he knew about any letters being taken out of the box at the instance of Colonel Joyce. He said he did not; that nothing of the kind occurred to his knowledge. It was on his beat. He sent for two other mail-carriers, I forget their names, and they didn't have any knowledge of it; and finally the fourth one was this man McGill, and he professed to know all about it. I got a detective to make some investigation in the matter, but he never reported anything further than that. This information I learned from a man who is not a detective, but got at it in that way. We ascertained enough to know that Parker, of Colorado, had interested himself in procuring the witness.

Q. What position did you say Parker occupied under the Government?—A. He was collector of internal revenue, and we had had him summoned because he was in Washington City just before the seizures were made at Saint Louis, and while McDonald was here, about the 12th of April of that year. Parker was here, and Joyce had telegraphed to McDonald to see Parker, of Colorado, something in reference to the whisky seizures, and we had had him summoned because we believed that he knew all about that conspiracy, and after we found out more about him we were afraid to put him on the stand. He interested himself, as I believe, for the defense in the Babcock case.

Q. Did you make any arrangements at all to impeach the character of McGill?—A. Yes, sir. He was the last witness put up, late in the afternoon, between 5 and 6 o'clock, and the court adjourned, and I went out and got Mr. Eaton to go out, and I found at least two witnesses by which we could impeach his character for veracity—good men, as I thought—and we got some testimony that I thought would injure him, from the records of the police board, in which he had been twice or three times dismissed; but I learned early the next morning that the defense, anticipating that we would try to impeach the testimony of Mr. McGill, had gone to Mr. Filley, the postmaster, and got him to procure ten or a dozen of his mail-agents there to sustain his character. We thought it was very bad policy to undertake to break him down, because they would bring more witnesses for him than we could against him, and it would recoil on us and tend to establish his character rather than injure it, so we had to abandon it. We had not time to do more than that, and so we introduced no testimony to impeach him.

Q. Was that O. D. Filley?—A. No, sir; Chauncey I. Filley, postmaster.

Q. He is the postmaster?—A. He is the postmaster.

Q. Do you know whether Government detectives were in Saint Louis, acting for the defense, during the trial of Babcock?—A. Shortly before we got information in regard to this man, Bell, the detective that we had in our employ, belonging to the Treasury Department, reported to us that there were two men there who belonged to Whitley's safe-burglars, and asked what he should do about it. I told him—Mr. Dyer was present, I think; at any rate I told him to let them know that we knew that they were there, and what they were there for. Our detective told us that he believed they were there—he couldn't give any positive information about it—for the purpose of going through the district attorney's office and stealing the papers. He informed us that they were there for the purpose of going through the office and getting the papers that were valuable to the Government in the prosecution of their case. I told him to get rid of them as soon as he could, and he reported the next day that he had been to see them, and told them that he knew what they were there for, and that they had better leave, and that he ascertained that they had gone to General Babcock, who had paid them \$200 apiece, and they left the city. This detective was in the employ of the Treasury Department at the time, and a man whom we found to be a very reliable man, and a very truthful man, as far as I know. I never heard anything to the contrary about him at all. We relied upon him; we couldn't well get along without him. Of course, this is only what was reported to me. I don't know anything about it personally.

By Mr. COCHRANE:

Q. Do you know of any arrangement having been made, or being about to be made by the district attorney, or private counsel at Saint Louis, by which any parties implicated in these whisky frauds were to escape punishment?—A. No, sir; I am satisfied that no such arrangement was ever made; certainly not while I was engaged in the prosecution.

Q. Do you know any facts which would justify the writing of the circular-letter, as it is termed, by the Attorney-General?—A. No, sir; I think it was a very imprudent and uncalled-for letter, under the circumstances.

By Mr. McCrary :

Q. You were not advised as to the state of affairs at Chicago or Milwaukee at the time of the writing of that letter, were you?—A. No, sir; I didn't know anything about the state of affairs there. I am only speaking of Saint Louis.

Q. It was the publication of the letter that occasioned your apprehension that it would work mischief?—A. Yes, sir; it was the publication, of course, that was imprudent. I don't see anything that could have called for it, and I don't know how it came to be published, except as I have stated.

Q. You say that Colonel Noble represented a number of the distillers who had confessed and pleaded guilty?—A. Yes, sir.

Q. And that they were apprehensive that they might not be dealt as leniently by as they expected?—A. Yes, sir; of course they having become witnesses for the prosecution, they expected leniency upon the part of the Government. There is no question about that, and their attorney expected it.

Q. There was no distinct bargain of that kind?—A. No, sir.

Q. But a sort of tacit understanding?—A. I never had anything to say to them about it. I only know that Mr. Dyer, in repeatedly speaking of the thing, said that he had made no promises and no bargain with them; but of course any man, under the circumstances, would expect leniency; no question about that.

Q. Do you know whether Colonel Noble came on to Washington to see what the disposition of the Attorney-General would be in regard to his clients, who had pleaded guilty?—A. No, sir; I heard of his being here. In fact, he was here shortly after the Babcock trial, but I didn't know that he was here until he had left. I was here at the same time. I heard afterward that he had been on here.

Q. Have you heard anything of a letter that the Attorney-General wrote to Colonel Dyer and sent by the hands of Colonel Noble, on that subject?—A. I never saw the letter.

Q. How many of these trials were you engaged in?—A. I was only engaged in the Babcock and in the McKee and in the Maguire trial, as far as it progressed. We impaneled a jury and made an opening statement, when the counsel made an arrangement by which a *nolle prosequi* was entered as to some of the counts, and he pleaded guilty as to the others.

Q. Were you in any of the civil suits or forfeiture suits?—A. I had merely examined the papers. None of those, I think, have yet been tried. Soon after I was employed, I examined the declarations and the suits on the bonds and the informations which had been filed for the forfeiture of property that has been seized, and also investigated the question as to the right of forfeiture of a large amount of property there that was mortgaged, the question of the priority of lien between the Government and the mortgagee; but none of those cases have come to trial.

Q. Do you know how many judgments or decrees of forfeiture have been rendered there in these whisky cases?—A. No, sir; I didn't make any memorandum of it at all.

Q. I think you said that your detective reported to you that there were two persons there that he believed were sent there as detectives to get possession of some papers?—A. Yes, sir.

Q. Did he tell you who those persons were?—A. He didn't give me the names of them at all; if he did I have forgotten it entirely.

Q. What is the name of the detective that you had in your employ?—A. His name is Anichise; he is an Italian.

By Mr. Glover :

Q. Does he reside in Washington, or does he reside in Saint Louis?—A. He is in the employ of the Treasury Department. I don't know where he resides; he is here and there and everywhere. He is under Mr. Washburne, I think, who is the chief. He is a trusted man, I am told; he proved to be, as far as I know.

By Mr. McCrary :

Q. The witnesses Bevis and Fitzroy, whom you mentioned as being alarmed at the publication of the Attorney-General's letter, were both examined, were they not, on the trial?—A. Yes, sir.

Q. And both testified, as far as you know, fully?—A. Yes, sir; as I said before I didn't see that the publication of the letter had any effect upon their testimony.

By the Chairman :

Q. Did you see Bell when he was there?—A. No, sir; I didn't see Bell at all. I had a conversation with Mr. Dyer and advised that we should have a meeting with him at night, and Mr. Eaton, who was present, proposed that he should come to his house, and I suggested that he and Mr. Dyer talk with him and report the next morning what he said. He did. He and I had a consultation the next morning, and upon that consultation we determined that it was imprudent to make use of him.

Q. Was the Babcock trial reported stenographically?—A. Yes, sir; fully reported.

Q. Do you know in whose custody that report is now?—A. Yes, sir; Mr. Walbridge was the reporter, and has charge of the notes; he was the official reporter in both cases. He

was called on the other day in this McKee case to state what was said by a juror on the *voir dire*.

Q. The notes have not been extended?—A. No, sir; he is considered a very reliable reporter.

By Mr. GLOVER:

Q. Had you been special counsel prior to the organization of the Milwaukee court of inquiry?—A. I don't recollect.

Q. You don't recollect any correspondence with the officers of the court?—A. No, sir; I had no correspondence with any of the officers at all, either telegraphic or otherwise, and had no personal communication with them, so that what I know is most all hearsay.

Q. Did you see Mr. Sherman from New York?—A. Yes, sir; I saw him.

Q. In what capacity did he seem to be acting?—A. He came out there, as I learned, for the purpose of taking some testimony to be used in some cases in New York; I think, some whisky that had been seized in New York, manufactured in Saint Louis.

Q. Is he a district attorney?—A. He is an assistant district attorney, I understand, in the southern district of New York.

Q. Did he take any interest in the trial of Babcock in any way?—A. Personally I know nothing about what he did. I only know that it appeared on the trial that some of the correspondence between Bingham and Hogue was produced that came through him. He had procured it from Mr. Bingham at Indianapolis.

Q. That assisted the defense?—A. That assisted them very materially. I think it was one of the strongest points that was made on the defense, the object being to show that the information received at Saint Louis by the distillers and officers connected with the ring was really received from Hogue instead of from Avery or Babcock; that was the tendency of the testimony; that was the object for which the papers were used.

Q. As an assistant district attorney of the United States, is it your judgment that this was a proper discharge of duty on the part of Mr. Sherman?—A. I suppose that it would not be his duty to aid the defense in a case where the Government was prosecuting, by any means. I think if he had such testimony in his possession, while he might not have refused to let the other side have it, he might have submitted the matter to the prosecuting officers of the Government first.

Q. Do you know what means he used to procure that correspondence?—A. No, sir; I don't know anything at all about that.

By the CHAIRMAN:

Q. What was Bingham's given name?—A. I don't recollect what his given name was.

By Mr. GLOVER:

Q. Was there anything in the testimony that revealed the time at which Mr. Sherman discovered that Mr. Bingham had these letters?—A. The time that he came into possession of the letters?

Q. Yes; when did that fact come to the knowledge of Mr. Sherman—the existence of these letters; did you ascertain?—A. No, sir; I think he obtained them during the progress of the Babcock trial, after the trial had commenced.

Q. Was Bingham in Saint Louis at the time?—A. Bingham was sent for by us. Colonel Dyer had him sent for.

Q. Where was he?—A. He was at Indianapolis. I think he was interested in a distillery in Saint Louis with Bassett. He was sent for. I didn't see him, but Mr. Dyer saw him. He had some talk with Bingham and Mr. Bingham was not so well disposed to Sherman as he had been. I didn't inquire into it.

Q. You say Bingham had an interest in a distillery in Saint Louis?—A. Yes, sir.

Q. And also in Indiana?—A. At some point in Indiana. I don't recollect now where it was in Indiana, whether it was at Indianapolis or at some other place; he is from Indiana, however.

Q. Where was Bingham, according to the letters, when he received those letters? Was he in Saint Louis or Indiana?—A. In Indiana.

Q. From what place did Hogue write those letters to Bingham?—A. He wrote them from Xenia, Ohio, and probably wrote some of them from other points, but the letters and telegrams were principally from Xenia, Ohio; that was his place of residence, I think.

Q. Where did you say Bingham was when he received those letters?—A. It was a place in Indiana; it was not Indianapolis.

Q. How did it appear that those letters, written from Ohio to Indiana, could give information to the whisky ring at Saint Louis?—A. Bingham had a distillery at Saint Louis and one at Indiana, also, and Bassett had charge of the distillery at Saint Louis.

Q. Was there any evidence developed there showing that the information given by Hogue, the contents of these letters, was made known in Saint Louis among the ring?—A. No, sir; there was no direct evidence on that point.

By the CHAIRMAN:

Q. Who has the custody of those letters?—A. They were in the custody of the attorney for General Babcock the last I saw of them, at Saint Louis. I don't know who has them now.

By Mr. McCRARY:

Q. Was Bingham known to be a member of the ring?—A. O, yes; he was a member of the ring. I think he never lived in Saint Louis, though he had a distillery there. Bingham Brothers was the name of the firm, and Bassett was the foreman who attended to the business.

By the CHAIRMAN:

Q. The prosecution offered certain telegrams in evidence which were excluded?—A. Yes, sir.

Q. Cipher telegrams?—A. The cipher telegrams which passed between Babcock and Luckey during the pendency of the McDonald trial were excluded by the court. We had expected to produce those telegrams and to force the defense to bring out Mr. Luckey to explain them. He was there, summoned as a witness, and then we proposed, if the occasion called for it, to introduce Mr. Bell in rebuttal to him. We thought that was the only safe place to bring him in; but the court ruled that the telegrams were not admissible, because they were in the nature of confidential communications between attorney and client, and they were excluded.

By Mr. GLOVER:

Q. Was Mr. Luckey the attorney or the client?—A. It was not claimed that Mr. Luckey was the attorney of Babcock, but the telegrams had reference to the employment of counsel. They mainly had reference to the employment of Judge Krum as counsel for Babcock; they were mainly, however, telegrams between Babcock and Luckey.

Q. When was Mr. Krum employed for the first time by General Babcock?—A. I don't know, sir; it was some time during the month of November. This was before the indictment against Babcock, and that was the significance of the testimony, the only ground upon which we thought they had a hearing at all, to show that he was very much interested in employing counsel before there was any indictment against him.

By the CHAIRMAN:

Q. What was Luckey doing out at Saint Louis at that time, do you know?—A. I don't know. I was not then retained by the Government at all.

By Mr. GLOVER:

Q. Do you recollect whether Mr. Krum was employed as the counsel for General Babcock before the organization of the court of inquiry in Chicago, or not?—A. No, sir; I don't know myself when Judge Krum was employed.

Q. Is Judge Krum the administrator of the estate of Mr. Ford?—A. I understand that Chester H. Krum, Judge Chester Krum, is the administrator of Ford's estate.

Q. He is a lawyer, is he?—A. Yes, sir.

Q. Father and son?—A. Father and son, and the son is the attorney who has taken the most prominent part in the defense of these cases—the young man; he is the lawyer who has been engaged.

Q. Were any of Mr. Ford's papers used as evidence at all in the trial of any of the whisky cases that came to your knowledge?—A. There was a letter of Ford in the McKee case that was used in evidence, a letter of Ford written to Concannon. Concannon was at that time assistant collector of internal revenue in Ford's office. Ford was off from Saint Louis somewhere, and he wrote this letter to Concannon which we introduced as evidence, as tending to connect Ford with the conspiracy.

Q. Were there any letters used upon the trial of the Babcock case written by Ford to the President, speaking of the character of McDonald?—A. Yes, sir; there was a letter written by the collector for the southeastern district of Missouri, Lindley Murdock; a letter written by Lindley Murdock, a certified copy of which we had from the Treasury Department, complaining of McDonald and bringing certain charges against him. I don't recollect exactly the purport of the letter. Murdock, I think, was removed by McDonald's instrumentality about that time.

Q. You say that letter was addressed to the President or to Mr. Ford, and forwarded?—A. The letter was addressed to the President; there was also a letter of Mr. Ford's which was directed to the President, and which Concannon produced to us, in Ford's handwriting, addressed to the President and telling him what kind of a man he thought McDonald was, but whether that letter was sent to the President, or a copy of it, I don't know. We never learned that any such letter was ever sent to the President. Concannon said that this was a copy of a letter that Ford had written, and he made the copy himself.

Q. Was there any evidence connected with this Murdock letter, that it had passed through the hands of the President?—A. No, sir.

Q. No indorsement on it referring it to the Treasury Department?—A. There was an indorsement on it by one of the private secretaries of the President. I don't recollect the name now, it was neither Luckey nor Babcock; but further than that there was no evidence that the President had ever seen it, and I don't think he ever did. That was the impression that was on my mind when I looked into the matter. He was asked in reference to that letter when he was examined in the Babcock case.

Q. It would appear then that letters addressed to the President would not always be shown to him, but a private secretary would direct them to heads of departments without the knowledge of the President?—A. It would seem so in that case. The President denied, when he was examined as a witness, that he had ever seen such a letter. We thought of introducing it for the purpose of showing that General Babcock had seen and known of that letter, but it did not seem ever to have been in his hands. The indorsement showed that it passed through the hands of another secretary, and hence it was not used. The President was asked about it on his examination, and he said he never had seen the letter.

Q. About what time was the date of that letter of Murdock's; do you recollect?—A. No, sir; I couldn't state now what the date of that letter was.

By Mr. McCrary:

Q. For what reason did you deem it unsafe or inexpedient to call Bell as a witness?—A. My main reason for it was that he had admitted that he had been to Saint Louis the fall before, and had gone through the district attorney's office, and examined some papers in the interest of the defense, and now when he appeared in the interest of the prosecution I thought it was imprudent to risk a witness of that character unless he could be well sustained. In other words, I was afraid he might do us more harm than good and demoralize the prosecution.

WASHINGTON, D. C., April 13, 1876.

LUCIEN EATON sworn and examined.

By the CHAIRMAN:

Question. State your residence and occupation?—Answer. My residence is Saint Louis, Mo. I am a lawyer and also register in bankruptcy for the eastern district of Missouri.

Q. State whether you were employed by the Government to act as one of the private counsel in the prosecution of parties at Saint Louis connected with the whisky frauds?—A. I was appointed as special counsel to assist the district attorney for that purpose. I think my commission dates June 11, 1875, though I had been acting prior to that time, more or less.

Q. Are you still in that position?—A. I am still in that position.

Q. With whom were you first associated in that business?—A. John B. Henderson was first associated with me in that capacity.

Q. Up to what time?—A. Until his discharge, at the close of the Avery trial. The exact date I do not remember.

Q. I believe that Colonel Brodhead superseded Mr. Henderson, but is still one of the private counsel?—A. Colonel Brodhead succeeded Mr. Henderson, and still remains in the employ of the Government, I believe. I so understood. There have been two special counsel. I have been one all the time.

Q. What cases did you assist in prosecuting?—A. All the criminal cases and the civil cases, more or less; but in all the proceedings at Saint Louis the criminal cases have received by far the most attention. The civil cases have really been subordinated to the criminal prosecution, although we have condemned a large amount of property on account of defaults. The main work of the attorneys has been devoted to the criminal cases.

Q. Will you be kind enough to give the order in which these members of the "ring" were tried, and about the dates?—A. My memory of special dates is poor. I would not like to assign the dates. The order in which they were tried was this: John McDonald, William O. Avery, McKee; Maguire was partially tried and pleaded guilty after the first day of the trial; and then Babcock. I think that is the order in which the trials occurred. Between the trial of Avery and the trial of McKee there was a trial of a man by the name of Gunther, but that was regarded as so easy a case that but very little attention was paid to it, although it was one of the whisky-ring trials.

Q. State whether there was a great deal of labor entailed upon yourself and General Henderson in the preparation for those prosecutions, and conducting them.—A. There was a great deal of labor of two kinds—the actual study and preparation of special cases, and the determination of the exact policy that should be adopted in regard to all the cases and each case as it came up. I feel as if I had hardly done anything else for nearly a year. I ought to qualify that by saying that while I have had a large amount of routine of work of other character the real labor of the year has been on that branch of my business.

Q. State how General Henderson is regarded as a lawyer at your bar?—A. General Henderson stands high at our bar. He stood well with our best lawyers and those who knew him before these trials, but I think that his management of these cases, so far as he appeared before the public, has largely improved his standing as to sagacity and astuteness. He is probably regarded even higher as an advocate than as a man of legal erudition, but good in both capacities, I think. I think that is the way in which he is rated at the bar.

Q. State whether, at the conclusion of the Avery trial, you, General Henderson, and the district attorney (Colonel Dyer) were entirely familiar with the inner workings of what

was known as the whisky-ring—were familiar with the names of the members of that ring and with all documentary evidence tending to implicate them in the frauds which had been perpetrated.—A. Substantially, I should say that I may answer that in the affirmative, yet I am not able to say the exact dates at which the developments were made, nor am I prepared to say, absolutely, that we even yet know all the ramifications of that ring; but, as known before the public, I think we knew them very well in regard to its membership, and the documentary evidence in regard to it.

Q. Were you then familiar with all the material facts which you now know?—A. Substantially, I think so. I thought to limit the last answer by saying that I think some telegrams that are regarded as quite significant in the Babcock case may have been disclosed later than that, but those were brought out by Mr. Bliss, under the operation of *subpenas duces tecum*; and the exact dates at which they were brought out, I do not now recollect without having time to reflect and compare.

Q. When did you first see what is known as the circular-letter written by the Attorney-General?—A. I think I am able to say that I saw that, for the first time, on the day in which a purported copy of it appeared in the Saint Louis Times. I fix that from the fact that it was one of the documents that Colonel Dyer did not show to me until I knew the facts, either simultaneously from other sources, or before, from outside sources. The relations between counsel have been very free and confidential, but that paper was not seen by me, I think, until the Saint Louis Times published what purported to be a copy of it.

Q. What effect was that letter calculated to have, and what effect did it have?—A. What effect it was calculated to have is a question which, perhaps, is hardly competent for me to answer.

Q. In your opinion?—A. I think the publication of that letter, in effect, tended to frighten and discourage the witnesses for the Government. I know that I saw some witnesses, and some attorneys who had been counsel for those who had plead guilty and were witnesses, and there was very considerable trepidation and alarm among them.

Q. Can you give the names of any special witnesses who exhibited alarm?—A. I have thought since I came to Washington that that question might be put to me, and I have tried to remember definitely, if possible, what any witnesses had said to me specifically, so as to fix it with certainty, but I cannot undertake to give a conversation that I had with any of them so as to make a strict report. I saw, however, and conversed with, or heard conversation with, Alfred Bevis and Edward B. Fraser, of the firm of Bevis & Fraser, two of the most prominent of our whisky-ring distillers, but I cannot recollect what they said. I remember the fact that they were about the office, and were concerned and troubled to know what this meant, and there was a conversation with Colonel Dyer and Colonel Brodhead. I think Colonel Dyer especially, with me, as to what they had said and what their feelings were. So that I became, at the time, strongly impressed that those men, and also Joseph M. Fitzroy, who had been deputy collector, were among the men who were especially alarmed and troubled.

Q. State whether the effect of this letter was considered by yourself, Colonel Dyer, and General Brodhead, and whether any steps were taken, to your knowledge, to destroy that effect.—A. The effect of the letter was regarded by us as injurious or liable to be injurious at the critical juncture at which it appeared, and we were more or less troubled about it. We discussed the matter, and the conclusion we arrived at, I think, was substantially that we would stand by our witnesses and encourage them all we could and see if we could not re-assure them. I know I talked with their counsel, and talked with one or two of them, and told them that they need not be concerned about it; that there was no occasion to be concerned, because sentence first had to be passed; in other words, that they had to pass through the hands of the court as well as the prosecuting attorney, before the authorities at Washington could have anything to do with them; that the pardoning power would not be exercised until after there had been final judgment in their cases, and that Judge Treat, of the district court, before whom most of them were to be tried, would see that they had their rights.

Q. State whether there were editorial articles published in the Saint Louis Times for the purpose of re-assuring witnesses, at the suggestion of Colonel Brodhead.—A. If there were I do not know it. The Saint Louis Times published a great deal. I only know that Colonel Brodhead told me at the time that he had been around to see Mr. Hutchins, of the Times, and said to him substantially that if he was in earnest about these prosecutions the course he was taking in regard to that letter was not at all calculated to accomplish what he claimed to wish—the conviction of Babcock; and that Hutchins made the remark, either jocularly or in earnest, (I understood him jocularly,) that he did not know that he was retained on the part of the Government. The Saint Louis Republican published one or two pretty good articles on that point.

Q. You regarded the time at which this letter appeared in the newspaper as an eminently critical one, did you not?—A. Yes; it seemed so to us. We were about to engage in a very important trial; we knew the eyes of the country were upon us, and that every link in the testimony was important. We knew that we were trying to convict a man who had operated nearly a thousand miles away from Saint Louis, and that the links by

which we could connect him with the conspiracy were few, and we felt that everything that we missed was vital.

Q. State whether, at this very time, you were not also endeavoring to secure other testimony tending to implicate General Babcock.—A. From the time that the disclosures pointed significantly to Babcock as connected with the ring we were trying all the time, reaching in every direction, to every source we could possibly, following up every clew. I was specially working at those cases, because I was better acquainted in Saint Louis than Colonel Dyer was. He had come from Louisiana, and I was much better acquainted with persons, places, and events in the city than he; General Henderson being out, of course I was really more fully posted. Colonel Brodhead had come in later.

Q. At this time and afterward you were engaged?—A. I was engaged all the time until the case was closed. We were seeking for information—

Q. And following up every clew?—A. And following up every clew that came. We were in what we call a receptive attitude.

Q. You say General Henderson, at that time, was out of the cases?—A. Yes, sir; he was out of the cases.

Q. And yourself and Colonel Brodhead were the parties really most familiar with them?—A. Yes, sir; we were the most familiar. Colonel Dyer had been in from the beginning and had more familiarity with the cases than I had, except that my local knowledge of Saint Louis exceeded his.

Q. And General Brodhead of course, being called in at a late day, had comparatively limited knowledge?—A. Yes. We had tried McDonald and Avery and indicted Babcock before Colonel Brodhead came in, if I recollect.

Q. You had also, I suppose, followed up a great many clews?—A. A great many of them.

By Mr. GLOVER:

Q. Had McKee been tried before Colonel Brodhead came in?—A. No. Colonel Brodhead appeared first before the public in the McKee case.

By the CHAIRMAN:

Q. General Brodhead has a very extensive practice, I believe?—A. A very fine practice indeed.

Q. And had at the time you were conducting these prosecutions?—A. Yes, sir; he had a very extensive practice in itself, and then the death of his partner shortly before his appointment had thrown the business of the firm necessarily more or less upon him, because at the time of his employment he told us that it would take a week or two before he could give his attention to the cases.

Q. I suppose at no time did this business admit of his giving his whole attention to these particular cases?—A. Not wholly; yet Colonel Brodhead gave a very laborious attention to them; he is a man capable of a vast amount of labor, being a very excellent lawyer.

Q. Prior to the issue of this circular-letter, of which you have spoken, do you know of any arrangement having been made by authority of the private counsel for the Government or the district attorney at Saint Louis by which guilty men were to be permitted to escape punishment?—A. No, sir; no such arrangement has ever been made with my knowledge. I can tell you what arrangements were made in regard to distillers, because I managed that myself, in the absence of Colonel Dyer, at the time the surrender of distillers was made. I think thirteen of them pleaded guilty in one day. I ought not to use the word "arrangement," but what was done was this: These men were represented by General John W. Noble, R. S. McDonald, and Amos M. Thayer. I think those were the three counsel who were known in the case. They were very desirous to make terms with us. From first to last we peremptorily refused any terms. Colonel Dyer had spoken to Judge Treat in reference to it, and, as I understood, the remark in a concise form was that "a crime confessed is half atoned for," or an expression like that; that a man who admitted his sin was in the line of repentance, and of course forgiveness—not being understood literally, of course. That remark, qualified as I have now stated it, was made known to these attorneys, and I presume through them to their clients; though I cannot say that positively. The attorneys had also, or at least General Noble had, seen a joint telegram from the Secretary of the Treasury and the Attorney-General to Bluford Wilson, Solicitor of the Treasury, sent while the latter was in Saint Louis, and of which I think you probably have a copy. These men were told that they knew what Judge Treat had said. They knew what the Secretary of the Treasury and Attorney-General thought. They were made aware of those two things, and they were told that they must trust themselves to the mercy of the court in the light of those two statements of facts; that if they wished to surrender we would not make any promises or go any farther than those facts warranted us in going. I remember distinctly saying, I think to General Noble, "You know what the Secretary of the Treasury and Attorney-General say; you hear what Judge Treat says; now you must decide and take your own course. My opinion is that you are wiser to surrender, for we shall convict you any way; and if you will come in and tell the whole truth, and tell the judge who will hear all the testimony—that is, have your clients do it—give us all the aid you can, it may not do you any harm, and it may do

you good." Now, there were no more arrangements made than these. They were told to throw themselves on the clemency of the court and Government by a full disclosure, and trust to the future.

Q. If I understand you correctly, you declined in all cases, however, to make any arrangements with those parties by which they were to escape punishment?—A. No arrangement was made to my knowledge by which they were to escape punishment in any cases. The only case of which I am aware in which any arrangement, properly speaking, was made was in the case of Charles L. Bobb, a poor drunken rectifier, who had been employed by what was known as the curbstone ring to run a rectifying house for their especial benefit; he had received some \$1,400 worth of crooked whisky, as I understood it, and he was indicted. He had lost all his money and was a man of no significance; so, with the concurrence of Colonel Dyer, I told him that if he would plead guilty we would ask the court to fine him \$1,000 and costs, and then we would recommend a remission of any imprisonment in the case to the Attorney-General. His was one of the most insignificant cases. He was a mere tool of the other members of the ring. He was to be let off in that way provided he actually paid that money into the hands of the marshal, and didn't plead the poor debtor's act to escape with thirty days' imprisonment. We did not promise him more than that we would recommend the remission of the imprisonment portion of his sentence, if there were any.

Q. Do you know of the existence of anything that would justify the writing of that circular-letter at the time it was written?—A. You do not want me pass judgment upon that?

Q. Yes; I want to know whether you knew of the existence of any fact or circumstance which would justify the writing of that circular-letter at the time it was written?—A. I am not aware of anything at Saint Louis different from what I have already stated, and it did not seem to me then, nor does it seem to me now, that there was anything in the circumstances at Saint Louis that required anything to be said to caution us in regard to the course we were taking and had taken. "No guilty man" had escaped then.

Q. And were you at the time endeavoring to prosecute or convict any innocent man?—A. We never have persecuted or prosecuted any innocent man.

Q. During all of the prosecutions, up until the time of the conclusion of the Avery case, and in all your efforts to bring to justice the members of this ring in Saint Louis, state whether you were in communication with the Secretary of Treasury and the Attorney-General.—A. I had not much direct communication with the Secretary of the Treasury myself.

Q. When I say "you," I have reference to the counsel employed.—A. We were in communication with the Attorney-General and the Secretary of the Treasury. My own personal part of the communication was more with the Solicitor of the Treasury than with any other person, although I personally communicated with the Attorney-General in November, 1875.

Q. State whether the officers whom I have named were kept constantly informed of your progress.—A. I did not see all the letters which Colonel Dyer wrote to the Attorney-General. In the main I made it my business to have the Solicitor of the Treasury know the main steps we were taking from time to time, but I could not answer to the extent of the communication had between the Attorney-General's Office and the prosecution generally, so well as Colonel Dyer could do, because I take it that neither Colonel Dyer nor myself ever conducted anything like an extensive communication with the Departments here, leaving that to the officer whose assistants we were.

Q. At the conclusion of the trials of the various conspirators prior to the conviction of Avery, were the counsel for the prosecution in receipt of congratulatory messages from the Attorney-General?—A. I think there were congratulatory messages from the Attorney-General at the conclusion of the McDonald case, and probably at the time of the surrender of the whisky ring, as we call it; that is, late in November, when the first break in the line occurred. Those were telegrams sent to the district attorney and shown by him to us, his associates. He retained the originals, and I remember reading dispatches of that character from the Secretary of the Treasury and I think from the Attorney-General; but he would be able to furnish you, and probably has furnished you, full copies of them. I have no reason to doubt that Colonel Dyer showed me everything contained in those dispatches.

Q. Was there any such dispatch or message received after the conviction of Avery?—A. I recollect none, but there may have been; my recollection does not point to anything of that sort, except I think there were dispatches from the Secretary of the Treasury probably congratulating Colonel Dyer, and directing him to express the thanks of the Secretary to his associates.

Q. How in reference to the Attorney-General?—A. I have no recollection of any such, but Colonel Dyer's record would show to a certainty what they were.

Q. After the conclusion of the Avery trial, did you notice any difference in the conduct of the Attorney-General in reference to these prosecutions?—A. I do not think I can say that I noticed any difference, for this simple reason, that those prosecutions largely took place under the supervision of the Secretary of the Treasury and the Solicitor of the Treasury, as you know. The communications of the Attorney-General to the district attorney are not necessarily numerous, and it may be that I did not see some of them, but I recollect nothing that indicates a change in that respect.

Q. Do you remember of having received any congratulatory dispatch or message of a congratulatory character from the Attorney-General after the date of the conviction of Avery?—A. I do not recollect any, as I say.

Q. But you do recollect of receiving such messages or dispatches prior to that date?—A. I am sure there were some of that sort.

Q. Was it not matter of comment between you and your associates, General Henderson and Colonel Dyer, that the Attorney-General after the conclusion of that Avery case, was not so earnest as he should have been in his desire that these prosecutions should proceed?—

A. Now, I don't know that it is hardly fair—

Q. I am not going to ask you to say specifically what was said. I am asking you whether the fact was not a matter of comment.—A. It is proper to say that we were very much disturbed by the removal of Henderson, at least Colonel Dyer and myself were, and greatly excited over the question of what should be done and who should take his place. I interested myself very considerably in that matter. We had that feeling, and I probably expressed it, but I do not know that I could recall any specific time or language. We had a feeling that the Attorney-General was not at that time backing us up as we wanted to be; but it is only due to ourselves to say that I think there has been a change in the feeling of Colonel Dyer and myself to a considerable extent since that time. I am quite sure there has been.

Q. Is that change of feeling due to the explanations which have been made to you in person by the Attorney-General?—A. No, sir; the Attorney-General has made no explanation to me that ever affected me at all. I have seen the Attorney-General, I think, three times since these prosecutions began—in November, again in February, when I took the deposition of the President, and I saw him yesterday for a few moments; after I found I could not get through my examination here, I called upon him late yesterday afternoon to pay my respects.

Q. Were you not also somewhat disturbed by the order of the Attorney-General requiring you to furnish the names of all your witnesses, and all documentary evidence in your possession, to the military court of inquiry at Chicago?—A. Yes, sir; we were decidedly disturbed by that, and we made up our minds that we would not do it; the course we took is indicated by the telegrams and letters which, I presume Colonel Dyer has furnished you, because they were the joint production of Colonel Dyer and myself, chiefly; more, I think, than of Colonel Brodhead. We made up our minds that we would not send any evidence out of our custody and out of the custody of the court that had furnished it to us by its processes, nor do anything that would cripple our hold on General Babcock. We had made up our minds that he was guilty, and we were going to convict him if possible.

Q. And you regarded the sending of those dispatches as an act calculated to cripple your hold upon General Babcock, did you?—A. We did not know what might be done; if we sent those dispatches which we had received by subpoena *duces tecum* outside the jurisdiction of the court and put them into the hands of a military tribunal, we saw no agency by which we could compel that tribunal to return them to us.

Q. Would you not have considered it extremely hazardous, also, to furnish that court of inquiry with all the facts which, as counsel for the prosecution, you had in your possession, and which you proposed to use against General Babcock?—A. I suppose any lawyer would understand that it is not a good plan to give publicity, even in that way, to testimony that would be used by a powerful adversary.

Q. That was talked over among you, was it not?—A. Yes, sir; it was fully discussed, and we decided to answer the judge-advocate, in reference to his application, literally so as to give him what he called for and not enlarge the letter of his demand. We offered him a copy of Henderson's speech, which is what he seemed to call for. In other words, we determined that we would not cripple our case by laying it before that court unless it became our absolute duty to do so, under imperative orders that left us no alternative, because the orders of the Attorney-General, as we construed them, were not so absolute as to require us, without further response or consideration, to give evidence into the hands of the judge-advocate of that court. That is my recollection now. I am speaking, of course, after the lapse of several months and without having seen the orders. I have read no documents in reference to any testimony here, and am speaking of facts as they now lie in my mind.

Q. Prior to the proceedings which were instituted against what is known as the whisky ring in Saint Louis, do you know of any letter having been written by any one in Saint Louis to the President of the United States in reference to the character and personal fitness of McDonald, who was afterward convicted?—A. In the course of our investigations I found, in the hands of one J. H. Concannon—who had been chief deputy, I think they called him, in the office of C. W. Ford, collector, for a long time prior to Ford's death, and who was in charge of the same office during the time between the death of Ford and the appointment of Constantine Maguire, and remained chief clerk some time after the appointment of Maguire—I found in his hands a paper which is, I think, in the autograph of C. W. Ford, and which he, Concannon, said was the autograph copy of a letter by Ford to the President. That letter came, quite a considerable time after I saw it, into my possession. Colonel Dyer and I found it shortly after I came to Washington to take the deposition of

the President in the Babcock case. Concannon refused to surrender it the first day I saw it, and I came off, I think that night, to Washington, and requested Colonel Dyer to send it to me without fail, so that I could use it for the purposes of cross-examination. It did not come to me in time for the cross-examination. It was sent in care of the Solicitor of the Treasury, as all my mails and dispatches were. Some time since the Solicitor of the Treasury returned it to me. It had arrived in Washington too late for me to get it before my return, and too late to be used in the cross-examination of the President. I have since retained it in my possession.

Q. Have you that letter now in your possession?—A. I have the letter with me at this time.

Q. Will you produce it?—A. I will produce it for inspection, but I wish to retain possession of it. I must say, however, that when I first saw it there was an addition to it, apparently made to supply what now appears canceled by cross-marks, written in pencil in the same handwriting on a piece of ordinary book-paper, and that I have never seen from the time I first saw it in Concannon's hands before its surrender to me. I have inquired, since my arrival in Washington, of the Solicitor of the Treasury, if, when it came to him, it had that small piece of paper with those pencil additions upon it, and he assures me, as does also his private secretary, that they returned it to me precisely as they received it.

Q. Will you read that portion of the letter to which you refer, and to which the pencil memorandum was an addition?—A. The following is the paragraph which appears canceled in the paper before me, and to which I have referred as having been replaced by the pencil memorandum, which is wanting:

"You will pardon me for the interest I take in the matter. I do not want such a man to go about the country representing himself your special and *personal friend*, when I know, and others, too, that you take no stock in such a character. He is no credit to you or your Administration, but an absolute damage, and I hope, for your sake and our, you will have him squelched."

Q. Was that portion which you have just read erased when you saw the letter?—A. Yes, sir.

Q. And the pencil memorandum seemed to be, if I understand you correctly, to supply that portion which was erased?—A. Yes, sir.

Q. Can you give us the substance of that lead-pencil memorandum?—A. I can only give you the impression it made upon me, because I thought I should leave that, and only read it once at the time I first saw it.

By Mr. GLOVER:

Q. Was that upon a separate piece of paper?—A. It was, possibly, pinned on or attached to this in some way.

Q. Was it in the same handwriting?—A. In the same handwriting. My explanation of it is this, and I think there can be no doubt of it: that Mr. Ford wrote this letter, read it over, altered it a little, and then made the letter which it is said he sent (but I do not know that he sent it) from this first draught. I understand his habit was not to make letter-press copies of his letters, but to keep autograph copies. I think the explanation is that he wrote this first, then changed it to suit his ideas, and then sent the second draught as the original letter, retaining this as the copy. My recollection of the part erased is that it made substantially the same statement, in somewhat milder form. At the time I saw that I started to make a copy of it, but Concannon objected, so that I did not make the copy. Colonel Dyer said he would secure the paper.

By the CHAIRMAN:

Q. The balance of the letter, however, was as it now appears?—A. Yes, sir; I think without the change of a word. I do not believe it is possible that there has been any change.

Q. Please read the letter which you hold in your hand, just as it is written.

The witness read the letter, as follows:

"SAINT LOUIS, May 30, 1870.

"MY DEAR GENERAL: I have written you several times of late on the subject of the Carondelet Commons matter; also, sent you some deeds by express. The inclosed papers came from Mr. Eache, [Eunche (?)] and will explain themselves. Saturday last I saw Mr. Burns. He told me that the investigator of titles had his claim in hand and hoped he would soon make a finish of them. As soon as it is done to meet the approbation of Mr. Shepley, he would be ready to carry out his arrangement to sell to you. I told him it would be satisfactory. I was a little surprised at this, as I did not expect he would do it after the decision of Treat. I can only explain it on the ground that he is hard up for money.

"I wrote you a few days ago about this man McDonald, as supervisor in place of Marr. I inclose you a couple of slips cut from the Leavenworth Commercial. I understand McDonald was in the town of Leavenworth when these articles appeared, but offered no remonstrance or explanation in regard to them. The Democrat here has been McDonald's

friend, and, I think, recommended him for the appointment. McKee told me that he called McDonald's attention to these articles and asked what they meant. He answered very coolly that he did not read the newspapers, and they were of no consequence. I fear the honest way they were unanswerable, and the Democrat has dropped him. McKee says he can't defend a man, for such charges as these, who has nothing to say for himself.

"From all I can hear, I am satisfied McDonald is a bad egg, and that so far as being any credit to your Administration, he is a downright discredit to it.

"He is entirely without capacity as a business man, and the business community know it, and have no confidence in him whatever.

"*You will pardon me for the interest I take in the matter. I do not want such a man to go about the country representing himself your special and personal friend, when I know, and others, too, that you take no stock in such a character. He is no credit to you or your Administration, but an absolute damage, and I hope, for your sake and ours, you will have him squelched.*

"You will pardon me for the interest I take in the matter, but I hate, and so does all your friends, to see such a man as McDonald traveling through the country as your special champion, and attempting to rule the interests of the internal revenue in such a loud manner—a man that republican papers denounce as being without sense, without truth and common honesty. I tell you this confidentially, having no doubt of its truth.

"We all hope you will satisfy yourself of the truth of it, if you have any doubts, and do yourself justice and the country a service by squelching him at once.

"C. W. FORD."

[NOTE.—The paragraph printed in *italics* was erased in the original by two lines drawn across the face of it.]

By Mr. GLOVER :

Q. Was that in an envelope when you first saw it?—A. No.

By the CHAIRMAN :

Q. Where does Mr. Concannon live?—A. At Saint Louis.

Q. Is he living there now?—A. Yes, sir.

By Mr. GLOVER :

Q. Are you acquainted with the handwriting of Mr. Ford?—A. I have seen his handwriting; and while I am not an expert, my impression is that this is Mr. Ford's own handwriting. I am morally certain of it, and the letter will be preserved.

By the CHAIRMAN :

Q. What is Mr. Concannon's position?—A. I do not know what he is doing.

Q. Is he in official position now?—A. O, no; he has been dismissed.

By Mr. GLOVER :

Q. Did you see the President when he was in Saint Louis last fall?—A. A few moments only.

Q. Did you see him in association with McDonald?—A. No, sir; I did not. I understood McDonald sent up his name, and, if I recollect rightly, the President refused to see him.

By the CHAIRMAN :

Q. Have you had any conversation since you came to Washington as a witness, this time, with the Attorney-General in reference to your past action in Saint Louis?—A. I called on him to pay my compliments, but I do not think that we had any conversation with reference to what was done in Saint Louis, of any significance at all.

Q. Did you have any conversation in reference to the investigation which is now proceeding?—A. Yes; a little. I showed him a paper, which I think I ought to refer to, (although I am not aware that he remembered of its existence,) which came into existence in this way: At the time of the disclosures that were impending before the indictment of Babcock, I came on here to Washington and saw the Attorney-General. I came at the request of Colonel Dyer and General Henderson, more especially the latter. We foresaw, as we thought, distinctly, the indictment of Babcock as a necessity, and we wanted to know where we stood. We saw that it would lead to great public excitement and scandal, and appreciating the gravity of the situation, we all thought that it was better that one of us should come on here and confer with the Attorney-General. I was chosen for that purpose and came. I had an interview with the Attorney-General in reference to it, about the telegrams, and about what we then anticipated would be the disclosure of the mail correspondence between Babcock, Joyce, and McDonald. We were sanguine that we should obtain the letters that undoubtedly, as we then thought and still think, passed between those parties, and we felt very sure that General Babcock must be indicted. On my arrival I had the interview, and discussed the matter with the Attorney-General on the evening of the 3d of November last. After I went to my room at the Arlington I jotted down in a brief way the



points in reference to which we had talked, and the next morning I saw the Attorney-General again after a night's reflection for both of us, and read that over to him as a sort of summary of what I should carry back to my associates as the result of my visit. That paper in pencil memorandum I produced yesterday, and told the Attorney-General I thought, it was curious, in the light of subsequent developments, to see what we then talked about because we had the exact words in form, and I showed the paper to him; but we had no conversation of any moment. I read the memorandum to him.

Q. Will you be kind enough to produce that memorandum?—A. I will do so. It will be understood that this is just a concise summary that I made at that time.

Q. Read, if you please, the contents of that paper.

The witness read as follows:

“WASHINGTON, D. C.

“The gravity of the disclosures made and about to be made seemed to make it eminently proper to advise our superiors of the character of those disclosures at once, and to know what our duty might call on us to do. Hence by mutual desire I came to Washington; have reported to the Attorney-General, under whom we act, the cause of my visit. From him I gather that he fully appreciates the propriety of our action, and duly estimates the immense importance and significance of the disclosures referred to. He also appreciates the fact that when the evidence is such as to make a conviction of suspected parties reasonably certain and their guilt apparent, it will be our unquestionable duty to draw indictments and let them be passed on by the grand jury.

“He fully concurs in our earnest desire that no hasty step be taken and that no mistake be made in a matter so vital. Much more than ordinary care and discretion, he agrees with us, is to be used.

“If the evidence, however, be such as to make it, apparently, our duty to indict, he wishes that the same be submitted to him, so that his judgment may concur with ours, before action taken. He will signify to us his own judgment upon that evidence. If no such disclosures are made as seem now contingently probable, then no other action is called for except that, if McDonald or any others of the ring are tried, we shall avoid all unnecessary introduction in evidence of matters not important to their successful conviction, which would, nevertheless, lead to great public scandal.”

“NOVEMBER 4, 1875.

“Read to the Attorney-General and fully approved by him”

The WITNESS. Although the name of General Babcock is not used in that paper, it had reference wholly to the Babcock case.

Q. Did the Attorney-General recollect that, when you submitted it to him upon this last occasion?—A. He did not evince any recollection of it.

By Mr. GLOVER:

Q. He did not question its correctness, however?—A. He did not question its correctness, but there was no expression by word, look, or gesture that indicated a recognition of its authenticity.

By the CHAIRMAN:

Q. You stated to him all the circumstances in connection with this paper on this last visit?—A. Yes, sir; I told him that I had written it out, and read it over as the result of our interview, but he made no response that indicated that he recalled the facts that I had put down on paper.

Q. Did he say anything that indicated that he did not recall them?—A. No; I think there is no doubt that he concedes that what I stated to him in regard to the reading of the paper to him was true.

Q. Was there no further conversation between you in reference to this matter?—A. Nothing of any consequence, unless it be that he recalled an instance which he told me in November in regard to the Constam case, which he tried in New York. He said the defense in that case had furnished him the only link that was missing in his chain of evidence for the prosecution. He had told me the story as an illustration of what might very well happen to us in the trial of McDonald; if we were short in point of evidence the defense might blunder into our hands the very thing that we wanted. He recalled to me yesterday the fact that he had used that illustration.

Q. Do you recollect in what connection that illustration was used?—A. I no not.

Q. Was it used in reference to the introduction of testimony which might bring scandal?—A. I have nothing to lead me to suppose that it was in that connection. We had discussed the McDonald and various other cases which were then pending.

Q. Did he say anything to you in the conversation which you had recently with him in reference to any facts to which he had testified before this committee?—A. No, sir; my impression is that I should not have known from his conversation that he had testified. I believe I knew it from the newspapers.

Q. Then there was nothing said by him as to what he had testified to here?—A. No.

Q. Did he say anything to you in reference to a disclosure of any facts to the President by a grand juror?—A. Not a word.

Q. Do you know of any such disclosure having been made by a grand juror named Fox?—A. All I know about that is pure hearsay. I have no doubt that such disclosures were made by Fox to a man named Barnard, and by him communicated to Washington, but I have no personal knowledge, and cannot vouch for the accuracy of what I have stated.

Q. Do you know of any other letter having been written to the President in reference to the character of McDonald, save the one which you produced and read?—A. [After a pause.] I think not. I have hesitated about my reply because I recall the affidavits of Marr and some other parties; but my recollection is that they were not addressed to the President. I have seen documents or copies said to have been sent to Washington, and I think they were addressed to the President by Lindsley Murdock, formerly collector of Southeast Missouri, and also a long affidavit of James Marr, which papers I suppose are on file now, or should be, in the Treasury Department.

Q. Did these papers have reference to the character and standing of McDonald and Joyce?—A. More to special acts and corrupt purposes on the part of Joyce and McDonald, I think, than general character.

By Mr. GLOVER :

Q. About what time were those communications of Murdock and Marr forwarded to Washington?—A. That must have been several years ago—Marr's at the time he was superseded by McDonald, and Murdock's some time later.

By the CHAIRMAN :

Q. Do you know a gentleman by the name of Colonel Parker, collector of internal revenue in Colorado?—A. Slightly.

Q. State whether he was in Saint Louis during the Babcock trial.—A. I think he was, all the time.

Q. And whether he was a witness subpoenaed in that case?—A. I was told that he was.

Q. Do you know of any act upon the part of Colonel Parker during the progress of that trial looking toward an aiding of the defense? And, if so, state what it was.—A. I know nothing in the matter except by hearsay, and my recollection of that is very slight.

By Mr. GLOVER :

Q. How long have you known McDonald?—A. I have known of McDonald, and I guess I knew him as early as 1862-'63.

Q. During the whole period of his official life?—A. I have known him very slightly. My best recollection is that I brought suit against him once, and recovered judgment, when he was in the firm.

Q. What is his reputation for honor and good character in Saint Louis among the best people in that city?

The WITNESS. At the present time?

Mr. GLOVER. No; previous to his indictment.—A. I have understood that McDonald's reputation was bad among the better class of people in Saint Louis for years. I always distrusted him, and I know that opinion is very widely shared by men who are of the first standing and wide information.

Q. Have you any knowledge of the fact that Babcock had friends at Saint Louis watching the course of the Avery trial, the development of testimony, &c., during the trial?—A. I have heard, and am satisfied of its truth, that Colonel Luckey, for one, was in Saint Louis during the Avery trial, and my information was that he was there as the friend of Babcock; but that is wholly hearsay, because I do not know Colonel Luckey by sight even to this day.

Q. Have you knowledge of the time at which Mr. Fox, a member of the grand jury, visited Washington?—A. No; I have not; because I knew it only by seeing it reported in the newspapers, and I made no note of the date.

Q. Was it prior to the indictment of Babcock?—A. I think it was subsequent; that is my understanding of it.

Q. Have you any means of knowing that General Babcock anticipated that he would be indicted at the time the court of inquiry was ordered at Chicago?—A. I do not know that I can answer that question with any certainty, because I do not know what amount of information he was possessed of; but it seems to me he must have known it.

Q. Can you state how long it was after that court of inquiry was ordered that he was indicted?—A. A very few days, but the exact number of days I cannot tell. The indictment was drawn; I revised it and passed upon its sufficiency, and it was sent before the grand jury; but I do not recollect at this time the exact date of the order for the court of inquiry, nor the exact date on which the indictment was found, but they were very close to each other.

Q. How soon after the reading of Babcock's dispatches in the Avery trial did the testimony close in that case?—A. The testimony closed, I should say, in twenty-four hours; but whether it was that afternoon or the next day I am not sure. The dispatches were read in court during my absence in quest of something else.

Q. How soon after the reading of those dispatches by Mr. Henderson, in evidence, did General Babcock dispatch Mr. Dyer, asking to be made a witness and put upon the stand?—A. The exact length of time I do not remember, but it was after the case was closed; because Colonel Dyer showed me the telegram, and showed me the reply which he intended to send, and which I approved.

Q. Could the evidence have reached him by the newspapers in time to have notified him, so that he might have sent that dispatch before the close of that trial?—A. I think not. I think he must have known it from private dispatches. The dates of those documents are easily ascertainable, and that would make it absolutely certain.

Q. You are satisfied that some one was there who was giving him the information bearing upon himself as fast as it dropped out?—A. I think so. I think the Luckey dispatches show that.

Q. Have you any information to the effect that General Babcock knew he was implicated long before he sent that dispatch asking to be made a witness?—A. I do not recall anything at this time that would bear upon that. You may possibly suggest something that will refresh my memory.

Q. There were some excluded telegrams which show that he had received the information, even in the McDonald case, that he was implicated, and was asked to come and be a witness. This must have been more than a month before he sent the telegram asking to be made a witness.—A. The excluded telegrams to which you refer, I suppose, were the cipher dispatches between Luckey and Babcock, and were excluded by the court on the ground that they were in the nature of confidential communications. Those I presume you have, and the dates of those will determine what he knew.

Q. Do you know Supervisor Tutton?—A. No, sir; I never saw him except on the witness-stand.

Q. He did not confer with any of you gentlemen of the prosecution in relation to terms made with any members of the whisky ring who would confess their guilt?—A. Not with me, and I have never heard that he did with any one. I am very sure that I should have known if he had had any conference at all with us. I never heard any of the prosecution mention that he had spoken to them on the subject.

Q. You are aware that he has represented that such an arrangement was being made at Milwaukee, Chicago, and Saint Louis?—A. I am not aware that he had done so.

Q. He represented that he had made such an arrangement, as a reason why this circular-etter was written by the Attorney-General?—A. I am not aware of it; it is news to me.

By Mr. PLAISTED :

Q. Do you know what representations, if any, were made which induced the writing of the letter of January 26?—A. Nothing except what appears in that letter itself.

Q. Was there any occasion for the writing of that letter, so far as Saint Louis was concerned?—A. So far as Saint Louis was concerned, I think not.

Q. Do you know anything about the occasion for writing it as regards Chicago and Milwaukee?—A. I know nothing pro or con in regard to those two cities. From our point of view at Saint Louis I saw nothing and see nothing which could necessitate the writing of that letter. Of course I am not able to speak from the Washington point of view.

Q. Nor upon what representations it was based?—A. No, sir; I know nothing absolutely, not even in respect to reports.

Q. Colonel Brodhead succeeded General Henderson?—A. Yes, sir.

Q. Should you say that the prosecution suffered any on account of the removal of Henderson and the substitution of Mr. Brodhead?—A. Professionally, no.

By Mr. GLOVER :

Q. As to experience and familiarity with the cases?—A. Colonel Brodhead is perhaps every way the peer of Henderson. The two men differ.

By Mr. PLAISTED :

Q. Is he not a better and quicker lawyer, and abler?—A. He is probably more learned, but he is not any more sagacious and more active in his mental grasp. The two men are so unlike that it is difficult to compare them; they are both, I think, first-class men. Colonel Brodhead is a tower of strength when he is aroused to the situation.

By the CHAIRMAN :

Q. You will observe that that is not an exact answer to the question. The question is general, whether the prosecution suffered any; it is not whether it suffered professionally, but did it suffer any way?—A. I think Mr. Lincoln said that it was bad policy to swap horses when crossing a stream, and in the light of that illustration I think it was not wise to change counsel after five or six months' acquaintance with the facts in the cases.

By Mr. PLAISTED:

Q. Do you base your judgment upon the conduct of Mr. Brodhead in the prosecution, that it was less efficient than it might have been?—A. No, sir; I do not; I put it on this ground: that if Colonel Brodhead had been first employed, and at the end of the Avery trial had been removed and Henderson substituted for him, the change would have been as inexpedient as I think the change was inexpedient that was actually made.

Q. In the light of the results, do you regard it as a mistake, and unfortunate to the prosecution, that Mr. Brodhead was substituted for Henderson?—A. I think we were very fortunate to get Brodhead after Henderson was removed.

Q. In the light of the results of the prosecution, was it an unfortunate change?—A. I do not see how General Henderson could have done any better than Colonel Brodhead did; but the difference is very slight. I will explain how it is. My judgment is this: that if we had gone into the trial of General Babcock first after the change of Brodhead for Henderson, that change would have been detrimental to the result; but I think that, after successfully convicting McKee, Colonel Brodhead made for us in the prosecution a certain prestige and moral standing, such as affects a community, almost enough, if not quite, to restate us where we would have been with Henderson. My own opinion was that in no event would it have been proper for us to try General Babcock until we had tried and convicted McKee and Maguire. We believed we could convict them, and with the impetus which such conviction would give us, we thought we could go into the trial of Babcock with very little detriment from the past, and I think that was the fact. That was my judgment before, and I think the results justify it.

Q. Whether or not Henderson turned over to Dyer and Brodhead, upon his being discharged, all evidence, information, and papers in his possession touching the Government cases?—A. I have no knowledge about that, but I assume, of course, that he did.

Q. General Henderson took a prominent part in the prosecution while he was in the employ of the Government?—A. Yes, sir; we purposely gave him the leading part, as he was a well-known man.

Q. More so than Colonel Dyer?—A. Yes, sir; more so than Dyer.

Q. Who examined the witnesses previous to their going upon the stand?—A. All of us; I had examined them for days in my office; General Henderson examined them at his office, and Colonel Dyer before the grand jury. We talked to them in season and out of season.

Q. You yourself examined nearly all of them?—A. Yes, sir; a very large number, and was present when General Henderson examined them.

Q. Did you have a thorough knowledge of these prosecutions?—A. Yes, sir.

Q. At the time of the change?—A. Yes, sir; I think so, without any doubt. If there ever was at any time any fact in the case which did not come to my knowledge, it remains unknown to me now; and I have never been surprised by the disclosure of any fact which I had not been aware of before, because there has been the most cordial co-operation between counsel from beginning to end.

Q. Then at the time that Brodhead succeeded Henderson you were in possession of all the facts in the prosecution?—A. I think so.

Q. I will call your attention to the letter of the Attorney-General which you spoke of; you say the first time you saw it was after its appearance in the Saint Louis Times?—A. I think I saw it on the same day in which a purported copy was printed in the Times.

Q. It was shown to you by Colonel Dyer?—A. The original was shown to me by Colonel Dyer at that time. I remember it because I think it is the single instance in which Colonel Dyer did not lay before me at once, so far as I know, papers which he had received.

Q. If the paper had not been published no harm would have come from it?—A. I do not see how it could. It did not affect us, but I could not speak for the attorneys in Milwaukee and Chicago, of course.

Q. I mean so far as the prosecution in Saint Louis was concerned.—A. No; I do not see how it could. I think the mischief of that letter was caused by its publication.

Q. Had you seen any comments of the Times upon this letter before you saw the original?—A. I think not. I am not aware that there were any comments in the Times prior to the publication of the document itself.

Q. I mean in the same issue?—A. I think I saw them in the same issue.

Q. Were there comments expressed upon this letter as it appeared in the Times?—A. That is my present recollection.

Q. Were those comments of the Times calculated to help the prosecution?—A. I did not so interpret them; just the reverse, I think.

Q. Then these comments were not calculated to aid the prosecution?—A. Anything that called attention to that as if it were something extraordinary, was calculated to change the line of policy of the Government, and was unfavorable to the prosecution at that time.

Q. Did the newspaper press there regard that letter as changing the line of policy of the prosecution?—A. I think that the Saint Louis Republican and Times seemed to have that idea. Whether the Globe-Democrat said anything of the kind I do not remember.

Q. Was it not the newspaper press, the Times particularly, which produced the trepidation among witnesses?—A. More especially because the publication first appeared in that

paper. It appeared in the Times, and they gave it circulation, and the witnesses probably all learned of the existence of the letter, and any construction that was put upon it, through that paper rather than through others. I recollect the Saint Louis Republican had a very moderate and proper article on the subject, tending to disparage the significance of the letter, whatever its intent might be, because nothing could be accomplished without the consent of the court.

Q. You say there were thirteen distillers who surrendered?—A. That is my recollection of the number that surrendered at first.

Q. About what date?—A. It was in November; the exact date I cannot fix.

Q. You speak of the arrangement that was made with those thirteen distillers; was that arrangement made after the publication of the Attorney-General's letter?—A. No; the publication of the letter was in February, and the surrender of the distillers was made in November previous.

Q. At what time were they sentenced?—A. They have not yet been sentenced; many of them are witnesses, and we have not wished them sentenced until such time as we were sure that all the cases in which they were witnesses were finally disposed of. The McKee case is one of those, and is still pending on motion to dismiss; and the Avery case is also pending on a motion in arrest of judgment, which perhaps will be decided to-day. The court declined to sentence any of the prisoners until, on hearing all of the cases, the judge should be able to adjust and apportion their relative degrees of guilt.

Q. How many of these thirteen distillers have been used as witnesses by the prosecution?—A. Some six or seven I think of at this moment. Their testimony was vital and necessary in the conviction of the officers. We had evidence to convict the distillers, but we were wanting in evidence to convict officers, and so we were obliged to avail ourselves of the evidence of these men. I do not mean to say that it was impossible to convict the officers without the evidence of these men, but we regarded the guilt of the officers as of so much graver character, that no risk should be taken in regard to their conviction, and thwart our whole purpose, when, by giving these men an opportunity to testify, we made the conviction of the officers an absolute certainty, as we did.

By Mr. GLOVER :

Q. You believed that the officers had inaugurated that whisky ring, and that the evidence showed that?—A. I believe that, so far as most of the distillers were concerned, the officers were the authors of the ring; but no matter who began it, I thought an officer placed there to collect the revenue was a much guiltier man when he commenced to defraud than the distiller who engaged in it.

By Mr. PLAISTED :

Q. Whether or not the Government was deprived of any witnesses by the publication of the letter of the Attorney-General?—A. That I am unable to say, of course, because the question is speculative in its character; but I do not really think that we lost much, in view of the course we pursued—the successful conviction of McKee, the lapse of time, and all. It is utterly impossible for any one to say what would have been disclosed if something else had not happened. It may be that you have the letters which undoubtedly passed between Joyce, McDonald, and Babcock; but we cannot predicate anything upon a mere fact of the publication of the letter.

By Mr. GLOVER :

Q. You are certain that there were letters passing between those parties which you did not get?—A. I am morally certain of it. The correspondence introduced by the defense in the Chicago cases made it morally certain that the correspondence had continued with very considerable frequency; but we could not get it, and it was not produced.

By Mr. PLAISTED :

Q. Who is Mr. Ford?—A. C. W. Ford had very considerable standing and reputation in Saint Louis. He was superintendent of the United States Express Company and collector of internal revenue up to the time of his death; a man who stood high in Saint Louis, and was regarded as an upright man, and I think he was an upright man at the time this letter was written, and until 1871, when he fell into the toils of McDonald and Joyce, and a woman by the name of Dougherty.

By Mr. GLOVER :

Q. What was the age of Ford?—A. I should think between fifty and sixty.

By Mr. PLAISTED :

Q. What was his history after his fall?—A. Nobody outside of the ring knew that Ford fell until after his death. At the time he died, Ford was a man who would be said, in Saint Louis, to be a man of good character and reputation.

Q. Did it appear that he did belong to the ring?—A. I think there is no doubt of it. All the prosecuting officers, I believe, are of that opinion.

Q. For how long a time was he connected with the ring, in your opinion?—A. I think he must have participated in the ring soon after its formation, in 1871.

Q. And continued until his death?—A. Until his death.

Q. What do you know about the circumstances of his death?—A. He died at Chicago, and was reported to have died from some trouble of the bowels, or something; I do not know what it was.

By Mr. GLOVER :

Q. Died suddenly?—A. He died suddenly.

By Mr. PLAISTED :

Q. After the disclosures of the whisky frauds?—A. No, sir; not general disclosures. There is one thing I ought to say about Ford. In December, 1872, I brought to Mr. Ford's personal attention the fact that Bevis & Fraser were stealing from the Government. I showed him the stamps which had been used over and over again, and told him that they had been given to me by one George Brunson, a discharged book-keeper of Bevis & Fraser. I subsequently pointed out to him what the frauds were that were going on, so that any investigation would have certainly convinced him that what I told him was true. Subsequent evidence has confirmed the knowledge I had then.

Q. What do you understand by the circumstances of Ford's death?—A. Nothing, except that he died away from home.

Q. Very suddenly?—A. Suddenly.

Q. State whether it was commonly reported that his death was by suicide.—A. There were such reports. The word "commonly" would, perhaps, make it too strong. I do not think it was credited as a general thing, but such reports were in existence.

Q. Can you give the date, approximately, of his death?—A. I think it was about October 25, 1873.

By the CHAIRMAN :

Q. Long before any of these prosecutions were instituted?—A. Yes, sir.

By Mr. PLAISTED :

Q. Do you know whether or not he shared in the plunder of the ring?—A. Only from the evidence of the witnesses, the most of which has been published, and which indicated that he got one-fifth of it.

Q. Where was this letter found which you have read in evidence?—A. I first saw it in the hands of Concannon, who said he found it among some papers in a drawer of Mr. Ford's.

Q. Was he administrator, or in any way connected with Ford's estate?—A. No, sir; he was not, but I think he had been quite a confidential clerk of Ford's and knew about his affairs. Of course it is understood that I know nothing about the origin of the letter further than that I found it in the hands of Concannon.

Q. Do you know whether that original letter was ever shown to the President?—A. I have already stated that I had no knowledge of that except from Concannon's statement, and I do not think he knows.

Q. You saw the Attorney-General in Washington in November?—A. Yes, sir.

Q. And had a conversation with him in reference to the prosecution of Babcock?—A. A very full conversation with him at that time.

Q. Did he manifest any reluctance or indisposition about pursuing Babcock?—A. No, sir; I think the memorandum which I have shown indicates no reluctance on his part, but simply an appreciation of the gravity of making charges of that character against a person who held a position in the White House.

Q. What means have you of knowing that Colonel Luckey was in Saint Louis as the friend of Babcock?—A. I saw the cipher-telegrams which passed between him and Babcock, and which have been published. I saw the originals and translations of them, and the key, and they indicated that fact very strongly.

Q. What sum has been recovered in the way of fines or forfeitures in the whisky cases at Saint Louis?—A. I cannot tell you. On last Saturday we had a decision on one case which will give us by the condemnation of a single distillery some \$40,000 to \$60,000. I argued the demurrer myself last Thursday, and it was decided on Saturday in favor of the Government, cutting off a mortgage of \$60,000.

Q. [Handing the witness a letter.] Please read that letter and state what you know about it.—A. I think I have seen the original of this letter. I think I heard District Attorney Dyer say that he had received it from the Attorney-General through General Noble. Further than that I know nothing.

Q. It purports to be whose letter?—A. A letter from the Attorney-General, written on the 1st of March, 1876, to the district attorney at Saint Louis.

Q. You have seen the original in the office of Mr. Dyer, have you?—A. Yes, sir; recently, I think during the present month, for the first time, I heard its substance then. I did not care to read the original then, but accepted Colonel Dyer's statement that one had been received.

The letter here referred to is as follows :

UNITED STATES ATTORNEY'S OFFICE,  
EASTERN DISTRICT OF MISSOURI,  
417 Olive Street, Saint Louis, April 5, 1876.

The following is a true copy of a letter from the Hon. Attorney-General of the United States to the United States attorney of the eastern district of Missouri :

"DEPARTMENT OF JUSTICE,  
"Washington, March 1, 1876.

"Hon. D. P. DYER,  
U. S. Attorney, Saint Louis, Mo. :

"SIR : Mr. Noble has called upon me to-day, and it would appear from his statement that his clients have felt some solicitude about who would have the disposition of their fate.

"To relieve this matter of all embarrassment I address you this note, which Mr. Noble will deliver, and state that there is no intention of making any change in Saint Louis, and that the same district attorney and the same judge will have the disposition of Mr. Noble's clients as was originally expected, and that any understanding that has at any time existed ought in good faith to be carried out. I do not mean that there has ever been to my knowledge any agreement made, but whatever is right to be done, and whatever the court thinks ought to be done, should be faithfully carried out.

"Very respectfully,

"EDWARDS PIERREPONT,  
"Attorney-General.

"Attest :

"D. P. DYER,  
"United States Attorney, Eastern District Mo."

WASHINGTON, D. C., April 13, 1876.

W. H. PARKER sworn and examined.

By the CHAIRMAN :

Question. You have desired to make an explanation before the committee as to certain action taken by you during the progress of the Babcock trial at Saint Louis. The committee will now give you an opportunity of making such explanation touching the matters as you may desire.

Before answering, the witness read the following extract from the Washington dispatches to the Baltimore Gazette of April 12, 1876 :

"In regard to the letter-carrier McGill, this witness was procured by Collector Parker, of Colorado, after consultation with Joyce at the Jefferson City penitentiary. Parker called all the letter-carriers together in the Saint Louis post-office, and asked which one took Joyce's letter to Babcock out of the letter-box. McGill was selected, and, in Brodhead's opinion, showed that his story was concocted by the defense. Besides, Postmaster Filley, of Saint Louis, had a dozen mail-carriers ready to corroborate McGill in case the prosecution had attempted to break down McGill's evidence by proving, by competent witnesses, the utter worthlessness of McGill. When a republican member of the Judiciary Committee was told of the last evidence against Babcock, he said that he could no longer doubt that he was a guilty man."

Answer. In regard to McGill, I desire to state that the first and only time I ever saw him was while he was giving his testimony in the Babcock case. I never spoke to him, and never exchanged any words whatever with him. I did not call the letter-carriers together in the Saint Louis post-office, and never exchanged a word with a single letter-carrier, to my knowledge, in the Saint Louis post-office. I was never requested to secure the testimony of McGill, as related, nor that of any one else; and I never had any consultation with Joyce in regard to the Babcock case.

Q. Is that all you desire to say?—A. That is all I have here.

Q. I will ask you if you had any conversation with any officers of the Post-Office Department there as to his ascertaining the fact about the mail-carrier?—A. I did not. The first I knew about it was what I heard while he was on the stand. After that I did.

Q. Did you in any way, directly or indirectly, prior to the testimony of McGill, take any action in regard to him, or any other letter-carrier, in connection with this case?—A. No, sir; I never exchanged a word with any of the letter-carriers there.

Q. You say that after McGill testified you had a conversation, if I understand you right.—A. I met in the Lindell Hotel, after McGill testified, two persons connected with the Saint Louis post-office; one of them, I think, was the night superintendent, and the other was connected with the office in some way. The subject of the testimony of McGill came up. I said to them that I had strong doubts as to its truth.

Q. Did you say anything more than that?—A. That was the purport. They assured me that McGill was a man who stood very high and his testimony could not be impeached. I knew nothing of his testimony before it was given.

Q. Did you have any conversation with Joyce at the Jefferson City penitentiary, about this time?—A. I did; yes, sir. I was at Jefferson City, and called at the penitentiary to see Joyce.

Q. Did you have any conversation with him in reference to the letter-carrier?—A. No, sir.

Q. What was your purpose in calling to see him?—A. My purpose was this: there had been some liquors seized in my district from a firm in Saint Louis, and they had been released. The statement was made that he had made a statement to parties that, notwithstanding their release, they would be held in my district; and there being no foundation for that, I called to see him in regard to it. He said he never made any such statement.

Q. Did you have any talk with Joyce as to the Babcock trial?—A. Yes, sir; that subject came up.

Q. What was said?—A. There was a good deal said; it was said in the presence of the warden.

Q. Give us what was said.—A. Joyce said that he was satisfied and knew that Babcock was an innocent man, but that he was satisfied or believed that he would be brought to Jefferson City and put in the penitentiary; that he would be convicted, because the feeling was so high about that time that he thought he would not be able to get an impartial trial.

Q. Did he say anything about his own innocence at that time?—A. Not that I remember. I was one of the chief witnesses against Mr. Joyce when he was convicted, so I suppose he would not talk to me about his innocence.

Q. He had declared that very publicly in court?—A. I had sworn to his guilt. The first seizure in this business was made by my direction, a year ago this month. It was in duplicate serial numbers, and I could not reconcile them with the law, and telegraphed to the commissioner.

Q. Did you know of the letter-carriers having been called together in the Saint Louis post-office prior to McGill's going upon the stand?—A. Indeed I did not. I knew nothing about what they were going to prove by him until he was on the stand.

Q. Did you have any conversation with Mr. Storrs, or any of Babcock's counsel, in reference to McGill prior to his being called?—A. No, sir; I had afterward. That took place at the tea-table in the hotel.

Q. Did you have any conversation with General Babcock prior to McGill being called?—A. The WITNESS. In regard to McGill?

The CHAIRMAN. Yes, sir.

A. No, sir.

Q. Did you have any conversation, either with General Babcock or his attorneys, or any of them, in reference to this letter?—A. No, sir.

By Mr. GLOVER:

Q. Did you take any action, pro or con, in the Babcock trial?—A. There were two telegrams that I was to testify to, but they were ruled out by the court. I went to Saint Louis in obedience to a letter received from General Babcock. He desired me to testify in regard to those telegrams, but finding that the case had been postponed a week, I came on to Washington. While here I saw General Babcock and had a conversation with him in regard to those telegrams.

Q. What was the character of those telegrams; were they a part of the telegrams that had been published?—A. Yes, sir; on the 14th of April, I think it was, I directed the seizure of one hundred and sixty-odd barrels of whisky, shipped by B. A. Frienaman, of Kansas City, consigned to Chick, Brown & Co., of Grenada, Colorado, and finding that thirty-eight of them were duplicate serial numbers, my deputy telegraphed to me to meet him at Topeka, Kansas, desiring to consult with me in regard to them. I went to Topeka, and he stated to me what he had found, and I knew that it was crooked whisky. I went directly to Kansas City, where this house was located, and from there I telegraphed to the Commissioner of Internal Revenue, Mr. Douglass, to send a supervisor of internal revenue to consult with me, telling him what I had found; and, for want of confidence in General McDonald, I suggested that General Hedrick be sent there. I knew him and believed him to be an honest man, and knew that the interests of the Government would not be sacrificed. A few moments after I telegraphed to the Commissioner, on my own responsibility I telegraphed to Supervisor Hedrick, who was at Ottumwa, Iowa. My collection district was in his supervising district. I telegraphed to him, asking him to come down, and to request his agent, Captain Brown, who was a very competent man, to come with him, in order that I could give to him in detail the violations of law. They came. Supervisor McDonald, however, was directed by the Commissioner to meet me at Kansas City. Instead of doing that he came on to Washington.

Q. What day was that?—A. That was on the 19th of April, 1875.

Q. McDonald came to Washington instead of obeying the order?—A. Yes, sir; and

directed Colonel Joyce to meet me at Kansas City. Colonel Joyce arrived there, I think, on Sunday night, the 21st, though I would not be positive about the date, and stated to me going up in the omnibus from the depot, that he had known officers, in their efforts to make trouble for others, to get into trouble themselves. At that time I lost a good deal of confidence in him. I repeated this to Supervisor Hedrick, and that night I telegraphed again to the Commissioner of Internal Revenue that I knew a great fraud upon the revenue had been discovered, and I would prefer to lay the facts before him personally. The Commissioner consulted with the Secretary of the Treasury, Mr. Bristow, and it was decided to order me on here. I was ordered on here, and I explained to them what I had found, and they said they were satisfied I was right in my opinion that a fraud had been committed. Mr. Douglass asked me to select any agent in the service I wanted, and to go out there and complete the investigation. Knowing Captain Brown to be an honest man I selected him, and he was directed to meet me at Kansas City on my return. I met him there, and he pursued the investigation, which resulted in the seizure of the establishment of B. A. Frienaman & Co., and the distillery of Shehan & Sons, distillers in Saint Louis. That was the beginning of those seizures, and was the first seizure made.

Q. What connection has that with those telegrams you allude to?—A. I have related that in order to get to the point. When I left Kansas City for Washington, it appears that Joyce telegraphed to McDonald or to Babcock to have McDonald see me in Washington, and it was in relation to that dispatch that I was called upon to testify.

Q. You were called by General Babcock, you say?—A. Yes, sir.

Q. Did you meet General Babcock while here that time?—A. No, sir.

Q. You did not see McDonald here then, through the agency of General Babcock?—A. No, sir; I think McDonald left the very day I arrived.

Q. Did you have any knowledge that McGill would be called as a witness before he was put on the stand?—A. No, sir.

Q. Is there any truth at all in the allegation that you had seen all these letter-carriers, except what you have stated?—A. No; I do not think that I ever exchanged a word with a letter-carrier in the Saint Louis post-office.

Q. Or anywhere?—A. Or anywhere, or with any person in this case. I was requested to come on by General Babcock, and afterwards was subpoenaed by the Government on my arrival there. I did not see the district attorney while I was there at his office. I saw him at his hotel.

By Mr. McCRARY:

Q. How long have you known McGill?—A. I do not know him. I never exchanged a word with him in my life.

By Mr. PLAISTED:

Q. Do you know anything about his reputation for truth and veracity?—A. As I remarked, after he testified that question came up, and these parties stated that if his character was attempted to be impeached, he could bring a great many persons who stood very high in Saint Louis to testify as to his good character.

By Mr. GLOVER:

Q. That was the opinion of one individual?—A. Yes, sir.

WASHINGTON, D. C., April 25, 1876.

C. S. BELL, sworn and examined, testified:

My home is in Jackson, Mississippi. In July last I was special agent of the Post-Office Department. I had previously been special clerk of the district composed of Kentucky, Tennessee, Alabama, Louisiana, and Mississippi. They had a difficult case in the Post-Office Department, and they called upon me to go out on it. On going to the Treasury Department to resume my duties there, I found I had been absent so long that they put another man in my place, and Mr. Jewell appointed me in the Post-Office Department. In July I was up at the Treasury Department, and Mr. Yaryan, chief special agent of the Treasury, said that he had a dispatch that they had found among Bingham's papers, that had been sent from Xenia, Ohio, signed "Bixby," and he desired me to ascertain, if I could, who had sent that dispatch. I got hurt in a little railroad accident, and didn't carry out his instructions until August. I will explain here that it was understood, as he informed me between himself and Mr. Woodward, chief special agent of the Post-Office Department, that the special agents of two Departments would be used to forward each other's work. So I went on that trip while I was a special agent of the Post-Office Department. Evidently I obtained the dispatches. My report will set out that matter more fully. Here [producing paper] is an official copy of my report to the Treasury Department, and a copy of the letter that I had to District Attorney Bateman, of Cincinnati, which was given to me after I had made this report. I then continued in the Post-Office Department until the fore part of November, when I was suspended, by order of the Department, I suppose. I never saw the order, but the special agent at Saint Louis told me I was suspended.

Q. Do you know why you were suspended from the Post-Office Department?—A. Well, I got in debt; that was one reason; and another reason was that there were charges that I was off my territory. The old chief, Mr. Cochran, gave me one order, and Mr. Woodward gave me another. I obeyed Cochran's order, and they said I was off my territory, taking a case not in my own district. However, I had the order for it. I arrested the party that I was sent after, and he plead guilty. I knew Mr. Avery here when he was in the Internal Revenue Bureau, and afterwards, when he was chief clerk of the Treasury Department, I met him at Saint Louis, and he introduced me to Fitzroy, and Maguire, the collector, and told me that I could confer with them at any time; that they were all right; that they were "all in the same box," as he expressed it. At that time they all talked about its being a conspiracy against them; afterwards Joyce turned State's-evidence. I was in Saint Louis about the middle of November, at the Lindell Hotel, and I met Avery there. He came to me, and we had some conversation. I expressed some sympathy for him, and he remarked that it was not he but Hogue that had been giving out this information. I remarked to him, then, that I had got some dispatches which indicated that Hogue had been communicating with the distillers in Indiana; and he wanted me very much to see if I could not obtain copies of them for him, as it would tend to clear him. I went, at his request, to Indianapolis and got copies of the dispatches. Hogue was not arrested and carried before the commissioner, as I desired. It was said that it would affect the elections.

Q. Who objected to his arrest?—A. Mr. Bateman said that he preferred to wait for the grand jury to meet, and that it would be after election. Bateman was the United States district attorney in Cincinnati. I objected, and said I was afraid Hogue would run away, but he said he knew he would not. When I came and reported to Mr. Wyman he wanted me to go further with the matter, and that letter was given to me. The election was on the 12th, and the grand jury met on the 15th, and Hogue had all this time to run away in. He was not indicted in Indianapolis or in Cincinnati, notwithstanding the dispatches being at both places; but he was indicted at Saint Louis for receiving \$10,000 as a bribe from the distillers, and in the McDonald trial this fact of his receiving \$10,000 was mentioned, but when they sent to arrest him he had fled to Canada. Hogue being absent, and there being no prospect of his returning, because the evidence against him had been made public, I did not think there was any harm in giving Avery these copies of the telegrams, as I was not then in the service of the Government, and I gave them to him. They were not used, however, on the trial. In the latter part of November, about the 20th or 21st, he mentioned to Mr. Luckey, who was out there, that I had this evidence, and Luckey wanted to see me. I had some talk with him, and at that time I was convinced from the talk I heard there that there was an effort being made on the part of Mr. Bristow's friends to make a great deal of capital out of this thing, and, through General Babcock, to damage the President. I stated that to Luckey, and he was impressed with the same idea. I think Mr. A. C. Bradley was there at that time; I know I met him a few days later. He desired me to ascertain everything I could in regard to this matter, and I repeated to him conversations that I heard. Friends of Mr. Bristow's, or people who claimed to be his friends, talked to me very strongly, and I reported to Mr. Bradley several times. I remember that I absented myself from the city once, and went to Chicago. I was engaged by my firm there to go south for them and write southern letters, and I told Bradley that I could not take this thing in hand, that I should like to do it out of regard for the President, but I had a position and I didn't want to waste my time; and he said I should be paid, and the same conversation was had two or three times; the when he got to Washington he would make arrangements to have me come on here, and I should have a large appointment; that he and Babcock had great influence with Secretary Chandler, and all that. On the night of the 29th of November, when Luckey started east from Saint Louis, Bradley and I went down to the depot with him. He left Bradley there and told me to follow out any instructions that Bradley gave me, saying that Bradley was acting in the interest of Babcock. That evening—I think it was the same evening, but I am not positive—Mr. Bradley made the remark that it would be a good thing if they could get all the evidence out; (I had seen some of the evidence against Babcock;) that it would be a good thing if I could get it out and bring it to the hotel. I told him I was not prepared to go that far with it. He then talked about my getting copies, or the substance of the evidence. This was mentioned in the presence of Luckey, but he rather objected, and said that that was going rather far; but when he was going away he told me to do anything that Bradley directed. After he was gone Bradley again made the proposition. He paid me, for services I had already rendered, \$50 or \$60, and he again broached this subject. I told him I could not go that far; that I was not willing to go that far. Previous to that time I had taken three or four letters that were written by a lawyer in Saint Louis named Jesse D. Woodward, dated in 1873 and 1874, in which he gave information to Mr. Douglass of the frauds committed at Saint Louis; and I noticed that the names mentioned in his reports in 1873 and 1874 were the names of the same parties, some of them, who have since plead guilty or been convicted. In fact, his report of 1873 was complete, and the line of investigation laid down by him is that which has been followed by the Government. Those reports were published in the Saint Louis Republican of the 9th of November, and I know that Mr. Woodward came out in a card and accused Mr. Bristow of a gross breach of confidence in publishing his name signed to the reports. He was very

bitter against the Secretary for making the thing public, because it made him a great deal of trouble there. He had spent a good deal of his own money in working against the "ring;" and I understood that he expected to be made district attorney for the services he had rendered, but he was not. Mr. Dyer was made district attorney. I took those papers over to Avery's room, (there was a little pencil memorandum on them of Bluford Wilson's that did not amount to anything,) and I showed them to Avery, and he remarked, "If they have got the letters that I wrote Joe Fitzroy and Joyce, I am gone up." I said I hoped not. Well, said he, "I cannot explain them." The morning of the day that he was convicted, he sent for me, and I went to the hotel, and he said to me, "Look here; I am convinced that I am going to be convicted, and I want you to go down and see Dyer for me, and see what terms he will give me." I told him I had always believed that he was innocent, and I didn't like to go with such a message. The fact is, I felt that under the circumstances he might be inclined to stretch things a little, and I at that time believed that Babcock was innocent; and I didn't care to meddle in the matter in this way, but Avery insisted, and I went. Dyer was just going out, but I saw Mr. Bliss, the assistant district attorney, and he told me to go back and see Avery and tell him to come down immediately, without seeing his counsel, and that if he would come out and tell what he knew, even at that late day, it would save him; but he must hurry up, because the court was about to meet. I went back, but I found that Avery had left the hotel. I went over and met him on the steps of Judge Krum's office, near the court-house, and he pushed against me, saying, "Here comes Krum." Krum passed ahead, and I told Avery what Bliss said; and he said, "I am afraid it is too late now. I cannot get to him; the court is just going to meet." That was the last time I saw Avery out there. I didn't see him again until I came to Washington. I learned, however, that he saw Peddrick, one of the assistant district attorneys, at Cook's wine-cellar after that, but I don't know what he said to him. I started on my trip South for my paper that night, December 3, and in accordance with the agreement that I had made with Bradley, I wrote him and reported all that had occurred after he left. I asked him to return me that letter, because, as I said, there were too many papers out already, and my letter came back with this accompanying it:

"WASHINGTON, D. C., December 9, 1875.

"DEAR SIR: Yours received to-day and is herewith returned. I am authorized to request you to come on immediately, and to say that you will be cared for here.

"Yours truly,

"A. G. BRADLEY,

"635 F street N. W.

"C. S. BELL, Esq."

On receipt of that letter I took the train and came on.

Q. Was this letter produced in your examination before the Committee on Expenditures in the Department of Justice?—A. Yes, sir; I came on. I arrived, it must have been the 13th of December, and I went up to Mr. Bradley's office about ten o'clock in the morning. He sent a boy out of the office after Mr. Luckey, and said they had been looking for me anxiously. Mr. Luckey came down, I suppose, in an hour. I had a talk with him, and he said that he wanted me to see the President that evening at three o'clock, and I went up and saw the President; had a conversation with him, and told him what had occurred at Saint Louis; and he said that what he wanted to know was whether General Babcock was guilty or innocent; if he was guilty, he wanted him punished; if he was innocent he did not want him persecuted. It was first designed that I should be appointed in the Interior Department as a special pension agent, and sent to Saint Louis, but I suggested that I could not get the same opportunities to obtain information that I could in the Attorney-General's Office, and that the appointment be made there. The President said that he would see Attorney-General Pierpont about it, and I was to come up the next morning. I came up the next morning about ten or half past ten, and the President told me he had spoken to Attorney-General Pierpont, and he had a card already written on the table. He said, "Hand that to Mr. Pierpont, and tell him exactly what you have told me, and he will appoint you, and you make your reports to him."

By Mr. COCHRANE:

Q. Prior to this statement that was made by the President to you that he wanted General Babcock punished if guilty, but not persecuted if innocent, did you express to him any ideas as to General Babcock's guilt or innocence?—A. No: at that time I believed that he was perfectly innocent. I had had no communication with him. He was absent. I thought that Mr. Bradley was acting perhaps in a measure on his own responsibility in the interest of his client, and notwithstanding what had been said about taking the evidence out, I did not think General Babcock was guilty.

Q. Did you receive any employment; and, if so, what?—A. Not in the Attorney-General's Office.

Q. In any office?—A. I afterward received an appointment in the Interior Department.

Q. How long after?—A. My appointment was dated the 5th of January, 1876.

Q. What was your appointment?—A. I ranked as a first-class clerk, to be assigned to duty in regard to pension frauds. That is the way I was appointed there, with \$3 per diem for expenses. The following is my commission :

" DEPARTMENT OF THE INTERIOR,  
" Washington, D. C., January 5, 1876.

" Charles S. Bell, of Missouri, having been examined and found qualified, is hereby appointed to a clerkship, class 1, in the Pension-Office, to take effect when he shall have filed the oath of office and entered on duty.

" Z. CHANDLER,  
" Secretary of the Interior."

I filed the oath and commenced duty on January 7.

Q. When did you go to Saint Louis?—A. I left here the 12th of February.

Q. Were you employed by any one to go to Saint Louis; and, if so, for what purpose, and by whom?—A. I entered upon my duties as a pension agent; then took a large number of cases out with me from the office here and my blanks and stamps.

Q. Were you employed in any way in connection with the Babcock case; if so, by whom and for what purpose?—A. I will explain that as clearly as I can. My understanding was when I got this appointment in the Interior Department that it was not intended that I should do any service as a special pension agent until the Babcock matter was ended, but was to watch matters and obtain information for him. That was the understanding between General Babcock and myself.

By Mr. GLOVER :

Q. Had the Secretary of the Interior Department any knowledge of that understanding?—A. I will state this : I mentioned to him several times that the President had spoken to him and given me a card to him, and I said, " I suppose you know what duties I have to perform before going to my regular work ? " He said, " Yes. " Said I, " It is not necessary to enter into details, " and he said, " No. " When I got back from New York, (where I went on the 19th of January,) I went first to Mr. Le Barnes, and he would not pay my accounts. I then went to the Secretary, and told him that I had been at work for General Babcock.

Q. At New York City?—A. Well, I worked a portion of the time here. He said, " Well, did he know that you went to New York ? " Said I, " He must have known it, because I wrote him two letters, one the night before I left, and one the night before that. " He said, " You get some little evidence of it, and I will order your accounts paid. " I then went to the White House, and I could not get them approved there. I then went to Mr. Cowen and told him the same as I told Mr. Le Barnes, and I know that Mr. Le Barnes talked to him about my connection with the Babcock matter. I think Mr. Le Barnes took in a card. I know he talked with the Commissioner about it.

Q. What was the understanding you had with General Babcock as to your duties at Saint Louis?—A. I was to obtain all the evidence that I could; that is to say, everything that was going on, and report to him so that he would know what their line would be, and when I mentioned to him that Mr. Bradley desired me to get that evidence out, he did not at first say much about it, but said it was time enough to talk about that another time, which he subsequently did.

Q. Did you have any communication with Mr. Luckey prior to your going to Saint Louis?—A. I did, several times after I came here from Lexington, Ky., but I did not see Mr. Luckey for some time before I went to Saint Louis the last time.

Q. Were you to obtain this information with the consent of the district attorney, or without his knowledge?—A. Without his knowledge. That was the desire. I would state here that after General Babcock talked with me and admitted that he wanted the evidence stolen out of the office, I told him I was not prepared to go that far, and I dropped the case that time, and I tried to communicate with the President afterward three different times, but failed to see him.

Q. Did you read evidence that was against General Babcock in the district attorney's office?—A. I did.

Q. Did you ascertain the facts upon which the prosecution relied, or some of them?—A. I think I obtained most of it.

Q. Did you communicate those facts to General Babcock?—A. I did.

Q. Did you get any papers in the office of the district attorney at Saint Louis?—A. None pertaining to General Babcock's case. I will state here the manner in which I saw them. I saw them in the drawers and on the table. There was a man that had charge of the office, and he was not always careful, and I saw the testimony, and I also saw some that was in the vault in his office one day. I used to go and drink and smoke with this custodian.

Q. Did you state these facts personally to General Babcock, or did you communicate with him by letter?—A. He did not arrive here until just before Christmas. When he arrived I went to him and related them verbally to him, at his office, 2120 Pennsylvania avenue. He

then wanted me to put it in writing. I returned to my hotel, and I supposed he just wanted a memorandum, and I made out this rough draught of a report. [Witness produces paper, which is marked A.] I delivered it to him two days subsequently. He desired that I should commit it to writing with pen and ink, and throw out all that pertained to Hogue and Avery. I threw out all pertaining to Avery, and as much as I could with regard to Hoge. This is the original. The one that is based on that is on file with the official reporter; it was before the other committee.

Q. State all you did at Saint Louis.—A. I have stated all that I did there at the time they were out there.

Q. Did you have any conversation with the President as to General Babcock's guilt or innocence?—A. I had a conversation that I have already stated.

Q. Did you have any other conversation?—A. No, sir. I saw him three or four times in all, regarding my appointment, after I had made my first statement to him. That statement that I made to him is in substance like this report to General Babcock.

Q. When were you dismissed?—A. The date of my dismissal is February 16, I think.

Q. Prior to your dismissal, did you have a conversation with the President?—A. I did not. I tried to see him and failed. I sent a New York Herald in, with a copy of the cipher and some printed matter connected with it, that would indicate to him fully, I thought, who sent it.

By Mr. GLOVER:

Q. You did not send in your name?—A. I sent my name in twice. I sent my name in through Mr. Fred. Grant once.

Q. Had you a previous acquaintance with the President?—A. Yes, sir; I was with him repeatedly during the war. I have letters from him.

By Mr. COCHRANE:

Q. I have before me what purports to be your testimony before the Committee on Expenditures in the War Department, in which you say: "I took measures to inform him (meaning the President) that I believed he (Babcock) was guilty. I did it, because the President himself told me that if General Babcock was guilty he wished to know it, and he wished him punished. I took the President at his word, and I informed him of it, and I got my dismissal in three days afterward. I have got it here." Is that correct?—A. Yes, sir; that is correct. The measures that I took are the measures that I previously explained in regard to the newspaper article.

Q. In regard to what newspaper article?—A. The cipher dispatch published in the Herald.

Q. You sent that by a Herald reporter, do you say?—A. O, no. I was in New York, and had decided some time previously to publish it, but delayed it for some time, and finally I gave it to the manager of the Herald.

Q. What measures did you take to notify the President of General Babcock's guilt?—A. I brought a copy of the paper here and sent it in to him, after I failed to get admission.

Q. How long afterward was it that you got your dismissal?—A. It is stated there as three days, but I find upon comparison of dates that it was about five or six days afterward. It was sent to Saint Louis, and of course I did not get it for some little time. It followed me up. I left there soon after that. I have the original cipher here that Mr. Luckey gave me.

Q. Did General Babcock admit to you at any time that he was guilty?—A. Well, he admitted it thus far, that he wanted all the evidence got out, and he did not want part—part of it was worse than none; he wanted to get it all if it could be obtained; he said he would reward me well for it. There were tacit admissions. It was understood, more than talked of. Matters of that kind are very rarely talked of.

Q. What had Mr. Bradley asked you to do with reference to this evidence?—A. He asked me to get it out and bring to the Lindell Hotel.

Q. What was to be done with it there?—A. My understanding was that it was to be destroyed.

Q. Was Colonel Luckey present when Bradley told you to do that?—A. No, sir.

Q. Where did this conversation occur?—A. At the Lindell Hotel, in room No. 162, 163, or 165; I forgot which.

Q. Did you have any conversation with Colonel Luckey, as to your future conferences with Mr. Bradley?—A. Yes, sir; he told me to communicate with him, and to do what he desired.

Q. Where did that conversation take place?—A. A portion of it took place in Luckey's own room; then we adjourned from there to Bradley's room in the hotel; and he reiterated, I remember, at the depot; about the last thing he said was, "Now, consult with Bradley." It was intended, or my understanding was, that Bradley should remain there some time, but he went off the next night after I refused to go any further with this matter.

Q. What are the main features contained in that report that you have produced?—A. It is the substance of what occurred out there. This original report here has matter in it that does not appear in the one which I afterward swore to, what is known as the "Storrs affidavit."

Q. When did you leave Saint Louis the first time?—A. I left Saint Louis the night of the 3d of December, and went to Lexington, Ky.

Q. Did you write to Mr. Bradley from there?—A. I did.

Q. Was it to the letter then written that you received the reply that you have already given in evidence?—A. Yes, sir.

Q. Have you the letter that you wrote here?—A. I believe that I have it. I have got some papers here in the express office, and I think that is among them.

Q. State whether there was a cipher given you by any one?—A. Yes, sir; Luckey gave me a cipher at the White House.

Q. For what purpose?—A. Well, he desired me, when I got to Saint Louis, to communicate with him by letter or telegraph, and this cipher was given me for the purpose of being able to prevent any one knowing what was going on.

Q. Have you the key of that cipher?—A. I have.

Q. Is this the same cipher that is published in the Herald?—A. Yes, sir; the one in the Herald is a fac-simile of it.

Q. Do you understand this key?—A. Yes, sir.

Q. Do I understand you to say that you came on from Saint Louis the first time to be appointed in the Attorney-General's Office?—A. No; I didn't know what appointment would be given me. In Saint Louis they had talked about appointing me in the Interior Department; Mr. Luckey promised me a large appointment in case I would come on.

Q. You were to be appointed a special agent?—A. Well, he talked about my being appointed chief special agent; that was the inducement held out, but I had so little confidence in it that I went off on my newspaper work.

Q. But your understanding was that you were not to enter upon the duties of your appointment until after the Babcock trial?—A. That was the understanding, that I was to be employed in the interest of General Babcock, or in the President's interest, as it was understood that the blow was aimed at him through General Babcock, as we all believed.

Q. Did you have any conversation or consultation with the Attorney-General in reference to Mr. Dyer not desiring you to work longer in his office?—A. No; that was not the shape it was in. He asked me if I could work in the office there, if I could ascertain the proofs against General Babcock, and look further into the conspiracy as it was believed to exist. I told him I thought I could, and showed him a letter from Dyer, which I have among my papers, addressed to Warden Seabree, of the Missouri penitentiary, asking him to admit me to the prison, where I was to see Joyce, and endeavor to get documents out of him.

Q. In whose writing is the bulk of this cipher?—A. Most of it is in Luckey's, nearly all.

Q. Did the President receive the New York Herald which you sent him?—A. I have reason to believe that he did.

Q. Why?—A. I sent it in to him, and I was there and know that he was in his room at that time.

Q. Did you mark the paper?—A. I put a blue-pencil mark at the head of the article.

Q. When you returned to Washington and had a conversation with General Babcock, and when you communicated to him the evidence that you had discovered, did you say anything about other evidence that was there?—A. I remarked to him that Mr. Bradley (I think Luckey was present at the time) had said to me that he wished me to be careful, (if I would take hold and get that evidence out,) to get certain letters or telegrams signed "B. Finch," or "Bulfinch," or if I did not take the evidence out, to see if there were any such letters or telegrams there. I saw no letters or telegrams of the kind there, and I told Babcock that, and he said, "I don't think I sent anything with those signatures to that quarter."

Q. Did he ever say anything to you about any papers or telegrams of his which, if the prosecution got possession of, he could not explain?—A. Yes; he said that if they got hold of all his correspondence with the parties out there, by which I understood Joyce and McDonald, it would be impossible for him to explain it.

Q. How much money did you get for your services?—A. I don't remember distinctly. I received \$60 in Saint Louis, and I believe I received perhaps \$75 here, about one-third of what I paid out for him.

Q. Who paid you this money?—A. Bradley paid me \$60 in Saint Louis, and when General Babcock arrived here, he gave me an order in pencil and told me to take it to Luckey, and Luckey paid me \$25 at the White House. The other \$50 he paid me himself—a \$50 note.

Q. It was on the 14th of February that you were notified that your services were no longer needed?—A. The letter to return the papers is the 15th of February, and the letter of dismissal is the 16th.

Q. Did you have any conversation with the President in reference to what you were to go to Saint Louis for? If so, state what that conversation was.—A. The time that I made this statement to him, that it was evident to my mind that an attempt was being made to make political capital by crowding Babcock to the wall, I remarked that Colonel Luckey had talked with me about it, and it was thought best I should go out there, and the President said, "Yes, I should like you to go out there." I told him that at first it was intended that I should go into the Interior Department, but I thought it would be better if I went into the Department of Justice, because I would be then legitimately in the district-attorney's office.

By Mr. GLOVER :

Q. Did you say to the President what business you had in the district-attorney's office ?—A. I told him that I saw evidence—certainly.

Q. Did the President intimate that he wanted you to go into that office without the knowledge of Mr. Dyer ?—A. Nothing was said about that in that way. He said, "I want to know all there is going on, and if Babcock is guilty, I want him punished, and if not, I don't want him persecuted." I knew that there was a great pressure being brought to bear on the President.

Q. Was there any intimation that the district attorney out there refused to give information to the Attorney-General here for the President ?—A. I never heard anything of the kind.

By Mr. COCHRANE :

Q. You have not exactly answered my question ; I want to know what the President said to you when you notified him that you were going to Saint Louis ?—A. I think I have said as clearly as I can that I was to go there and report everything that went on, and make my reports to the Attorney-General, but he reiterated not less than three or four times, in the first conversation that I had with him, that he wanted to know whether Babcock was guilty or innocent ; if he was guilty, he wanted him punished.

Q. Was the district attorney at Saint Louis aware of the fact that you were reporting this testimony ?—A. I don't know if he was. He certainly would not have given me this letter to Seabee if he had thought so.

Q. Did you ever communicate to him the purpose for which you went there ?—A. Not until I went out in February. When I left Washington here, after this cipher went to the President, I had had a conversation with Mr. Bluford Wilson, and went out to Saint Louis and communicated with Mr. Dyer, and told him everything that I had done. I told him that I did not desire to go on the stand in chief, but if Luckey or Bradley went on, I wanted to be called in rebuttal in order to produce these papers.

Q. Was this before or after your discharge ?—A. It was before I knew anything about my discharge. That was about the 14th. These papers were mailed here the 15th and 16th. I knew nothing about them for some days afterward. I was in the service at the time I did this work.

By Mr. GLOVER :

Q. Do you say that Colonel Luckey was out there as a witness ?—A. Yes, sir ; he went out there for that purpose.

Q. Was he put on the stand ?—A. No, sir.

Q. Have you any reason to suppose that he expected that he would be rebutted by you ?—A. No, sir : I do not think that he knew that I was in the city, because I was concealed.

Q. Didn't the President say to you that he wished you to see what was going on, and if there was any attempt made to introduce forged or false testimony, or any prejudice against the defendant, that he wished to know it, and that you were to make reports to the Attorney-General, and that if Babcock was guilty he wanted him punished ? Was not that what the President said on that first interview ?—A. Yes, sir ; that was also said in the conversation. The interview lasted an hour, I suppose. There much said that I cannot remember.

Q. The President did make that statement to you ?—A. Yes, sir.

By Mr. PLAISTED :

Q. In those words, or is that the substance of it ?—A. The substance of it, as near as I can remember.

Q. The President was at that time of the opinion that there was a conspiracy there to injure him, and you were of the same opinion ?—A. Yes, sir.

Q. And you communicated that opinion to the President ?—A. Yes, sir.

Q. At this time you thought that General Babcock was innocent of any offense ?—A. Yes, sir. I will say that General Babcock was absent from this city, and did not arrive for nearly two weeks after I got here, and I had no chance to communicate with him. That was during the time that he was at Chicago ; and pending his absence was the time when I was endeavoring to get the appointment from the Attorney-General and failed.

By Mr. COCHRANE :

Q. For how long a time did you labor under the impression that General Babcock was innocent ?—A. Up to a day or two after Christmas, when this conversation became settled—when we finished this conversation with regard to Bradley's proposition at Saint Louis, and he said that he wanted all the evidence got—that part was worse than none, and my conversation with him in regard to the "B. Finch," "Bulfinch," dispatches ; he could not explain them.

Q. Up to that time you had acted in a friendly way toward him ?—A. Yes, sir.

Q. From that time how was your action ?—A. Well, I suppose it was friendly. I saw him several times. I was never willing to go that far with him, and in the mean time I was

endeavoring to get to the President. I remember once I met Bluford Wilson at the White House, and he desired me to go to the President. That was one of the three times that I tried to see the President. That must have been the latter part of December or the forepart of January.

Q. Did the Attorney-General give you any reason why he did not appoint you in his office; and, if so, what?—A. Yes, sir. Before the close of our meetings he asked me if I would telegraph Dyer, and if Dyer would ask my appointment he would make it. I did so. I heard nothing from Dyer. Some days had elapsed after my first calling on him with a card from the President before this was proposed by him. I was satisfied then that there had been some communication made to his office, and he said to me at the time of the last meeting, "I had your instructions all written out last night, when a high official came to my house. I remarked I was going to send Bell out to Saint Louis to work there, and this official said, 'Why, Dyer won't let him work in his office.'" I remarked to him that I would have much preferred to have found this out myself, and that I supposed it was understood that my name was not to be mentioned in the matter, and I pointed to the Treasury building, and said I, "If it is any one in that building, there is no use in my going now, because if he had not previously informed Dyer, he has by this time." On one occasion—I think it was about the third or fourth time that I visited his office to see about this appointment—he said, "Well, I want to consult further with the President and with the Secretary of the Treasury about your going out there." That surprised me. Quietly I went over to the White House and saw the President, and told him that Mr. Pierrepont was going to communicate with Mr. Bristow and mention my name. The President said he wanted to see him first, and sent a messenger over to his office for him. I complained to the President, and made a written report of three pages in regard to this official going to the Attorney-General's house.

By Mr. GLOVER :

Q. And this trip that you are now speaking of under the appointment of the Attorney-General contemplated your working in the district attorney's office at Saint Louis?—A. I was to go there and see all that was going on, and let him know the evidence.

Q. Was the Attorney-General to send you out there under the charge of Dyer, without notifying Dyer what you were to do?—A. That was exactly the proposition. My mission would be of no use if Dyer should know that I was to be in his office.

By Mr. COCHRANE :

Q. Did you take a card or memorandum from the President to the Attorney-General?—A. Yes, sir; that was the first interview.

Q. Have you got that card?—A. No, sir; I handed it to him. I can remember the substance of it.

Q. What was it?—A. "This is the man of whom I spoke. Let him be appointed;" and the President told me to tell the Attorney-General what I had told him.

Q. When you got that card from the President, was it understood between you and him that the purpose of it was to get you an appointment?—A. Yes, sir; for this specific purpose. I will remark here that the appointment would not, under any circumstances, have been as valuable to me as the private work on which I was engaged, but I went into it out of regard for my old commander.

Q. Of what specific purposes do you speak?—A. For the purpose of looking into Dyer's hands, and seeing what the evidence was and reporting. But it was understood all along by the President—by me at least from what the President said—that he wanted to know the moment there were probable grounds for believing Babcock guilty.

Q. What was the expressed desire of Bradley, Babcock, and Luckey?—A. There was altogether a different understanding between them and myself, as I understood it. They wanted the evidence got out, and the President knew nothing of any proposition of that kind. I never mentioned it to him, because I did not see proper.

Q. His idea was that you were to ascertain the facts?—A. Yes, sir; the facts.

By Mr. GLOVER :

Q. Could you not have seen the President and made known the purposes of those gentlemen?—A. I will state this, that I knew who was about him and I did not care to put any thing in writing. I sent word in that it was very important; I don't know that they ever spoke to the President; I know they went to the room.

By Mr. COCHRANE :

Q. Please read your dismissal.

The witness, [reading:]

"DEPARTMENT OF THE INTERIOR,  
"OFFICE OF THE SECRETARY,  
"Washington, D. C., February 16, 1876.

"SIR: Your services as clerk of class 1, in the Pension-Office, will be dispensed with from and after this date.

"Z. CHANDLER."

Q. Did you receive a communication on the 15th from the Pension-Office?—A. I did.

Q. Read that.

The witness. [reading :]

" SPECIAL SERVICE DIVISION,  
" DEPARTMENT OF THE INTERIOR, PENSION-OFFICE,  
" Washington, D. C., February 15, 1876.

" SIR: You are directed to return to this office all official papers in your possession.

" Very respectfully,

" CHARLES R. GILL,  
" Commissioner.

" CHARLES S. BELL,  
" 1207 Chouteau avenue, Saint Louis, Mo."

Q. What was this article that you sent to the President?—A. This cipher dispatch and the article accompanying it; it is all in the same columns. I thought he could see clearly where it came from.

Q. Had the President knowledge of that cipher before you sent it to him?—A. I don't think he ever knew that Colonel Luckey gave it to me. We made a special appointment at the Presidential Mansion the second or third night after I arrived here. and, in anticipation of my immediate appointment by the Attorney-General, he gave me this cipher that I might communicate with him. But the President or the Attorney-General knew nothing of that. He took the name of John Ward, 1737 F street, and I was to take the name of James Spencer.

By Mr. COCHRANE :

Q. Did you at any time inform the district attorney at Saint Louis of the object of your visit there?—A. I did, when I went there in February. I told him exactly what I had done from the start. I had done some work for him previously about this talk which seemed to be aimed at the President; I was working in full accord with him. I explained to him what I had done before Babcock's trial closed.

Q. Up to that time he had no knowledge of what you had done?—A. I never supposed he had any, unless from some secret information.

Q. This communication to Dyer was after your dismissal?—A. No, sir; it was before. It was about the 14th of February. These papers did not reach me until several days afterward. I will state that at the time I was working in Saint Louis for Babcock I was not in the Government service.

Q. How was it as to concealing your movements from Secretary Bristow?—A. Well, it was understood that it was a matter in which Mr. Bristow's friends were engaged, and of course I did not want him to know of my movements. I saw telegrams from him to the Attorney-General and Mr. Wilson several times in Dyer's office.

Q. Up to the time that you communicated what you had done to Dyer, had you communicated to Mr. Bristow, or had you concealed from him, all evidence of the fact?—A. I had concealed it. I might mention here that what first made me think that Secretary Bristow's friends were acting by his authority or consent was the fact that in a telegram sent by him after the trial was this remarkable expression: "We thought you should have used the papers in implicating Washington parties, but your judgment is best. Accept my congratulations on magnificent success." I saw that in a dispatch from Mr. Wilson and Mr. Pierrepont, and the phraseology of all of them was nearly the same, with the exception that Mr. Bristow's dispatch alone contained the phrase about putting in papers implicating Washington parties. I saw Mr. Dyer about it, and he said he did not want to show his hand so early in the game.

By Mr. GLOVER :

Q. Have you any reason to suppose that Mr. Bristow was in a conspiracy to injure the President?—A. No, sir; I have not now. I thought so at the time. I suppose that by Washington parties he meant Avery and Babcock.

By Mr. COCHRANE :

Q. Then you, Babcock, Bradley, and Luckey, were the only parties connected with this scheme in reference to the destruction of this testimony?—A. Yes, sir; Babcock, Luckey, Bradley, and myself.

Q. How did your negotiations between Luckey and yourself commence?—A. I had not met him until after I got these Hogue telegrams from Indianapolis and Cincinnati, for Avery.

Q. Had Avery been a friend of yours in the Department?—A. Yes, sir; I knew him in the Department.

Q. Did you consider him guilty up to the time of his admissions to you?—A. No, sir. I had the greatest confidence in his innocence.

Q. When did Luckey get to Saint Louis?—A. I don't know the date of his arrival, but I first met him, it might have been between the 15th and 18th of November. I should judge it was along about that time. I cannot remember the exact date.

Q. Where did you first meet him?—A. At the Lindell Hotel.

Q. At his room?—A. No, sir; on the sidewalk.

Q. Did you go to his room?—A. I don't think I went to his room at that time. I did subsequently.

Q. Was there any bargain between you and Luckey as to what you were to get if you got this evidence?—A. No, sir; not between Luckey and myself. He said if I would help them out I should have this appointment.

Q. Did he say anything about a reward?—A. I don't remember that Luckey ever did.

Q. Did any one else?—A. Mr. Bradley did.

Q. What did he offer?—A. Well, he held out inducements to me; said that of course I would be liberally rewarded.

Q. What did Babcock say in reference to the appointment?—A. When I was here he said that, of course, if I performed the service I would be very liberally rewarded. He seemed to lay considerable stress on my expecting a large reward.

Q. Had General Babcock ever put a construction upon those letters and telegrams that you had knowledge of?—A. I don't know as I exactly understand your question. Had he ever put a construction on them?

Q. Yes. Did he ever state to you that those letters were capable of a double construction?—A. Yes, sir; that was mentioned. It was mentioned also in Saint Louis.

By Mr. PLAISTED:

Q. What induced you to change your opinion of Babcock's guilt or innocence?—A. Well, it was the desire to have the evidence obtained, the whole of it. Then when I mentioned about the B. Finch or Bulfinch telegrams, he said that he did not think he had sent any signed that way to that quarter; indicating to me that he held communication with some other parties under those names. He did not say where he had sent those.

By Mr. COCHRANE:

Q. What was to be done with the evidence taken out of the district attorney's office in the Avery case?—A. A very only desired to see it. He did not express any desire to destroy it to my recollection.

Q. Who is Bradley?—A. I have understood that he is a brother-in-law of A. R. Shepherd here; that is my understanding. He is an attorney.

Q. Did he say what he was sent out to Saint Louis for?—A. He said he was sent out there in General Babcock's interest.

Q. To do what?—A. Well, as I understood, he was put there more to watch and ascertain all the facts that he could in regard to evidence to be brought against him than anything else. I know that he kept his movements very secret.

By Mr. GLOVER:

Q. Who sent him?—A. He said General Babcock did.

Q. Did he mention anybody else?—A. No, sir.

Q. Was Mr. Shepherd out there at that time?—A. I don't think I ever saw A. R. Shepherd in my life. I don't remember ever having seen him.

Q. Do you know of any special documentary testimony that Bradley, Babcock, and Luckey wanted you to suppress?—A. They wished me to get all the testimony there was. I did not see Mr. Luckey.

Q. How in reference to that signed B. Finch or Bulfinch?—A. That was first mentioned to me by Mr. Bradley. I think Luckey was present when that was mentioned, that I should see whether there was any evidence of that kind in letters or telegrams.

Q. Did you discover any of those?—A. No, sir; I never saw any of them.

Q. Did you communicate to Dyer the facts that you have communicated to the committee now?—A. I did, in February.

Q. What was the contingency upon which your being the witness depended?—A. Well, I was to be recalled in rebuttal of the testimony of Luckey if he went on the stand; and we thought that Mr. Bradley was out there for that purpose, too.

Q. Did Secretary Chandler know how you were to be employed in Saint Louis?—A. I have always understood that he did. I supposed the matter was fully understood by him. I am certain that I mentioned the matter at the start.

Q. Did you ever suggest anything to the Secretary, Chandler, about entering into details of your duties?—A. Yes, sir.

Q. What did he say?—A. He said it was not necessary.

Q. Did he know that he was appointing you in his Department to look through the district attorney's office?—A. I do not say that. No details were entered into.

Q. I ask, did he know that he was appointing you to look through the district attorney's office?—A. I do not know that he knows anything about anything of that kind. He knew the circumstances under which I was appointed—that I was not to do pension-work, but was to be ordered to Saint Louis, and I mentioned General Babcock's matter several times.

Q. Upon whose recommendation were you appointed?—A. The President's. He gave me a card.

Q. What was contained in that card?—A. It was addressed to the Hon. Z. Chandler, Secretary of the Interior, and it ran something like this—I cannot give the exact language: "The bearer, Mr. C. S. Bell, has rendered valuable service during the war and since. I commend him to you for an appointment." The President said to me, "Mr. Chandler will know who you are because I have talked with him about you."

Q. What valuable services did the President allude to that you had rendered since the war?—A. Well, I have been in several Departments; I have done a great deal of special or secret-service work.

By Mr. COCHRANE

Q. Had you ever been in the Interior Department before?—A. No, sir.

Q. How many conversations did you have with Mr. Chandler before you were appointed in the Department?—A. When I handed him the card, he stated that he was going to re-organize his bureau in a few days and he would appoint me. I went to him the next day to get the card back and search was made for it; I thought the card being a little strong, and the times such as they were, that I did not want it lying around; but they searched all over for it and could not find it.

Q. Now, as to the dates: how long had you been in Saint Louis before you had any interview with reference to any service to General Babcock in this matter?—A. My family have been there for some time. I went there with them in August, 1875. I did not see General Babcock until his arrival here from the West, which was not more than two or three days before Christmas.

Q. When and with whom did you have the first conversation in regard to serving General Babcock, as you have stated?—A. After I stated what I believed the case was from the talk by men claiming to be Mr. Bristow's friends, officials and others, some days after the time I gave Avery the Hoge telegrams, Mr. Luckey mentioned it to me. I cannot fix the date exactly, but it was after the middle of November; before the 20th, I think.

Q. Where did the conversation take place?—A. At the Lindell Hotel. That was the second conversation I had with him.

Q. When did the first conversation take place?—A. I think the first must have taken place about the 16th of November, and the other soon afterward.

Q. Where did the first conversation take place?—A. On the sidewalk, right at the door of the Lindell Hotel.

Q. How many conversations did you have with Mr. Luckey altogether?—A. I suppose I met Mr. Luckey out there as much as five or six times in regard to this subject. He took me to his room several times.

Q. What was Mr. Luckey doing at that time in Saint Louis?—A. I always supposed he was there in General Babcock's interest, but I have since heard that he went out there to be a witness in Avery's case.

Q. Had you been employed in Colonel Dyer's office?—A. No, sir; when I was a special agent of the Post-Office Department, I worked in regard to these Hogue telegrams, and I communicated with Colonel Dyer and was in Saint Louis several times, and told him about them. That must have been in September or October.

Q. Then, as a special agent of the Post-Office Department you had had communication with Colonel Dyer?—A. Yes, sir; and with Mr. Henderson and Mr. Bliss. I was urging on them immediate action in the Hoge matters, for I believed he would flee the country, as he did. They thought he would be indicted at Indianapolis or Cincinnati.

Q. After that, and about the time of the Avery trial, you, believing Avery innocent, were engaged in aiding him?—A. Yes, sir.

Q. And it was about that time, or shortly afterward, that you had this conversation with Mr. Luckey in reference to General Babcock?—A. Yes, sir; I think Avery and Luckey came to Saint Louis together, but I am not certain about that; they were at the Lindell Hotel, with rooms near together.

Q. How many conversations did you have with General Babcock on this subject altogether?—A. I suppose I met him six or eight times after I arrived in Washington. I left Lexington, Ky. I think it was on the 11th of December, and arrived here on the following Monday, the 18th of December. Up to that time I had done nothing for Babcock. I had communicated to Avery and Bradley what was going on, but I had had no direct communication with General Babcock.

Q. Nor you had done nothing toward getting papers or proofs?—A. No, sir; I never did.

Q. When did you have your last conversation with General Babcock, and where?—A. At his office, 2120 Pennsylvania avenue; I think it must have been about the 22d or 23d of December, just before Christmas. I met him just in front of the White House, and he said, "Don't talk here; come up to my office."

Q. You had seven or eight conversations with him on this subject?—A. I should judge about that number.

Q. Were those conversations all in reference to this matter at Saint Louis?—A. O, I had no other reason for meeting him at all.

Q. That was the subject discussed between you at all times?—A. Yes, sir; I informed him of the failure of my proposed mission through Mr. Pierrepont's action, and he and

Storrs, at his residence, 2024 G street, desired me to try another tack ; to try to get into Mr. Bristow's camp and work in that way.

Q. Who suggested that ?—A. Storrs and Babcock.

Q. Did you act upon that suggestion ?—A. Well, I started a little way in it.

Q. How far in it did you get ?—A. I did not go to Mr. Bristow at all. I saw Bluford Wilson about that time, but this was about the time that I was perfectly satisfied of Babcock's guilt, and I threw the thing up entirely. Avery was weakening all the time and wanting to take.

By Mr. GLOVER :

Q. You said a while ago that you had communications with Avery and Bradley. I do not know whether you said General Babcock or not, but you went into his service. What did you mean by communications—letters or telegrams ?—A. Other witnesses, whose names I have got, would corroborate a great many points. I have been disputed in my testimony there.

Q. Disputed by whom ?—A. By Mr. Bradley and General Babcock ; and there were some matters that were disputed by Mr. Chandler, I think.

Q. Do those gentlemen deny or dispute that they have ever had any communication with you upon these subjects ?—A. No, sir. They disputed some things.

By Mr. COCHRANE :

Q. At the time you had this conversation with General Babcock you had already secured these telegrams, or the information contained in these telegrams, and also possession of some proofs that were relied upon by the prosecution ?—A. In which case ?

Q. In the Babcock case.—A. No, sir. In the Avery case I took some papers over to Avery's room and returned them in about thirty or forty minutes. I had seen the evidence, however, most of it, in the Babcock case, at the time I had my first conversation with General Babcock.

Q. Did you, then, from the date of your first conversation with General Babcock, take any letters out of Colonel Dyer's office ?—A. No, sir. I was here in Washington. I did not return there until in February.

By Mr. GLOVER :

Q. Did you see that evidence in the Babcock case in Saint Louis or here ?—A. In Saint Louis.

Q. You did not see any of the evidence that was transmitted here ?—A. No, sir. I do not know what evidence was transmitted. I suppose some of it was.

Q. How did you get an opportunity to see that evidence ?—A. Well, in Colonel Dyer's office, as in most district attorneys' offices, the evidence is easily obtained. He did have some drawers. Some telegrams were on the table, and the custodian was a man that would smoke and drink occasionally, and he supposed I was all right. I have been connected with the secret service about fifteen years, and I never found it any trouble to find out what is going on in a district attorney's office. This is the first time that I ever communicated anything in regard to evidence outside of the office, and I did this because I believed a movement was being made against the President.

Q. You changed your mind as to that ?—A. Yes, sir.

Q. You mentioned in this testimony of yours that you had reason to think that Mr. Luckey would destroy your letters if you attempted to communicate with the President in that way ?—A. I don't remember that remark. I never have read the evidence over that I have given, but I don't think Mr. Luckey's name was mentioned in that connection.

Q. You say you thought that Mr. Luckey acted from the same motives that you did—the belief that General Babcock was innocent ?—A. Yes, sir.

Q. You changed your own mind in that respect ?—A. Yes, sir.

Q. Do you know that he changed his ?—A. I do not.

Q. You say you know that he has been removed from the White House ; has he not also been appointed to an office ?—A. He has been appointed to an office with about two-thirds of the salary, as I understand it, that he formerly had.

Q. What position is that ?—A. I understand that he is chief clerk in charge of the Indian division in the Interior Department.

Q. Do you know upon whose recommendation he was appointed ?—A. I do not. That may be easily ascertained.

Q. Do you recollect stating the reason here in this testimony, why your office was taken from you ?—A. Well, I only know that, on the 10th or 11th of February, I took that New York Herald up to the White House with that marked, and four or five days afterward I was removed.

Q. You were asked this question : " But they took it right away when you did not destroy the papers," and you said, " No ; I suppose they took it away from me because of this publication." What communication or publication did you allude to ?—A. The cipher dispatch.

Q. What was the reason you published that cipher dispatch ?—A. Well, I had tried three times to see the President, and I did not care to communicate anything in writing to the Presi

dent, for I was not sure that it would get to him, and I concluded that I would do it in that shape, and I came to Washington and sent him a copy. I knew that that would be certain to be brought to his attention.

Q. The question was asked you: "Did you tell Babcock and Luckey that you would publish this thing if they did not do what you wanted?" and you answered that you never had any communication with them of the kind. Did they know you were going to publish that cipher telegram?—A. I don't think they did.

Q. Did you say to any one that you intended to publish that cipher telegram?—A. No, sir.

By Mr. PLAISTED:

Q. You went to Saint Louis in the interest of Babcock, did you?—A. I was there already when I was working in his interest, but when I went out in February, I had decided that he was guilty, and of course I would not help him.

Q. You were to work for him when you were there the first time?—A. Yes, sir.

Q. At whose request?—A. At the request of Luckey and Bradley.

Q. They employed you there?—A. Yes, sir.

By Mr. GLOVER:

Q. What was your trip to New York for?—A. Well, after I had dropped General Babcock's matter, partially dropped it—I was coming to that point beginning to think I was getting in too deep—he spoke to me about the authorship of certain articles in the *New York Sun*; said they desired to find out who was the author of that.

Q. Did those articles bear upon this whisky fraud matter?—A. Well, they were inimical to every one connected with the White House; and he said to me, "I wish you would go there and find that out; you are a newspaper man and you can get in. Whenever you get ready to go, write me a letter, put in the word 'Important' and underscore it, and I will send you the funds to go on with." I wrote him on the 18th of January, and called for \$40 to pay my expenses. He did not answer. I then wrote him again on the evening of the 19th, (he was out on the 18th,) and I left that evening, and he told the boy that there was no answer. I have since ascertained that he had sent Bradley up on the same mission. I suppose that was the reason he did not answer.

Q. Was Bradley there then?—A. No; but he was a few days before. He told me that he sent him up on that mission.

Q. How long did you remain in New York?—A. From the morning of the 20th of January to about the 9th of 10th of February.

Q. Did you make the discovery that you went to make?—A. No, sir; I did not touch it at all.

Q. Was it on the publication of this cipher telegram that you were refused your pay?—A. I drew my pay on the 12th. That article came out on the 10th, I think. The article was here in Washington before I drew my pay from Mr. Chandler. I may explain to you that there was a full understanding that I was to draw my pay while I was doing that work, and I felt that I had a perfect right to it under the circumstances, if they chose to take the responsibility. I know that men are appointed for personal and political purposes and draw their salaries from the Government. It is a great abuse, I know, but there is a great deal of it done.

WASHINGTON, D. C., April 26, 1876.

C. S. BELL recalled and examined.

By Mr. COCHRANE:

Question. When you returned to Washington from New York, after your appointment, state whether you found that your account had been suspended; and, if so, what conversation, if any, you had with Secretary Chandler on the subject.—Answer. On my return to Washington in the fore part of February, I went to Mr. Le Barnes, chief of the secret-service division of the Interior Department, to ask him to allow my account. He says, "We do not know where you have been. Of course I understand what the matter is, but in order to make us all right here cannot you make out some little memorandum, or something of that kind?" I told him that I would see the Secretary, and I did see the Secretary, Mr. Chandler, and told him that I had been to New York. I said, "You know how I have been appointed," and he said, "Yes." Said I, "Mr. Le Barnes will not pay my account without some information from this office. If necessary, I will enter into details;" but he says, "That would not be necessary."

Q. Did the Secretary at this time ask you anything as to whether General Babcock knew that you had gone to New York?—A. Yes.

Q. What did he say?—A. I said to Mr. Chandler, "I have been to New York, and General Babcock knows that I have been there." He says, "Does he?" I said, "He must know it, because I wrote to him before I went." And then I called up at the White House

and saw Fred. Grant, and spoke to him about it. He went in and saw the President, or at least he said he saw him, and said that the President could not see me just then, as it was late, and said I was to come up the next day. When I went up the next day the President was busy, but I saw Captain Crook and spoke to him about it, and he wrote a memorandum on a card and took it to the President; and he came back after a little while and says, "The President says he cannot *order* your account to be approved; can you not fix it some other way?" I told him pretty fully the services I had rendered, and, says I, "You know how I was appointed, and the services rendered;" and he says, "It is not necessary for you to enter into an explanation," and he took out a card and wrote with a pencil to Mr. Le Barnes to make out my account and let it be paid. My recollection is that Mr. Le Barnes went again to Secretary Chandler, and he was told that it was all right, and my accounts were immediately made out.

Q. Were you paid?—A. Yes; the messenger took the accounts in. I went with him as far as the door. The accounts were allowed.

Q. What induced you to have the cipher published in the New York Herald?—A. I had failed to see the President on three occasions on which I attempted to see him, and in which I intended to inform him of what I knew in regard to General Babcock, and so I was obliged to put it in a shape that I thought was certain to reach the President.

Q. Did you desire at that time to further aid General Babcock?—A. No, sir.

Q. I understood you to say, if I am correct, that you made a number of efforts to see the President personally to communicate the facts to him as to General Babcock's guilt?—A. Yes, before January 19; before I went to New York.

Q. But you failed to obtain access to the President?—A. I failed to obtain access to him.

By Mr. GLOVER :

Q. Do I understand you to say that this cipher dispatch contains evidence of the guilt of General Babcock?—A. Only inferentially. The evidence that I had I have stated in my testimony yesterday. I gave my conversations with General Babcock.

Q. You have stated that you put this matter in this form in order that it might reach the President. I infer from that that you had an idea that that would convince him of the guilt of General Babcock?—A. I thought it would at least induce him to send for me to know what it all meant.

Q. Did General Babcock or Mr. Luckey know that you were going to publish it?—A. No, sir; not to my knowledge.

Q. Did you ever threaten to publish it?—A. No, sir.

Q. Do I understand you as stating that your object in sending this communication in the New York Herald to the President was, that upon his reading it he might send for you, and obtain from you all the facts which had come to your knowledge?—A. That is what I thought would be the case.

Q. And that you only published this letter after you had failed to see the President?—A. Yes, sir; it was published about the 10th of February, and I had failed three times to see him up to the 19th of January. I delayed, as I said yesterday, about three weeks.

Q. Did you intend at that time to make a full statement to the President, had he sent for you?—A. I did. I had at each of the three previous attempts at interviews intended to do that.

Q. What was the date of your first conversation with the President, with reference to the purposes for which you were to be appointed?—A. It was the day of my arrival here, I think the 13th day of December. If I had a calendar, I could tell you definitely.

Q. Will you be good enough to tell us, as near as you can, what you said to the President and what the President said to you?—A. That is all contained in the report I made to General Babcock, which is on file with the official reporter.

Q. I wish you would state it here for convenience. We do not want the inferences, of course, but we want what was said by you, and what was said by the President, as near as you can give it.—A. I will give it near as I can. I arrived here, as I stated, and went to Mr. Bradley's office. Mr. Luckey was sent for by him, and he came down, and told me that the President would see me at three o'clock. I went to the White House at three o'clock, and he took me into the President's room.

Q. Who took you?—A. Mr. Luckey. I sat down in a chair. The President said he desired to know what was going on at Saint Louis. I told him that I was satisfied in my own mind that there was an attempt on foot to injure him, through General Babcock. I stated to him that the evidence there was certainly insufficient to press a trial on; that there was a great deal of talk by District Attorney Dyer and his assistants, and other officers from Washington who were on there as to the necessity of convicting "Washington parties," by which I understood Babcock and Avery; and I also stated to him that I saw the telegram from Mr. Wilson, the telegram from the Secretary, and the telegram from Mr. Pierrepont, mentioning particularly the telegram of Mr. Bristow, in which he said to Mr. Dyer, "I had thought you should have put the papers in on the Washington parties;" that is, in the McDonald case; (these telegrams came the morning following the conviction of Macdonald;) but, he says, "Your judgment is the best," or words to that effect, and "accept my congratulations on your magnificent triumph," or something to that effect. I

told him that I had seen the papers there that were supposed to have been given by Fitzroy, and that the prosecution evidently considered these papers genuine, but that the discovery was made that they were copies or forgeries. I have since ascertained that they were simply copies, or purported to be copies. I mentioned to him the great amount of talk among the opponents of his administration in Saint Louis, giving the names of a number of parties, besides those in the district attorney's office. I mentioned to him the difference between Colonel Dyer and Mr. Henderson, and that Dyer was holding Henderson in, as he said he, Dyer, "had a head to lose," and Henderson had none, blaming him for his precipitancy in the production of the "Sylph" dispatch. I mentioned to him further that Colonel Dyer had stated that he had finally consented to Henderson's matters in the Avery case, because he felt that he was made solid "up-stairs;" by which I understood at the time that an indictment had been found against General Babcock. I told him that at that time an indictment had not been actually found, but a vote had been taken on it in the grand-jury room, (Mr. Bliss, the assistant district attorney told me this.) An indictment was not found for a few days after that. The President seemed impressed with this matter, and said he had seen several parties from Saint Louis who had told him the same thing. He talked to me some about my scouting for him during the war said he thought he could depend upon me, and he says, "Mr. Luckey has spoken to me in regard to your having an appointment in the Interior Department, and I think you had better get the appointment and go out there." He said, "I want to know all that is going on; if General Babcock is innocent I do not want him persecuted; if he is guilty I want him punished. I want you to report facts." At the close of the interview I said it would be better if I were appointed special agent of the Attorney-General's Office, as that would give me access to Mr. Dyer's office, and that that office would be my headquarters in Saint Louis, if I were the agent of the Attorney-General's Department. The President seemed to be pleased with the idea; he said that I should come up to-morrow, and he would send me to the Attorney-General. There was some other conversation of a desultory character that I cannot now recollect, and I then withdrew.

Q. Was anything said in this interview as to where or how you were to obtain the facts?—A. No, sir; he left the details entirely to me.

Q. Was there anything said as to whether you would acquaint Mr. Dyer with the fact that you were going there for the purpose of ascertaining facts?—A. Certainly not.

Q. Was anything said on that subject?—A. No, sir; I do not think anything was said on that subject whatever. I might state here that I mentioned to him that a good deal of the exact language that was used in the district attorney's office would appear almost *verbatim* in the Saint Louis papers next morning, which was a historical fact, and that I had reason to believe that they were giving it out from the office, from the fact that I had not seen any of the reporters in the office. I knew the reporters there.

Q. Were these facts which the President requested you to discover facts bearing upon the alleged conspiracy against him, or were they facts bearing upon the guilt or innocence of General Babcock?—A. The whole conversation bore upon the idea that there was a conspiracy to damage him, through General Babcock; that General Babcock was not guilty, but that an effort was being made to blacken him for the purpose of striking a blow at the President, because he was so near to him; that was the idea.

Q. You have stated that thereupon you withdrew; when did you have another conversation with the President?—A. I had one the next morning about 10 or half past 10 o'clock.

Q. What occurred at that conversation?—A. Very little. He said, "I have spoken to the Attorney-General in regard to your going to Saint Louis. I wish you would go to him and tell him exactly what you have told me, with this exception: do not mention any of the parties here in Washington whose names you have mentioned to me;" in other words, I was not to mention the Cabinet officers or others here—that I should tell him everything that I had told the President, merely leaving those names out. The President had a card already written, and he said, "Take this card to the Attorney-General and he will appoint you." Said I, "Who shall I report to?" He said, "You will report to the Attorney-General;" and he added, "I only wish the facts in the case;" and reiterated at that interview that if General Babcock were guilty he wanted him punished, but if he were innocent he did not wish him persecuted.

Q. When did you have another interview with the President?—A. I suppose it was two days after that. I told him that the Attorney-General had delayed my appointment, and that I did not receive it—that my time was rather precious. The President said, "I will see the Attorney-General again about the matter."

Q. Did you have any other conversation with the President?—A. Not at that time.

Q. When did you have the next conversation?—A. It was after the Centennial excursion which occurred on Friday of that week. Mr. Pierrepont went on to New York and did not return till the following Tuesday. I think I saw him on Wednesday and complained of the delay. I think it was at that time that he asked me if I was certain that Mr. Dyer would desire me there. I had shown him previous to this the Dyer letter which I showed you yesterday. It might possibly have been that it was at the conversation previous that he asked me this; I am not certain about that; at any rate, he says, "Can you get any intimation from Mr. Dyer that he will desire you there."

Q. Who said this to you?—A. The Attorney-General. At that time I thought I was still all right with Colonel Dyer. I told the Attorney-General I would telegraph to Colonel Dyer, and ask about it. He said, "I wish you would." So I telegraphed to Colonel Dyer saying, "The Attorney-General will appoint me to assist you if you desire it." I got no response. I think it was a day or two later than that, and, perhaps, toward the close of that week, that I saw the Attorney-General again, and told him that I had heard nothing from Mr. Dyer, and he said, "Yes;" adding, "You could not be of any use out there unless you could have the confidence of the district attorney, and access to his office." I said, "No." Then he said, "Last night I had written out your instructions, and I should have given you your appointment to day; but a high official came in, an official that I meet on special occasions"—by which I understand he meant a Cabinet officer—"and I remarked how I was going to send Bell out to help Dyer"—and he said to me, "Dyer will not let him work in his office." Now," he says, "you cannot be of any use under those circumstances, can you?" I said, "Certainly not, but I would have preferred to have found this thing out myself;" and I said, "One thing is sure"—(I am giving the language as near as I can remember it in substance)—"that if Colonel Dyer has not already been informed, the party that you saw would undoubtedly inform him," and I pointed out at the window. I was sitting in his office at the time. I said, "If you have said anything to any one in that granite building over there," (pointing to the Treasury building,) "there is no use in my going to Saint Louis." He said, "It is not the Secretary who used that language." Said I, "It matters not who it is; if it is any one in that building, there is no use in my going out." I withdrew.

Q. When did you next have an interview with the President?—A. I went immediately to the President.

Q. Did you communicate to him what occurred between you and the Attorney-General?—A. At the time I went to see the President on that occasion, Mr. Luckey escorted me to the door. I saw the President was engaged, and I withdrew, and made a report of three pages of letter-paper, and gave it to the President, stating to the President the substance of the interview with the Attorney-General, and how my appointment had been defeated. The President read it, and made a short remark, something like "I told him not to mention the name." I have already stated, I believe, that on one occasion, on every occasion, in fact, when I went to see him about the appointment, Mr. Pierrepont said, "I have not had time fully to consult the President about your appointment. I wish to see him and the Secretary of the Treasury about your going out there." I made no remark, but went immediately and told the President that Mr. Pierrepont intended to mention my name to Mr. Bristow. He sent out immediately, "Tell Mr. Pierrepont that I desire to see him before he sees any one else." I went outside and kept on watch, and shortly afterward I saw Mr. Pierrepont come to the Mansion.

Q. Did you have any other interview with the President?—A. At the time I handed him this written report, I said, "I can be of no use there"—meaning in the Attorney-General's office; that is, that I could be of no use as an appointee of the Attorney-General's Office. I said, "Perhaps we had better fall back on the original plan. If I am appointed by the Secretary of the Interior, and ordered to Saint Louis, I think I can still obtain some valuable information, although of course it would be more difficult than it otherwise would have been." He then gave me the card to Secretary Chandler.

Q. Who gave you the card?—A. The President did.

Q. What else occurred, if anything?—A. I think that was my last interview with the President. Soon after this I became convinced that General Babcock was guilty, and I tried to see the President afterward three times, as I have stated.

Q. At any of these interviews that you have had with him, was anything said as to the person to whom you were to report?—A. In the case of the Attorney-General I was to report to the Attorney-General; but in the case of Mr. Chandler nothing was said. There was an understanding between Mr. Luckey and myself that I was to write and telegraph him, and for that reason the cipher was given me, as I have stated, within two or three days after my arrival in Washington, about the middle of December.

Q. What were the papers which you obtained from the office of the district attorney in Saint Louis prior to your coming to Washington?—A. I obtained no papers except the papers which I mentioned yesterday as having exhibited to Mr. and Mrs. Avery, at the Lindell Hotel.

Q. What papers were they?—A. They were three reports made by an attorney by the name of Jesse B. Woodward, of Saint Louis, Mo., to Mr. Douglass, the Commissioner of Internal Revenue; a ribbon telegram from Mr. Bluford Wilson, the Solicitor of the Treasury, asking some person, whose name I don't now remember, to bring Colonel Dyer to his room that night, and a memorandum in pencil from Mr. Bluford Wilson as to the points to be made in the Avery case. Those papers I returned in the course of thirty or forty minutes to Colonel Dyer's office.

Q. How long was it after this that you came to Washington?—A. That was in November. I came to Washington in December. I left Lexington, Ky., I think, on the 11th of December.

Q. What time in November was this?—A. The time I exhibited those papers to Mr. and Mrs. Avery? It must have been about the 26th or 27th, I think; toward the close of November.

Q. You state that immediately after your arrival you saw Mr. Bradley and Mr. Luckey.—  
A. Yes, sir; Mr. A. C. Bradley and Mr. Luckey.

Q. Did you communicate to them the contents of those papers that you had exhibited to Mr. Avery and his wife?—A. I do not think I did. They knew, however, that I had taken the papers. I do not think the contents were mentioned.

By Mr. GLOVER :

Q. How did they know that?—A. I told them.

By the McCRARY :

Q. You stated to them that you had taken papers out of the office?—A. Yes.

Q. Did you state to them that you thought you could be of use?—A. I do not think there was any statement of the kind made. I was summoned here on that general ground. They knew what they desired of me.

Q. Who summoned you here?—A. Mr. Bradley.

Q. Did he summon you by letter?—A. Yes, sir; by letter.

Q. Is that the letter you spoke of yesterday?—A. That is the letter I spoke of yesterday which I read, and it was copied into the record.

Q. You have heretofore stated that you had altogether seven or eight interviews with General Babcock while you were in Washington.—A. Yes, sir.

Q. How many interviews did you have with Mr. Luckey?—A. I saw Mr. Luckey, I suppose, more times than I did General Babcock. I saw Mr. Luckey before General Babcock's arrival from the West.

Q. How many interviews did you have with Mr. Bradley?—A. I met him four or five times, I should judge.

By Mr. GLOVER :

Q. Did you meet any other parties in the interest of General Babcock?—A. At General Babcock's house I frequently met Mr. Storrs, his counsel.

Q. Did you meet anybody else?—A. I met his counsel, Mr. Krum, here two or three times at Willard's Hotel, and Mr. E. W. Fox also, one of the members of the grand jury that found the bill of indictment against him.

Q. If there is any matter or thing relevant to this investigation which you desire to state or explain, you will now please proceed to do so.—A. I knew that Mr. Fox called upon the President several times, and that he was in the habit of going to General Babcock's room late at night.

Q. Who was Mr. Fox?—A. He was one of the members, as I have said, of the grand jury that found the indictment against General Babcock.

Q. How do you know that fact?—A. He told me about it.

Q. Mr. Fox told you about it?—A. Yes, sir.

Q. What did he tell you?—A. He said he knew who his friends were, and he was getting them posted.

Q. Did he say he had communicated with the President?—A. Yes, sir.

Q. Where did those conversations take place?—A. At Willard's Hotel, room No. 124, and once, I think, in the reading-room; and I think also at another time at the Ebbitt House.

Q. Was Mr. Fox aware at this time that you were employed as you have stated?—A. I suppose he was aware that I was friendly to General Babcock up to the time that I quit his service.

Q. Were those interviews prior to or after the time that you quit his service?—A. Prior.

Q. And prior to your visit to New York?—A. Yes, sir.

Q. Did Mr. Fox state to you how many interviews he had had with the President?—A. He said he had had several; he had been up to General Babcock's house several times, and he also remarked that he had a claim of \$150,000, and knew who his friends were.

Q. Did Mr. Fox state to you what communications he had made to the President?—A. No, sir; it was more understood—more tacitly understood than spoken of; it was an understanding that he was in the same line of work that I was.

Q. What do you mean by saying there was an understanding? Give us the facts.—A. When men are engaged in work of this kind they understand each other pretty fully without much conversation. He knew that I was friendly to the President and to General Babcock, and that I believed General Babcock to be innocent, and that the indictment was found on insufficient testimony.

Q. Had you so stated to him?—A. Yes; that was spoken of several times.

Q. Did he agree with you in reference to that?—A. He did not deny it at all.

Q. Did you charge to him that this indictment that had been found by the grand jury of which he was a member, had been found upon insufficient testimony?—A. Yes, sir.

Q. And he made no denial of the fact?—A. He made no denial.

Q. Is there any other matter or thing which you have not explained in reference to this matter?—A. No other matter at present. There will be other witnesses probably called before the committee, and in the testimony which I give now, I cannot forestall their testi-

mony; so I prefer to wait. This has all come up before another committee, and there are many facts that I know which if I should state now would not be relevant.

By Mr. MCCRARY :

Q. Then there is no other fact that you think of other than those you have already stated ?

—A. Nothing that would be relevant now.

By Mr. GLOVER :

Q. Did you learn who that high official was that you said the Attorney General alluded to or spoke of ?—A. I believe I do, now ; I did not then.

Q. Who was it ?—A. I believe it was the Secretary of the Treasury ; but this will come out hereafter. I am forestalling it now. He said it was not the Secretary at that time, and I so reported to the President that he stated that it was not the Secretary of the Treasury.

By Mr. MCCRARY :

Q. You went to Saint Louis to remain, in August, 1875, did you ?—A. Yes, sir ; I was ordered there by the Post-Office Department as special agent.

Q. Did you make that your headquarters from that time forward ?—A. Yes, sir : my headquarters were there.

Q. And are there still ?—A. I am now out of the service.

Q. How long did you remain in Saint Louis after going there in August ?—A. I was continually off on trips for the Post-Office Department in regard to the detection of frauds on the mail-service, such as mail-robberies, &c.

Q. You did not spend much time in Saint Louis, then ?—A. Very little of my time there.

Q. When did you first come to Washington after being employed in the interest of General Babcock, or after you had been spoken to on that subject ?—A. I left Lexington, Ky., on, I think, the 11th of December, and arrived here the following Monday. If I had a calendar I could give the exact dates, but I cannot remember now whether Saturday was the 11th or not.

Q. About the 13th of December, then, would be the day ?—A. About the 13th of December, I think.

Q. You had previously seen Mr. Luckey on the subject ?—A. Yes, sir ; at Saint Louis.

Q. What was the date of your interview with him at Saint Louis ?—A. There were several interviews ; I suppose they commenced about between the 16th and the 20th of November, as near as I can recollect.

Q. It was in the course of these conversations that you were employed by Mr. Luckey ?—A. Well, it seemed to be a dual matter between him and Mr. Bradley. Mr. Bradley was represented to me as the attorney of and acting in the interest of General Babcock.

Q. At what date did you consider yourself employed to serve General Babcock ?—A. Well, from the time of my first interview with Mr. Luckey. He said he desired me to stay with them and aid them. He did not introduce me to Mr. Bradley for several days ; that would make it, I suppose, after the 20th, perhaps about from the 16th to the 20th.

Q. You would be willing to say then that you were employed about the 20th of November ?—A. Somewhere about that date.

Q. How long did you remain in Saint Louis after your employment ?—A. I remained there until the 3d of December. I then dropped the matter and went to work for my paper—went to Lexington, Ky., but by reason of the promises that I had made to Mr. Luckey and Mr. Bradley, I wrote to Mr. Bradley for Mr. Luckey (the letter was to be shown to him) about the 5th or 6th of December.

By Mr. GLOVER :

Q. Did you keep a copy of this letter ?—A. I think I have got a copy among my papers ; I got my papers out of the express-office this morning, but I have not got all through them yet ; there is such a mass of them. I am pretty certain I have it.

Q. You say you dropped the matter about when ?—A. About the 3d of December. I did not do anything about the matter until I came on here.

Q. On the 3d of December you dropped it. At the time you dropped it and started for Lexington had you then made up your mind that General Babcock was guilty ?—A. No, sir ; I firmly believed in his innocence.

Q. Then why did you drop the matter ?—A. Well, there had been no definite arrangement made in the matter. I had been very inadequately paid for my services up to that time, and I concluded I would not have anything more to do with it, and I wrote to Mr. Bradley as I have stated, and then I received his letter, which I exhibited yesterday, and although the position I had had was a very good one, I wished to be of use to the President, and I came on.

Q. Before you left Saint Louis you had talked fully with Mr. Luckey and Mr. Bradley on the matter ?—A. I had, sir.

Q. And they had informed you that they desired you to ascertain the character of the evidence in the hands of the district attorney ?—A. Yes, sir. I might state here that one time when I was at the White House, Mr. Luckey showed me a letter from General Babcock,

dated in Chicago, stating that he wished him (Luckey) to keep Bell where he could have him at hand.

By Mr. GLOVER:

Q. This letter was addressed to whom?—A. It was addressed to Mr. Luckey, and was from General Babcock. That is what induced me to remain at Saint Louis.

By Mr. McCrary:

Q. Did you not think it rather singular, if General Babcock was entirely innocent, that it should be necessary to get at the evidence in the hands of the district attorney to see what there was against him?—A. No, sir; I did not think that at all singular. If I was charged with any offense, I should like to know what foundation there was for it in the evidence.

Q. If you knew there was no foundation for the charge you would not care to see the evidence, would you?—A. I should still like to see the evidence. In my experience in the last fifteen years I have known such things as putting up jobs on a man who is entirely innocent. I have unraveled some such jobs myself.

Q. You impressed upon Mr. Luckey and Mr. Bradley, as well as upon the President, your firm conviction that General Babcock was innocent?—A. I did.

Q. And that there was a conspiracy to injure the President by prosecuting and convicting General Babcock?—A. Yes. I will remark also that Mr. Luckey told me he had been told the same thing by friends of the President in Saint Louis, and that what I told him only corroborated what he had previously heard.

Q. You remained of that opinion until you had some conversation with General Babcock?—A. After my arrival here; yes, sir; and for some days after his arrival here.

Q. Where was that conversation held which resulted in changing your views about General Babcock's guilt?—A. At his office, on Pennsylvania avenue.

Q. About when?—A. I cannot fix the date of that, but it was after Christmas.

Q. You say you had some dozen conversations with General Babcock during that day in Washington?—A. I had quite a number. I cannot remember the exact number; probably seven or eight. It might have been as many as ten or twelve.

Q. Was it the last one that convinced you of his guilt?—A. No, sir.

Q. Do you know which one it was?—A. It was along about the middle of the different conversations that I had with him.

Q. Then you had four or five more conversations with him after you considered him guilty?—A. Yes, sir; I had.

Q. You did not deceive him by letting him know that you thought he was guilty?—A. It was not necessary. The character of the conversations was such that I supposed we both understood it. I will state here that, after my failure to obtain the appointment from Mr. Pierpont and my report to the President, of which I spoke, we talked about it, and General Babcock talked pretty roughly about Mr. Pierpont, and he and Storrs then suggested that I should appear to go over to the enemy; in other words, that I should make overtures to Secretary Bristow and endeavor to get employment there, where I would have better opportunities.

Q. What was the date of your appointment by the Secretary of the Interior?—A. The 5th day of January.

Q. And you had, about Christmas time, made up your mind that General Babcock was guilty?—A. After Christmas.

Q. How near after Christmas?—A. Well, I suppose it was between that and New-Year's, as near as I can remember.

Q. But you still obtained an appointment for the sake of going out there and working in his interest?—A. There were other matters that the President desired to be informed upon. I suppose I obtained the appointment, as I understood it, as much for the services I had already rendered as anything else, although it was understood that I was to go to Saint Louis. I did not go, however, after I obtained the appointment. The appointment was held out to me at the start as a reward for the services I would render. Very little money was paid by General Babcock to me, and I lost a good deal of time and spent a good deal of money in the matter.

Q. But you led the President, you say, to believe that you were going out there?—A. To see what was going on.

Q. And you led him also to believe that you considered General Babcock innocent?—A. There was nothing said about it at that interview. I was pretty well satisfied in my own mind that he was guilty, and after I got fully satisfied of it I wanted to see the President and tell him the whole thing. I understood perfectly General Babcock's position with the President, and knew that to make this statement would perhaps be disastrous to myself.

Q. What was the date of your conversation with the President in which you told him that there was a conspiracy to convict General Babcock and to injure him, (the President? )—A. The day of my arrival in Washington in December? it must have been about the 13th of the month.

Q. Then you had how many conversations with the President?—A. Three or four.

Q. Running through what length of time?—A. I think every conversation I had with

the President was in December. I will state here that there is a discrepancy in dates, now that I recollect about it. You must remember this is a long period of time, and I have to reflect a little. The card that the President gave me to Mr. Chandler, when I come to reflect upon it, was given to me before I was satisfied from the conversations I had with General Babcock that he was guilty. That slipped my mind for a moment, and I have just reflected on the date. I remember that from this fact, that it was nearly two weeks from the time the card was given me by the President before I got the appointment from Secretary Chandler, which I did on the 5th of January. He put me off saying he was going to re-organize his Department in a few days, and that when he did so I should have the appointment.

Q. You never intimated to the President in any conversation you had with him that you had changed your mind as to the innocence of General Babcock and the conspiracy against him?—A. No, sir.

Q. You saw the Secretary of the Interior the day that you were appointed, did you not, or about that time?—A. No, sir; I did not.

Q. You saw him the day he gave you your commission?—A. He did not give me my commission; I saw the Assistant Secretary, Mr. Cowen, and he sent me over to Mr. Stiles, the appointment-clerk, who handed it to me.

Q. Did you ever intimate to anybody that you believed General Babcock guilty, up to the time you got your appointment?—A. I do not remember that I ever did.

Q. Can you recollect now what occurred at the first conversation you had with General Babcock after you came to Washington?—A. At the time the President gave me the card to obtain the appointment I had not made up my mind that General Babcock was guilty. I stated to General Babcock the substance of the same matter that I told the President, and further told him what Mr. Bradley had said to me in Saint Louis about extracting the evidence, and he said, "We will talk about that another time."

By Mr. GLOVER:

Q. General Babcock said this?—A. Yes; and said he, "I wish you would put what you said to me in writing." About two days afterward I gave him this rough draught of my report.

Q. Had you changed your mind as to the guilt of General Babcock before the last interview with the President?—A. No, sir; although I had my appointment, and it was worth \$2,200 a year, I still felt it my duty to the President, as he had asked me to inform him, to try and inform him, and I went three times to see him.

Q. What was this salary you were getting?—A. Three dollars a day as per diem, and \$1,200 a year. The cash that would be paid to me in the course of a year I figured at \$2,195, besides railroad fares, carriage-hire, and incidental expenses.

Q. That was in the service of the Interior Department?—A. Yes, sir.

By Mr. McCRARY:

Q. Mr. Bradley had asked you before you left Saint Louis to abstract papers from the district attorney's office?—A. He had, sir.

Q. That did not excite any suspicion in your mind?—A. I am not willing to condemn a principal for the act of an agent; I prefer to see the principal. I thought, perhaps, he was a little over-anxious.

Q. When you first came here you told General Babcock that Mr. Bradley had made this request?—A. Yes, sir.

Q. General Babcock did not repudiate it?—A. No, sir; he said, "We will talk about that another time."

Q. You still did not lose confidence in his innocence?—A. Not at that time; no, sir.

Q. And when he talked to you about certain dispatches you say it was then that you changed your mind?—A. I spoke to him, and mentioned, I think, at the same interview (though it might have been a subsequent interview) that Mr. Bradley also mentioned that there were some dispatches and letters that he had sent, signed "B. Finch" and "Bullfinch," and General Babcock remarked, "I do not think I sent any with that signature to that quarter."

Q. That was at the first conversation after you came to Washington?—A. I think so; but I am not positive in regard to that; I believe, however, that it was; it might have been when I submitted this rough draught of my report.

Q. I wish you would state which one of the conversations with General Babcock it was that led you to believe that he was guilty, and when that conversation was.—A. I cannot fix the conversation. It was some days after his return from Chicago—in the latter part of December—that the matter came up again in reference to the destruction of the evidence if I went to Saint Louis. He then said, "I do not wish the evidence unless you can get it all; a part is worse than none."

Q. That was how long after you reached Washington?—A. Well, he did not arrive here for a number of days; I suppose it was two weeks after my arrival here.

Q. What was the date of your last conversation with the President?—A. I cannot give that date; it was after the return of the congressional excursion party—it must have been

about the Thursday succeeding the congressional excursion to Philadelphia. I fix that date from the fact that Mr. Pierrepont went on to New York and did not return until the following Tuesday. I saw him Wednesday, and I think I made my report to the President on Thursday; and that was the last time I saw him.

Q. What was the date of that excursion to Philadelphia?—A. I think the Friday succeeding my arrival, so that would make it about the 17th, I should judge, of December. I would say that I went up to the White House several times after the President gave me the card to the Secretary of the Interior, but I only saw Mr. Luckey, and I complained of the delay, and he spoke to Mr. Chandler once in my presence about it to some extent, and I heard Mr. Chandler say, "The President has spoken to me about it, and it will be attended to." The second time I went up and called he again mentioned it, and the third time the Secretary said, "Why, he has already been appointed." I went down then and found that I had been appointed two days before. I took the oath that day, and got my commission.

Q. Did you then intend to go to Saint Louis?—A. No, sir; only on official duty, which I afterward did.

Q. You did not intend to take any action in regard to the Babcock case?—A. No, sir.

Q. You knew you had obtained the appointment by promising the President to do so, did you not?—A. I cannot say that there was any understanding in regard to that matter. I took it that I was to have the appointment for services already performed. Of course I knew that General Babcock would like to use me in that way, but I said nothing to the President in regard to it.

Q. You say you said nothing to the President about going to Saint Louis and ascertaining the facts after he had given you the appointment?—A. At the time he gave me the card to Mr. Chandler it was understood that I would go to Saint Louis; but a number of days elapsed, perhaps two weeks, before the appointment, and nothing further was said about it, and I did not intend to go then.

Q. Do you say it was or was not understood between you and the President that you should have an appointment under the Secretary of the Interior, and that under that appointment you should go to Saint Louis and ascertain the facts in regard to the Babcock case?—A. It was at the time he gave me the card to the Secretary of the Interior.

Q. And in the mean time you did not expect to go?—A. In the mean time I had discovered that General Babcock was guilty, or at least I believed he was—in fact I knew it—and I did not go, and did not propose to.

Q. You did not go back and tell the President, though, that it would not be necessary to give you that appointment for that purpose?—A. No, sir; I did not; but I tried to see him and tell him what I knew in regard to General Babcock, but failed to see him. I did not think it was necessary to resign the position, under the circumstances.

Q. You stated that you got the appointment not intending to go to Saint Louis, or to do anything at all about the Babcock case?—A. When the card was given to me to get the appointment I intended to go; but when I got the appointment I had in the mean time made such discoveries that I did not intend to go.

Q. How many days intervened between the time you got the card to the Secretary and your appointment?—A. I cannot distinctly remember; it was quite a number of days: it might have been two weeks, perhaps.

Q. After you got the appointment from Secretary Chandler you went to New York, you say, in the service of General Babcock?—A. No, sir.

Q. Did you not so represent to Secretary Chandler, or some of his subordinates, when you got your pay?—A. I told him that I had been employed, and told him that I had gone to New York, and that General Babcock knew that I had gone to New York. There was a matter which he desired to ascertain in regard to the authorship of some articles, and I regarded it as a matter in which the President was interested, and I felt willing at one time to look into the matter. He did not furnish the funds, and I did not do anything with it.

Q. When you came here you expected to get a pretty good appointment, did you not, and you were considerably disappointed about that?—A. It was my own suggestion that I would take an appointment, at, I think, much less than the one I expected to get, because I believed I would be of more use to the President. It was my own suggestion to go into the Attorney-General's Office. I volunteered to waive the other, because I thought I could not be of any use to him there.

Q. When you got the appointment under Secretary Chandler, General Babcock, the President, Mr. Bradley, and Mr. Luckey all believed, from your representations to them, that you were getting that appointment in order to serve General Babcock?—A. When I was recommended for that appointment by the President, I suppose they believed that I was going still to continue in General Babcock's service, that is, to work to see what was going on against him.

Q. Please answer my question. When you were appointed, did not these parties all suppose, and had you not led them all to believe, that you were Babcock's friend, and were going to serve him?—A. As I have already stated, I tried to see the President three times after I got this appointment.

Q. I am asking about the time of the appointment, not the time after?—A. I do not know that I understand you. I cannot tell what these parties understood; you should ask them.

Q. Had you not told all of them repeatedly that you were going to serve General Babcock in that case?—A. No, sir; I did not tell them repeatedly. When the recommendation was given to me by the President, it was understood that I was to be appointed immediately and ordered out to Saint Louis. I was not appointed immediately, and I was not ordered out to Saint Louis. They were to see Secretary Chandler; the President was to speak to him and have me appointed immediately and sent out there, and it was not done.

Q. You say you were employed by Luckey and Bradley to serve General Babcock; did you ever notify them that you proposed to cease that labor?—A. Most certainly I did not. Q. You applied to the President for this appointment, in order that you might go to Saint Louis and be of service to him?—A. Yes, sir.

Q. And when you got the appointment you had concluded not to go?—A. Yes, sir; but I tried to see him and tell him the change in my belief as to Babcock's innocence.

Q. But you had changed your opinion before you got your appointment, you say?—A. I had changed it in the interval between the time I was recommended and the time I had obtained the appointment.

Q. When you changed your opinion did you cease to press your application for that appointment?—A. I cannot remember the dates; I do not think, however, it would have made any difference to me. I desired the appointment to re-imburse me for the money I had expended and for the time I had lost. I did not consider it my duty to continue to render services of the character he desired when I was satisfied of his guilt. I did not consider that that should be a bar to being paid for what I had done.

Q. Your suspicions were kindled because General Babcock said that if you did not get all the papers it would not be worth while to get any?—A. That is what commenced it; and his not discountenancing what Mr. Bradley said to me in Saint Louis rather shook my confidence in his innocence, and my doubts accumulated after that, other circumstances arising to confirm them.

Q. When did you lose confidence in Avery?—A. I lost confidence in him at Saint Louis, but I was not fully satisfied about his guilt until after I came to Washington. He sent for me several times to come to his house on Corcoran street, and we had some conversations there.

Q. Did Avery request you to abstract papers from the district attorney's office?—A. Yes, sir; he wished to see all the evidence there was against him.

Q. Did he tell you to get it all did he say a part would be of no use?—A. He did not say anything about that.

Q. If he had said to you not to bring a part, but to be sure to bring it all, inasmuch as part would do no good, would you have abandoned his service and considered him guilty?—A. If he had desired to get them for the purpose of destruction, I should consider him guilty.

Q. Did General Babcock ever say anything to you about the destruction of papers?—A. That was understood—that if I got them they were, of course, not to go back as Avery's had gone back.

Q. Avery did not say anything about destroying papers?—A. Not that I remember of.

Q. You continued, then, in the service of Avery after he had requested you to do this?—A. I never was in Avery's service. What I did for him was a friendly act.

Q. When was it that you got those papers from the district attorney's office?—A. A very short time before his conviction.

Q. How did you get them?—A. They were lying in a package on Colonel Dyer's table, and I took them over to the Lindell Hotel.

Q. At what time in the day was it that you got them?—A. It was before court met. I suppose it was between 9 and 10 o'clock in the morning.

Q. Did you get them all off the table, or some out of the drawer?—A. They were in a package in a large envelope.

Q. When did you first tell anybody that you believed General Babcock to be guilty?—A. I cannot remember the date, nor can I remember the person.

Q. How soon after you got that appointment?—A. I cannot answer that question, for I do not have any remembrance in regard to it.

Q. Can you tell whether it was within a month or two months?—A. It was within a month, probably; it might have been longer.

Q. Did you ever say to anybody that you believed General Babcock to be guilty until after you were discharged from that appointment?—A. Yes, sir.

Q. Whom did you say it to?—A. I cannot remember. The date of that cipher-telegram is long prior to the close of his trial.

Q. That cipher-telegram did not say that you considered him guilty, did it?—A. I think it states so pretty explicitly.

Q. Was your name published in that paper?—A. No, sir. The circumstances were such, however, that they would be recognized, I think, by those who were "in."

Q. If you can do so, I wish you would name the first person whom you spoke to about General Babcock's guilt.—A. I cannot name the first person I spoke to.

Q. Can you name anybody?—A. Yes. I spoke to Robert Bonner, of the New York

Ledger, in regard to it, and to Mr. Connery, the managing editor of the New York Herald, in regard to it.

Q. Did you tell them that you thought General Babcock was guilty?—A. I told them that I knew he was guilty.

Q. At what date was that?—A. I spoke to Robert Bonner, I suppose, about the 25th of January, and to Mr. Connery about the 6th or 7th, perhaps, of November.

Q. Did you tell them both that you knew General Babcock to be guilty?—A. I told them that I was perfectly satisfied of his guilt, and delineated some of the conversations we had, as I have given them in my testimony here. Mr. Bonner urged me to go to the President, and, if necessary, to force myself into his presence, and said it was a duty that I owed him. I told him that I had tried to see the President three times; and Mr. Bonner told me that I should then take such steps as would satisfy the President.

—By Mr. GLOVER:

Q. That was before your dismissal?—A. Yes; I was still in the service then.

Q. You had received your appointment?—A. Yes. When I left Washington on the 3d of February I took a large bundle of pension-cases to examine, and had commenced labor on them at the time I was dismissed, and had determined to have nothing more to do with this case.

Q. What was the date of that report that you made to Mr. Luckey, and which you put in evidence, marked "A"?—A. No; that is the report to General Babcock—the report I made two or three days after his return from Chicago.

Q. Can you give the date of it, or is it dated?—A. It is perhaps dated about Christmas. I do not know with certainty that it is dated. This is what is known as the Storrs affidavit; it is the rough draught. [Witness produces the draught referred to.] I see that it is not dated. General Babcock desired me some time afterward to make an affidavit of the correctness of the report, which I did.

Q. You are sure it is not dated?—A. This rough draught is not. The regular report is made up from this, with the portions left out that he desired me to leave out. I am not certain but what this report is dated. It is in the hands of the official reporter.

Q. I wish to inquire of you again whether it was your understanding when you were appointed by the Secretary of the Interior that you were to work in the Babcock case?—A. I can only answer as I did before, that when I was recommended for that appointment it was understood that I was to go to Saint Louis on this work, but an interval elapsed in which I became satisfied of General Babcock's guilt, and I tried to inform the President, but failed to see him.

Q. You say you had some conversation with Mr. Chandler at the time of your appointment?—A. Very little. I was there two or three times to see why the delay occurred, and I would go over to the White House and see Mr. Luckey about it.

Q. Have you not sworn that Mr. Chandler knew when he appointed you that you were to work in the Babcock case under the appointment?—A. No; I do not think I stated it in that shape. He was spoken to by the President in regard to the matter. I was to be appointed promptly and ordered to Saint Louis, as I was informed at the White House. I suppose he understood what was desired, because I did not hesitate at one or two interviews before my appointment to mention it to him. I did not say a great deal to him, but I said, "Do you understand how I am to be appointed; that I am to go to Saint Louis?" He said yes, and seemed to understand it fully.

Q. At the time you said that to the Secretary you did not intend going to Saint Louis at all?—A. I did at first. These interviews were before my appointment. I did not see him for several days prior to my appointment—perhaps four or five days, perhaps six or eight.

Q. Have you not testified that you saw him after your appointment, and said to him, "I suppose you know how I am appointed?"—A. That was on the occasion of my return from New York.

Q. Have you not testified that he then knew, or did you believe he knew, that your appointment was made in order that you might work in the Babcock case?—A. I do not think I have testified in that shape. I have testified that I believed he understood how I was appointed and for what purpose, and I still believe so from the fact that I have subsequently spoken of matters to him and asked him if I should enter into details, and he said it was not necessary; but on my return from New York he wanted me to give some indication that I was employed.

Q. How do you explain the fact that you say took the appointment, not intending to go to Saint Louis, but yet that the Secretary of the Interior knew that you were appointed for that very purpose?—A. I can explain that, I think, to your satisfaction. I will try to do so, at least. I had lost a good deal of time and expended a good deal of money for General Babcock, and at the time I was recommended for this appointment I still believed in his innocence and was willing to work in his interest, and up to within a short time before I was appointed. But I wanted my pay for the services which I had rendered, and it was understood that I was to receive my pay from the Interior Department,

Q. Then you say now that the Secretary of the Interior did not understand that you were to go to Saint Louis on that appointment?—A. I do not say anything of the kind. If my

appointment had been promptly made, undoubtedly I would have been ordered to Saint Louis. The appointment was delayed about two weeks, and I did not get any orders to go to Saint Louis. I went away. On my return I went to Mr. Le Barnes and said, "I am ready now to go to work and would like to go to work." He made up a number of cases with all instructions, and I went to Saint Louis, and went regularly to work. I had then been in the service perhaps four or five weeks. I would say this, that at the time I was looking about for General Babcock I had my books and pamphlets from the Interior Department, and was studying them up, qualifying myself for service as a special agent of the Department; which papers and books I returned when I went out of the service.

Q. Up to the time you got that appointment you had not told anybody that you had concluded that General Babcock was guilty?—A. I think not.

Q. After failing to see the President did you go to New York to have this matter published in the New York Herald?—A. No, sir; I did not go there for that purpose; it was three weeks after my arrival there before it was published. I hesitated about it some time.

Q. You tried three times to get in to see the President?—A. Yes, sir; Mr. Bluford Wilson was there on one occasion, and knew that I tried to see him.

Q. You thought, then, the best way to reach him was by this publication in the New York Herald?—A. Yes I did; I thought that if it was published in some paper, or put in shape, he would certainly see it.

Q. How did you send the Herald to him?—A. I took a copy of it to the White House and sent it in.

Q. Did you ask to see him that morning?—A. I did; I had asked to see him the day previous.

Q. You sent it in by the doorkeeper, did you?—A. I did not know who it was. It was some one of the young men there.

Q. Did you not know that about the last way to reach the President would be by publishing an article in the newspapers, expecting it to reach him?—A. No, sir; I knew that it would be, in all probability, the very best way. I know that the newspapers are clipped every morning, and I know how they are put up, and know just the shape in which they are placed before him.

Q. You think that is the best way to put anything before the President?—A. I will not say it is the best way; I will say, perhaps it is the surest way.

By Mr. GLOVER:

Q. You had failed in your efforts to see the President, had you?—A. I had.

By Mr. MCCRARY:

Q. Do you know whether the President reads the New York Herald?—A. I have seen him read clippings from it. I do not think he often reads a paper through. I think he generally gets his information from clippings that are put together in a bunch and placed on his table in the morning. I have seen them made up many times at the White House, and I know that during the Babcock trial clippings were pretty extensively sent him.

Q. What did you ever say to the Secretary of the Interior about looking after the Babcock case if he would appoint you?—A. I never said anything of that character.

Q. You did not mean to testify, then, that you told the Secretary of the Interior that you were appointed for that purpose or with that understanding?—A. The matter was more tacit than explicit, as I have stated I do not know how many times. That is, I would say to him, "You know how I am appointed;" and I mentioned to him Babcock's name on two or three occasions, and I know that Mr. Le Barnes, the chief of the secret-service division, had mentioned it to him, or at least he informed me he did. I went to the Secretary's Office very often.

Q. But you cannot repeat anything that was said to him?—A. I cannot; but I am perfectly sure that he understood the matter, and did not care to go into details.

Q. If, from what you said to him, he did appoint you, expecting that you would go to Saint Louis, you deceived him, did you not?—A. I did not, because the President told me that he had explained to Mr. Chandler, and I would be ordered to Saint Louis when I was appointed.

Q. But you say now that you did not intend to go to Saint Louis.—A. You do not get the dates right; there are twelve or fourteen day's difference.

Q. I am talking about the time of your appointment.—A. I am not talking about the time of my appointment.

Q. If, at the time he made your appointment, he believed from your statements that you were to go to Saint Louis, he was misled by these statements?—A. Not at all; he had to order me to Saint Louis. I was not to go there of my own responsibility. He was to give me orders.

Q. Why did you not say that you did not intend to go to Saint Louis, but at the time you got the appointment that it was to secure the pay?—A. I do not propose to be confused in this matter at all. It is perfectly clear to my mind, and I will state the matter again. At the time I was recommended to him by the President it was understood that I was to go to

Saint Louis. Days elapsed and I was not appointed, and in the interval I became satisfied of Babcock's guilt, and I did not intend then to go to Saint Louis. When I returned from New York I asked to be sent to Saint Louis upon pension-cases. Pension-cases were given to me and I took them with me. Before I started I sent a copy of this New York Herald, containing the cipher dispatch, in to the President; I suppose it reached him. I went over to Saint Louis, and in a few days afterward I was removed. I think that the notice of my removal did not reach me for some time afterward, because I had gone from Saint Louis, if I remember right. I am not certain, however, as to the date of that. I know I did not get my final accounts settled for some time after.

Q. On what days were you in New York?—A. I reached there, I think, on the morning of the 20th of January, and I left there, perhaps, on the 8th or 9th of February, returning here.

Q. Then it is true that at the time of your appointment by Secretary Chandler you did not intend to go to Saint Louis?—A. Not in General Babcock's interest; no, sir. I did intend to go there, and did go there finally.

Q. Is it true that Secretary Chandler at that time supposed that you would go to Saint Louis in General Babcock's interest?—A. If he ordered me there I suppose he thought I would obey his order.

Q. What was there in this cipher clipping in the New York Herald to show that it came from you?—A. If you read the printed matter in connection with it, I think it will be clear. I cannot state fully, so that it would be clear to you, perhaps. The commission that I was to have been sent on was understood.

Q. I fail to see what there is in that that indicates that it came from you. I would like to have you point it out.—A. It is one of those things that it would be difficult to explain. An explanation is one thing, and an understanding is another. I do not know that I could give it clearly to you. I was satisfied that if the President saw it he would know where it came from.

Q. Why were you satisfied of that?—A. That is a matter that language is not adequate to explain fully.

By Mr. PLAISTED :

Q. Not adequate, you mean, to explain the difference between an understanding and an explanation?—A. Well, it is a little obscure.

By Mr. McCrary :

Q. Would it not have been a little more definite if you had put your name on it?—A. I did not choose to do so at that time. My name was on the cipher telegram, but I had it expunged before it was put in.

Q. There is no reference to you in this article?—A. Well, sir, I will try to make it clear to you. The President knew that I had been employed by General Babcock, and Mr. Luckey had talked with him a good deal about it, and I had met him myself. There are circumstances connected with it that I do not know that I could explain clearly, but I am perfectly satisfied that he would know what it was, and I am more than satisfied that some one knew what it was, from the fact that I was immediately removed from the service. Perhaps that explanation will be clear enough. I do not, however, wish to forestall testimony that is to come, but Mr. Chandler said that the President told him that I was a scoundrel and wanted me removed "immediately." That was immediately after the publication.

Q. Perhaps you thought he would understand this part of it as referring to you, [reading from the cipher article in the Herald:] "All the rest of the words on the right-hand side, written at right angles with the other, are in the handwriting of the detective, whose name we prefer not to disclose at present. This detective, as will be inferred, was in the employ of Babcock until he became satisfied of Babcock's guilt, and withdrew from the case, considering his duty to the Government of more consequence than loyalty to supposed defrauders of the revenue." Did you expect that the President would recognize that as referring to you?—A. I thought he would, and I thought he would very soon ascertain where it came from, if he did not know fully himself.

By Mr. PLAISTED :

Q. You say you were removed because of the publication of that cipher dispatch?—A. No, sir; I will not say that; but I say I was removed immediately after its publication.

Q. But not because of it?—A. I cannot say that; I merely say that the inference is very strong that that was it.

Q. That is your opinion?—A. That is my opinion; yes, because there are no charges against me.

By Mr. McCrary :

Q. Do you know whether the President had heard of your abstracting the evidence from Colonel Dyer's office in the Avery case?—A. No; I do not know anything about that.

By Mr. PLAISTED :

Q. Your object in publishing that letter was to have it reach the President?—A. Yes, sir.

Q. Had you ever written the President?—A. No, sir; I did not wish to do that. He opened very few of his own letters.

Q. And you could not get access to him?—A. I had tried three times previously before leaving for New York, on the 19th of January, to get access to him, intending to inform him, but failed to see him.

Q. Did you see him before your appointment?—A. My appointment was ordered directly by the President.

Q. Well, you saw him in relation to your appointment, did you not?—A. Yes, sir; in two different departments.

Q. How many times?—A. I saw him three or four times in all.

Q. You saw those slips of papers there, did you, on his desk?—A. Yes, sir.

Q. I think you said you saw those a good many times?—A. O, yes; I have been in the White House frequently for years past, and am perfectly familiar with the routine.

Q. Did he admit you on a card usually?

The WITNESS. Do you mean when I called?

Mr. PLAISTED. Yes; did you send in your card, or would you walk right in, merely giving your name?—A. These four times I speak of Mr. Luckey just sent in and told him I was there, or perhaps sent in my card; at any rate I saw him.

Q. Did you ever have any difficulty in seeing him?—A. It is generally difficult to see him.

Q. You say you have seen him quite a number of times?—A. I served with him during the war.

Q. Before your appointment did you have any difficulty in getting an interview with him?—A. Sometimes it would be two or three days.

Q. When you saw him to get your appointment did you have any difficulty?—A. The first time it was by appointment made by Mr. Luckey.

Q. Were you denied admission to him at any time when you called to see him before you were appointed?—A. In years past, sometimes there have been such occasions.

Q. I mean when you were seeking your appointment?—A. I did not seek any appointment.

Q. Did you not have several interviews with him about the time you were seeking an appointment?—A. If you will permit me to state it, I will state it clearly to you.

Q. We will get at it in proper order. You say you had three or four interviews with him?—A. Yes; but it was on his own matters, not on mine. I threw up a commercial position to come here to be of aid to the President, a position that paid me even more than the salary of the chief of the secret-service division in the Interior Department.

Q. How happened it that immediately after your appointment you failed to get access to the President?—A. Whenever I went there I sent my name in, on one occasion by the door-keeper, on another occasion by Mr. Luckey, and on another occasion by a door-keeper by the name of Jones, and I was simply told that the President was engaged.

Q. Did you see Mr. Luckey either time?—A. Yes; I saw him one time.

Q. Did he say he would speak to the President about you?—A. He went in and said the President was very busy and could not see me. He says, "The President cannot see you to-day." I suppose the President considered the matter as closed.

Q. Did you state to Mr. Luckey at that time, or had you stated to him before that time, that you had changed your opinion as to the innocence of General Babcock?—A. Most certainly not.

Q. Then he still supposed you were in the service of General Babcock, did he?—A. I do not know; he might have supposed so.

Q. And he could not get an interview for you with the President?—A. He did not get it.

Q. Did you say you were anxious to see him?—A. I said I desired to see him very much.

Q. On what?—A. Important business.

Q. Did you say "very" important business?—A. I did not say "very" important. I said important business.

Q. And Mr. Luckey could not get you an interview?—A. I only know he did not get it.

Q. Were you in New York when the cipher telegram was published?—A. No, sir. It followed me here. It was published a day or two after I left there.

Q. Did you see the editor of the New York Herald while you were there?—A. I had some talk with Mr. Connery at the time I was there.

Q. Did you give the manuscript to a correspondent?—A. I did not.

Q. Not to a New York correspondent?—A. I did not.

Q. How did it get into the hands of the editor?—A. I gave it to Mr. Connery in person at the New York Herald office.

Q. Just as it is published here?—A. Yes, sir; just as it is published here.

Q. With the explanations that appeared there?—A. I do not think I made any explanation. The explanation is written on the lower edge of it; it is the key to it.

Q. What day was it that you gave it to the editor of the New York Herald?—A. Perhaps two days before its appearance.

Q. Did you go to the office of the New York Herald?—A. Yes, sir.

Q. Did you tell the editor what your business was?—A. I have been a contributor to the Herald for years. I had other business.

Q. Were you under pay?—A. I have received pay for my services, of course.

Q. What did they pay you for this article?—A. They paid me \$50 some weeks afterward. I made no stipulation in regard to it, however; nothing was stated about it.

Q. It was about the 8th of February when you left New York?—A. The 8th or 9th, perhaps.

Q. And you were under pay of the Government at that time?—A. Yes. I did not go there on that business, however. I will state to you that I had no intention, when I went into the Herald office, of showing this paper to the editor; but the conversation came up about General Babcock and his probable guilt, and I spoke to him about it.

Q. Before you went to New York, did you tell anybody that you had suspicions on the subject, or believed General Babcock was guilty?—A. I don't remember of having told any one. I might have done so.

Q. How long after you came from New York did you mention it to anybody?—A. I think the day after my arrival I saw Mr. Bluford Wilson and told him the whole matter.

Q. The day after your arrival in Washington?—A. I think it was that day.

Q. That was after the publication of the cipher?—A. It had not arrived then. I think it did arrive the next day.

Q. You expected that it would arrive?—A. I was not certain they would publish it at all. Mr. Connery desired to show it to Mr. Bennett.

Q. You say General Babcock wanted you to get all the papers in the district attorney's office in Saint Louis and destroy them?—A. Yes, sir.

Q. What did he say to you about destroying papers?—A. He said he did not want me to get the evidence unless I could get the whole of it. He referred to what Mr. Bradley had said, and said, "I do not want you to get it unless you get the whole of it."

Q. Did he tell you how it was to be destroyed?—A. No; I do not think he did.

Q. Did he say anything to you about destroying it?—A. Yes, sir; that was spoken of.

Q. What did he say?—A. The evidence was to be gotten out and destroyed. I do not remember that he said whether by water or by fire or by being torn up.

Q. Did he say you were to bring them to him?—A. No, sir; that was not mentioned. He wanted me to precede him and be in Saint Louis when he came. They were all anxious about the appointment being hurried up.

Q. You say it was understood that you were to receive your pay from the Interior Department?—A. Yes, sir.

Q. With whom was that understanding?—A. The President had me appointed there, and he supposed I would draw my pay. Mr. Luckey understood, of course, that I was to draw my pay, if I was appointed special agent there, and so, of course, did Mr. Babcock.

Q. What was said about it?—A. There was nothing said about it.

Q. You simply understood it?—A. I simply understood it.

Q. You were appointed for what purpose or what service?—A. It was intended when I was recommended for the appointment that I should go to Saint Louis and obtain all the information I could.

Q. But what did your commission state that your appointment was for?—A. I was appointed as first-class clerk to the Pension-Office.

Q. Then you were out at Saint Louis?—A. I was ordered to Saint Louis. About five weeks after the appointment I went to Saint Louis. I went to inform myself as to my duties, and I was reading up the pension laws and instructions to special agents, &c. At the end of the five weeks I went to Mr. Le Barnes and told him I was ready to go to work.

Q. Why did you go to Saint Louis, if you were not ordered there?—A. I was finally ordered there. I got my orders here to go to Saint Louis.

Q. Ordered there for what?—A. To go on pension-work. I dropped the Babcock matter entirely; nothing further was said about it. I wanted my pay up to that time for the work I had already done, and I got it.

Q. On what day did you receive your commission?—A. I took it the 7th day of January. It was dated the 5th.

Q. Was anything said then about the particular duties that you were to perform?—A. The special agents understood that I was appointed from the White House.

Q. You need not state what was understood. I ask you what was said by the chief clerk who gave you your commission as to any instructions that you were to observe?—A. The chief clerk did not give me any instructions. I got my appointment from the appointment-clerk.

Q. I understood you to say it was the chief clerk.—A. I said that after I got my appointment I reported to the chief special agent.

Q. What did he say to you by way of instruction?—A. He gave me the printed Pension Laws and Instructions to Agents, as they have them printed in the Department, and told me to study them and come to the office and look over the cases, which I did several times, so as to get familiar with the duties. I remarked to him one day that I had some other work to perform before I went on my regular work in connection with the pension business.

Q. What day was this that the chief of the special service gave you these instructions?—

A. The very day I got my commission—the 7th day of January.

Q. Did you say anything to him about going to work in connection with General Babcock's business at that time?—A. I did not.

Q. Were you then intending to go into the service of General Babcock?—A. I was not. I had quit it.

Q. What other duties did you refer to when you say you told him you had something to do before you could enter the service as an agent?—A. I had some private matters. They were some matters connected with this Babcock-Storrs business that I wanted to close up.

Q. Then you did not have any reference to going into the service of Babcock when you told him you could not enter upon your duties as agent immediately?—A. I do not remember anything about that.

Q. Did you not say that you told him that you could not enter upon your duties as agent immediately?—A. I told him that I had some private matters that I wanted to fix up. He said, "All right; take such time as you want."

Q. Did these matters have any reference to the Babcock case?—A. I do not know that that is relevant to this inquiry.

Q. You can answer yes or no, as you please.—A. I had not finished up quite. I wanted to close the matters up, and was not quite ready for him. There were some matters that I wanted to finish up.

Q. What unfinished business of the Babcock matter did you have on your hands at that time?—A. The unfinished business was my desire to see the President and inform him. I wished to remain here until I could get the thing off my hands. I wanted to see him. It was during this time that I was trying to see him; and Mr. Avery at that time was prepared, as I believed, to make a clean breast of the matter. I had secured an interview between him and the Secretary of the Treasury. In fact, I was trying at that time to unearth the whole thing.

Q. Did you state to the chief of the special service how long a time you would want?—A. I told him it would take a little time.

Q. How long a time did you say?—A. I did not state exactly. I said it would take some days, perhaps.

Q. And your object in getting this delay was simply to inform the President of the true state of affairs?—A. To unearth the whole matter. I intended the Secretary of the Treasury to be informed of it.

Q. Did you inform him of it?—A. I did not at that time. I never informed him. I generally made my communications through the chief of the division in that Department, and through Mr. Wilson, the Solicitor.

Q. Did you inform any one there of it at that time?—A. I did not at that time.

Q. How long were you in Washington?—A. I was here after my appointment from the 7th to the 19th—twelve days.

Q. Did you inform anybody?—A. I tried to inform the President, and did not succeed. I tried to inform him first, as I thought my duty was first to him. I preferred that course, so that he should, if he desired, make these matters known to Mr. Bristow. At the same time if Avery was willing to make known what he knew, I was willing to facilitate that.

Q. During those twelve days how many times did you attempt to see the President?—A. From the time I got through with General Babcock I tried to see the President three times.

Q. But you intended to inform the Secretary, although you did not try to see him?—A. I did not wish to inform him at that time. I thought it would be better to inform the President first.

Q. When you found you could not see the President, why did not you try to see the Secretary?—A. I thought my first duty was to the President.

Q. Your first and last duty to the President?—A. I did not say that. I said my first duty.

Q. But you went away without informing anybody?—A. I did inform him finally.

Q. You informed him through the New York Herald?—A. Yes; I believe he was informed. I believe he got that paper.

Q. Informed him by means of a dispatch which paid you \$50?—A. I did not say anything of that kind.

Q. Did you not say you got \$50 for that dispatch or information?—A. Some weeks afterward Mr. Connery sent me \$50.

Q. You got \$50 for the information, then?—A. Eventually I was paid \$50, but not at my request. He offered it to me, and I took it. I want to tell you how that came about before I get through, if I have an opportunity.

Q. How long did you remain here after you came from New York?—A. Until the 12th of February—perhaps two or three days.

- Q. From the 9th to the 12th; and then you went to Saint Louis?—A. Yes.
- Q. On your pension business?—A. On my pension business.
- Q. Not on the Babcock business?—A. No, sir. I expected fully to be used as a witness there against General Babcock after my arrival there.
- Q. Did you confer with the district attorney?—A. I did.
- Q. Did you state to him all your information in regard to this matter?—A. I did. I told him everything.
- Q. Did he deem it important?—A. He seemed to. He sent for me at night to come to his house about 10 or 11 o'clock.
- Q. Did you tell him your conversations with General Babcock which led you to believe he was guilty?—A. Yes; I told him everything. I told him about my taking the papers from the office and all.
- Q. Did he question you on that?—A. He did not.

By Mr. McCrary:

- Q. You had some talk with the Attorney-General about getting an appointment from him?—A. Yes, sir, I had.
- Q. Did you tell him that you were going to get it in order to work in the interest of Babcock?—A. I did not tell him in that shape. I told him what I told the President, that I was to go to Saint Louis and report what testimony there was against General Babcock, and whether there was reasonable ground for believing him guilty.
- Q. How did it come that the Attorney-General used to you these words: "I remarked to a high official who called on me that I was going to send you out to help Dyer." If it was your understanding and his understanding that that you were going to work against Dyer, how do you explain that part of your testimony?—A. It is very simple. It was supposed that Colonel Dyer and his associates were, in their zeal, making an attack on the President through General Babcock. Mr. Pierrepont was supposed to be very high in the confidence of the President, and opposed to anything of that kind, and he simply desired to see whether there was any truth in the charge or not; whether the evidence was strong enough to warrant a prosecution of the case against General Babcock.
- Q. Did you tell the Attorney-General that you thought there was a conspiracy to injure the President, and that it was in the interest of the Secretary of the Treasury?—A. No, sir; I was requested by the President not to mention the names of officials here, and I did not. I told him that I thought the evidence was not sufficient against General Babcock; that I believed he was being persecuted, and that I believed that the district attorney was perhaps over-zealous, and had made an attack on the President. I did not connect Mr. Bristow's name with it at all.
- Q. You did not say anything to the Attorney-General, then, about any conspiracy to injure the President?—A. No; I do not think the conversation took that shape.
- Q. But the Attorney-General refused to appoint you?—A. Yes; he delayed the appointment from day to day, and finally made the remark that I have already stated.
- Q. How long was it after you got your appointment before you went to Saint Louis?—A. I was appointed on the 7th of January and went to Saint Louis on the 12th of February; that is, I left here on that day.
- Q. In the mean time you had said nothing to any body about the change in your views about General Babcock?—A. I most certainly had, as I have previously stated. I told Mr. Bluford Wilson of it here, and parties in New York.
- Q. When did you tell Mr. Wilson of it?—A. Before I left for Saint Louis, a day or two.
- Q. How long were you in Saint Louis when you returned there, (after you left here on the 12th of February?—A. I remained there about a week, perhaps a little less.
- Q. And it was during that time that you informed Colonel Dyer of what you had learned while you were in the service of General Babcock?—A. Yes, sir; General Babcock's trial was then pending.
- Q. Did you work up any pension cases at Saint Louis during that week?—A. I wrote up the statements and prepared them for investigation, and continued my studies of the pension-laws and matters connected with the service.
- Q. How many payments were made to you for your services when you were employed by General Babcock, or by his counsel?—A. I was paid in all about \$135.
- Q. In how many payments?—A. I think I was paid \$10 and \$50 in Saint Louis, and \$25 and \$50 here.
- Q. Can you give the dates of those payments?—A. The payments in Saint Louis were in the latter part of November, and the payments here in the latter part of December.
- Q. Have you any memorandum by which you can give the exact days?—A. I could tell by referring to my diary. I suppose it was the latter part of both months. I cannot recollect the days exactly.
- Q. The last was after the 25th of December?—A. It was about that time, I think.
- Q. By whom was the last payment made?—A. By General Babcock in person.
- Q. How much was that payment?—A. It was \$50.
- Q. At the time he made that payment did you intimate to him that you would withdraw from his service?—A. I did not.
- Q. Up to the time that you left for Saint Louis, did you ever intimate to him that you

would withdraw from his service?—A. I did not. I had dropped it. He understood it, suppose.

Q. Why do you suppose he understood you had dropped it?—A. Because I did not go near him any more, and left off communication with him.

Q. You had concluded that he was guilty before he had made the last payment, had you not?—A. No. I think not.

Q. Did you not say that it was about Christmas that you made up your mind he was guilty?—A. Between Christmas and New Years, I think I stated.

Q. Had you turned over to Mr. Dyer when you went to Saint Louis all the facts that you had gathered while you were in the employ of General Babcock, and for which General Babcock had paid you?—A. I did, sir.

Q. And you thought that that was proper and honorable?—A. I did; and I did not ask him to consent to it, as I never received any pay for it. I thought it was my duty to do it. I do not know that a clerk should be compelled to keep his employer's secrets if he is a criminal.

Q. At one time you agreed with General Babcock and Mr. Storrs to try to get into the confidence of the other side?—A. They suggested that. I started into it a little distance, and concluded it would not do, and I did not do anything further with it. I did not take any steps to do anything in the matter.

Q. You did not refuse though, when they suggested it?—A. No; I still deemed the matter a blow at the President in a great measure, notwithstanding General Babcock's guilt. They were trying to make capital out of it, as I thought, so far as they could, and my regard for the President led me further than I would have gone otherwise; and I concluded finally that I would not go into it even on his account any further, and I dropped it.

Q. At the time you proposed to go into the enemy's camp, you knew or believed that General Babcock was guilty?—A. I was not fully assured of it at the time.

Q. It was after he had told you that it was not of any use to get part of the evidence without getting it all?—A. I cannot remember the date.

Q. Did you not testify that you were perfectly convinced of General Babcock's guilt at the time that they wanted you to pretend to go over to Mr. Bristow's camp?—A. I think not.

Mr. McCrary. I have so noted it, but of course I have not got what you said on the first examination.

The WITNESS. I think that that is an error. I cannot remember distinctly.

Q. Do you say that you were or were not?—A. I was in a measure satisfied. This belief in my mind of his guilt was not the growth of a day.

Q. But you have told when it culminated. Was not your conviction on that subject reached before you were asked to get into the confidence of the prosecution?—A. I do not remember that I have stated that. I think I stated I was in a measure satisfied of his guilt after that proposition was made to me, and that, I think, was the reason that I did not go any further with it.

Q. Notwithstanding you were at least in a measure satisfied of his guilt, you made some effort to get into the confidence of the other side?—A. Very little.

Q. Well, what did you do?—A. I do not remember distinctly now. I think I saw Mr. Bluford Wilson, and mentioned to him that I could be of use to him, or something of that kind, but I did not press the matter at all after I started in. After then I became more than ever satisfied that General Babcock was wrong, and I did not go any further.

Q. Did you get any light after they had made this proposition to you?—A. Yes.

Q. And before you concluded to drop it?—A. Yes, sir.

Q. What was it?—A. Avery's desire to open out; a letter that he showed me at his house in Washington, which Mr. Storrs afterward went and obtained, and some letters that were destroyed.

Mr. McCrary. Please look at your diary, and let me have the dates of the payments made to you for your services in the Babcock matter.

The WITNESS. I will look at my diary this evening. You can get the date of the last payment by referring to this report that is on file with the official reporter. The day of the date of the affidavit that is attached to it is the date of the last payment made to me; that will give you the last payment that was made to me by General Babcock, and it was about the last that I had to do with him. I think I met him once or twice, maybe two or three times, after that, but that was the last payment.

By Mr. GLOVER:

Q. Did you enter into the agreement with the President to receive the appointment to serve him in the Babcock case, regardless of the guilt or innocence of General Babcock?—A. No, sir.

Q. Did you have an idea that the President intended you only to hold the office while serving General Babcock?—A. No, sir; it was to be a permanent appointment, as I understood it.

Q. You did not consider it, then, a violation of the agreement with the President to hold that office after you ceased to work in Babcock's interest?—A. Certainly not. I had given up my regular business to take the position, and it was understood. In Saint Louis Mr.

Luckey held out to me the certainty that if I came to Washington I could have the chieftaincy of the secret-service division, or, if there was a change in the Treasury Department, the chieftaincy of the secret-service division there.

Q. You can now make the explanation which you desired, with relation to this cipher-dispatch.—A. I talked with Mr. Bonner, of the New York Ledger, and he told me that it was my duty to see the President. I told him that I had tried to see him three times, and he said that I should communicate with him in some way. Some days afterward I went over to the New York Herald office to get payment for some articles that I had written, and I saw Mr. Connery there, and he got speaking about the Babcock matter, and he expressed a strong belief that he was guilty. I remarked that I knew he was guilty. He asked me how I knew; and then there came into my mind the idea of making this public. I had thought of it once before, but not in any definite manner. I took this cipher-dispatch out and handed it to him, and showed him the Bradley letter and explained to him some things, and he wished very much to get the cipher. But even at that late moment I drew back and thought I would not publish it. He persuaded me, however, into letting him have it, although I had put it back in my pocket; and he finally seemed so much impressed with it that I let him have it. He said he wanted Mr. Bennett to see it; and I think I said to him, "If that is published, off goes my head." He said it was my duty to publish it anyhow. I then came to Washington, and from there went to Saint Louis.

Q. You published it, then, at the urgent solicitation of Mr. Connery, of the New York Herald?—A. Yes; he desired it very much, and I then concluded that that would be a good way to get it to the President. He said that he was not certain that Mr. Bennett would publish it; that he would like to let him see it. I picked up the Herald here two days afterward, and took it up to the White House. Nothing was said about compensation in this matter at all; but I afterward wrote an article or two for the Herald, and when in New York I called to get payment for them. Mr. Connery called a gentleman and told him to take me down-stairs and get my pay for those articles. We went down-stairs to the cashier's office, and on the way down-stairs this gentleman says, "We are going to let you have \$50 for that cipher."

Q. So that the agreement that you were to have anything from the Herald for this cipher-dispatch was effected after publication?—A. There was no agreement that I was to have anything.

Q. That was a determination of their own?—A. Yes; they said, "We will let you have \$50 for that cipher." I said, "All right." Mr. Connery had not said anything at all about it.

Q. You say you have received, in all, compensation in the Babcock case amounting to \$135?—A. Yes, sir.

Q. How much did you expend in that case?—A. My expenses from the start were between \$420 and \$430 for him.

Q. So you were never re-imbursed for your expenditures in that case?—A. No, sir. I asked him before I quit his service to pay me the money that was due me, but I never could get anything out of him; (and I found out that that is the way he had of doing.) I concluded that the position I held would eventually pay me—the position in the Department. I had lost a good deal of time, and spent a good deal of money in hotel-bills, carriage-hire, and railroad-fares, as well as the loss of my time.

Q. Have you anything else to say in the way of explanation on this matter?—A. Not at present; but I would like to say here, that when I left the service of my paper the position I had was worth \$50 a week. Counting salary and commissions, the place was worth to me \$400 a month, and I gave it up for this position. I was writing up the towns in the Southern States, and mines, and so forth, a class of work which was very profitable, and I lost my whole winter's work by having anything to do with General Babcock.

By Mr. McCRARY:

Q. Did you consider that General Babcock had treated you badly with regard to your pay?—A. O, I have no feeling in regard to the matter, sir. I would like my pay, of course. The position would have paid me eventually for it. It is nothing unusual for a man to lose money in a case; I have lost it before. I have no feeling in regard to that matter at all.

W. B. MOORE sworn and examined.

By Mr. GLOVER:

Question. What is your residence and occupation, Mr. Moore?—Answer. I reside in Washington, D. C., and I am a special agent of the Treasury Department, stationed at Baltimore.

Q. Do you know Mr. C. S. Bell?—A. Yes, sir.

Q. Where did you become acquainted with him, and when?—A. I met him first in 1869, in Texas.

Q. Were you a Government officer at that time?—A. When I first met him I was publishing a paper at San Antonio, Texas.

Q. What was his occupation at that time, and how did you form his acquaintance?—A. He was a detective in the service of the commanding officer of that military district.

Q. Who was that?—A. Gen. J. J. Reynolds. I met Mr. Bell in the course of his duties in that capacity, I think, probably, in my efforts to obtain information from him.

Q. You say that you were publishing a paper then?—A. I was publishing a newspaper then.

Q. What was the name of that paper?—A. The San Antonio Express.

Q. What were the politics of that paper?—A. Republican.

Q. Have you met him or did you meet him in Washington during the Babcock trial? If so, how and under what circumstances?—A. Yes, sir; I met him frequently. The first time I met him was, I guess, in 1875. That is the first time that I recollect distinctly of meeting him.

Q. Did you have any interviews or communication with him, or intercourse of any kind?—A. Of a general nature I did, sir. I met him subsequently to that during the Babcock trial. The first time that I met him during the trial was in December, 1875, at the Ebbitt House, so far as I recollect, or during the newspaper discussion of the subject.

Q. Did you have any conversation with him during the time that he was here in Washington?—A. Yes, sir, I had.

Q. What was the nature of this conversation?—A. During the interview at the Ebbitt House, on I think the 15th of December, he made a very extraordinary statement to me. I will state that it was so extraordinary that I made a memorandum of it. I got the data from him and made a pencil-memorandum at that time, which I afterward wrote out very fully, and which I have now.

Q. Have you got it with you now?—A. No, sir; I have not got it with me here, but I have it among my papers and can produce it.

Q. To what did that statement refer?—A. It referred to the whisky frauds in Saint Louis, and it purported to be a representation made by one Jesse B. Woodward.

Q. Who was he?—A. I do not know him. I never heard of him before in my life. He represented him to be an attorney and gave me his address, which I put in my memorandum.

Q. An attorney at Saint Louis?—A. An attorney at Saint Louis, yes, sir. I have his address in the memorandum that I made of this conversation.

Q. You say that it referred to the statement made by Mr. Woodward?—A. Yes, sir.

Q. What was the character of that statement?—A. The character of it was that Mr. Woodward was present during an interview between two special agents who were sent out there to investigate and report upon the alleged frauds in Saint Louis.

Q. What was the nature of the interview? Did he learn what was developed in the interview or what was stated?—A. Yes, sir. I will state, in a general way, now, and I would like to produce this memorandum, because that is a memorandum of the conversation I had at the time. I have no doubt that Mr. Bell could state the case more fully; but this statement was made to me; and either before or subsequent to my interview he made the same or a similar statement to Judge M. M. Brewster, of Houston, Tex., who is now in this city. The statement went on to relate that these two special agents met certain distillers and rectifiers, and represented to them that they had discovered evidence of frauds being perpetrated by those distillers and rectifiers.

Q. Where was this?—A. In Saint Louis; and they demanded of those rectifiers and distillers \$25,000 to suppress the information, which the distillers refused to accede to. The conference broke up; and, subsequently, one of the special agents—

Q. Let me interrupt you by asking who are those special agents?—A. Mr. Yaryan was one, and a man of the name of Brasher was the other.

Q. Are both in the service now?—A. Mr. Yaryan is in the service.

Q. What is his position?—A. He is chief of the special agents, I believe, of the Internal Revenue Bureau.

Q. Brasher is not in the service?—A. Brasher is a fugitive from justice. He is under charges, I believe.

Q. For this thing?—A. I do not know about that. I never heard of it except in this statement.

Q. Do you know where he has gone to?—A. Mr. Bell stated that Mr. Woodward knew his whereabouts. This statement, as I said, was an extraordinary one, and reflected very seriously against the officers. Mr. Woodward, I believe, can be obtained.

Q. Is he at Saint Louis?—A. I understand he is at Saint Louis, and of course the facts can be had of him. I would not like to do a public officer an injury on mere hearsay evidence. I know nothing of the circumstances myself. The statement goes on to say that subsequently, and within a few days of this first interview, this Mr. Brasher sought another interview with the same distillers and rectifiers, and laid before them a written report signed by Mr. Yaryan, exposing all those frauds that they had mentioned verbally in their former interview; and Mr. Brasher stated that they would have this report forwarded to the Department and acted on unless they were paid.

Q. What was the response to that?—A. The response was that they made an agreement to suppress this report, the rectifiers and distillers to pay \$10,000, and with an understandin

that Yaryan and Brasher were to have subsequent relations; that they were to have other sums if other duties were performed in the future.

Q. Were those agreements carried out at any future day?—A. Ten thousand dollars was paid at this time.

By Mr. MCCRARY:

Q. Such was the statement?—A. Yes; I am giving this interview now with Mr. Bell. It was stated that the \$10,000 was paid to Brasher, for himself and Yaryan; and Brasher was subsequently paid \$7,000 also for himself and Yaryan.

Q. In addition to?—A. In addition to this former payment for information furnished and services rendered for their mutual benefit.

Q. Do you recollect the names of those distillers, or were the names mentioned?—A. They were not mentioned. I would like to state that about the time of this interview between Bell and myself, I was on duty at the office of the Solicitor of the Treasury, and that I knew Mr. Yaryan to be in the confidence of the Solicitor and the Secretary.

Q. Who were the Solicitor and the Secretary at that time?—A. The Solicitor was Mr. Bluford Wilton, and the Secretary Mr. Bristow. Mr. Yaryan was the custodian of all those papers relating to these frauds, and I expressed great surprise to Mr. Bell that this state of affairs could have existed and Mr. Yaryan still remain in the confidence of the officers who were prosecuting these whisky frauds.

Q. Had you reason to know that those officers had any knowledge of those facts?—A. None whatever; no, sir. I should have stated these facts to the authorities, only that I knew Mr. Bell was in the service of the Internal Revenue Department, and as I supposed in the confidence of all these parties.

Q. He was at the time in the service of the internal revenue?—A. Yes, sir.

Q. On duty in Texas?—A. No, sir; he was on duty here, or he held a commission in the Post-Office Department, and had been "borrowed," to use his own phrase, by the Internal Revenue Department on some special duty.

Q. Do you know anything of a special agent being employed in the internal-revenue service in Philadelphia?—A. No, sir.

Q. Do you know anything of any one being carried on the rolls that was not in the employment of the Department?—A. In this conversation or some other conversation with Mr. Bell, he said something about a special agent, a son of the Commissioner of Internal Revenue, Mr. Douglass, being borne on the rolls as a special agent, and, during the time, or a part of the time, while he was on such roll, he was attending college in Philadelphia. Mr. Bell did not state this of his own knowledge, but he stated that he understood it was so.

Q. You are still reciting the interview between yourself and Mr. Bell?—A. Yes, sir; I am still reciting the interview between myself and Mr. Bell. These matters were stated by Mr. Bell to at least one other party, and I do not know who else, of course. I know that these questions you are asking did not come from me, and so I suppose he has informed some one else of them.

Q. You have no personal knowledge of these matters I am inquiring about?—A. No, sir; no personal knowledge whatever. It was stated by Mr. Bell that Mr. Yaryan was responsible, or was supposed to be responsible, for the carrying of this man on the rolls while he was doing no duty.

Q. Is Mr. Yaryan in charge of that department of the business?—A. So I understand.

Q. Is this information to the effect that Mr. Yaryan had personal knowledge of the receipt of the \$10,000 and the \$7,000 from the distillers at Saint Louis? It does not appear that he was a party to it directly himself, as I understood you to say.—A. He signed the report. The first interview was between the distillers and rectifiers with Mr. Yaryan and Mr. Brasher together, when they demanded the \$25,000, and the distillers and rectifiers refused to agree to it, and then the interview ceased as I understood; and within a few days Mr. Brasher had another interview with the distillers and rectifiers, and he presented in this interview to these distillers and rectifiers a written report embracing the charges that they had previously made verbally against them, and made a demand on the distillers and rectifiers for payment for a suppression of this report.

Q. Am I to understand that Yaryan and Brasher were both present at the last interview?—A. No, sir; but at the first interview.

Q. And the subsequent interviews were with Mr. Brasher?—A. With Mr. Brasher.

Q. Did you know Mr. Yaryan while in Texas?—A. I saw him once, and only once. I knew him by reputation.

Q. Was that during the time you were in the internal-revenue service?—A. Yes.

Q. Do you know of any charges being preferred against him down there for any official misconduct?—A. The United States marshal, Purnell, for the western district of Texas, and I think Ex-Collector Wood stated to me that they had made charges against Mr. Yaryan for having made a proposition to the sureties on the bond of a deceased collector of the internal revenue, named Bonfoey, that if they would give him a percentage he would have the defalcation against their principal dismissed or reduced.

Q. What was the amount of the defalcation?—A. I do not remember; it was very large, though. Collector Wood and Colonel Hunt, the ex-assessor there, both stated this to me, and I think Mr. Purnell, though I will not be positive about Purnell.

Q. Do you know where those gentlemen are now?—A. They are at Tyler, Tex.

Q. Are any of them in the service of the Government?—A. I think not, sir; Mr. Purnell is at Austin, Tex., and is in the service of the Government.

Q. In what capacity is he?—A. He is United States marshal.

Q. To whom did they make these charges—to what officer of the Government? Did they say they forwarded these charges to Washington?—A. I think so; I am not positive about it.

Q. When do you say it was that these offenses of Yaryan's, or his supposed offenses, were committed?—A. I think it was in 1871.

Q. Were you in Texas at that time?—A. Yes, sir; I was in Texas, and an assessor of internal revenue at the time. I also heard Col. K. R. Cobb, who was supervisor of internal revenue of Texas, and under whom Mr. Yaryan served, say that he knew of circumstances, or believed some circumstances, that were very much to his official discredit.

Q. Where is Mr. K. R. Cobb now?—A. He is in North Carolina.

Q. Do you know his address?—A. I was handed it yesterday in another matter. His address is Asheville, N. C.

Q. Was Mr. Yaryan at that time in the same position that he is now?—A. No, sir.

Q. He was acting then in Texas exclusively?—A. He was in Texas. I think part of the time he was clerk for the supervisor, and part of the time special agent.

Q. He is now at the head of the secret service of the United States in that bureau?—A. Yes. This written statement or memorandum that I have will give the conversation that I had with Mr. Bell fully.

Q. Will you furnish us with that, if you please?—A. Yes; I will bring it whenever you wish it.

Q. Are there any other statements that you can make about this matter?—A. No, sir; I know nothing of my own knowledge in regard to it.

By Mr. MCCRARY:

Q. You say you know nothing against this officer, Mr. Yaryan, of your own knowledge?—A. No, sir.

Q. All you know is the information brought to you by Mr. Bell and by the other persons you have named?—A. Yes, sir.

Q. Mr. Bell reported to you what he had heard from Woodward, did he?—A. Yes, sir.

Q. And your testimony on that subject is, that Mr. Bell said that Mr. Woodward told him these things?—A. Yes, sir. The statement seemed extraordinary to me, because I knew that Mr. Yaryan was in the confidence of the officers who were prosecuting these whisky frauds.

Q. Did you communicate what Mr. Bell had said to you to anybody?—A. Yes, sir; I have talked of it to several persons.

Q. Did you communicate it to Secretary Bristow?—A. I did not, sir.

Q. Or to Solicitor Wilson?—A. No, sir; to neither of them. I met Mr. Bell in Solicitor Wilson's office frequently, and knew that he was in communication with him. He told me, as I also knew, that he was in the internal-revenue service, and Mr. Bell gave me to understand that he would disclose these matters at the right time and in the right place.

Q. That was in December last, was it?—A. December last; yes, sir.

Q. During the Babcock trial?—A. Before the trial, sir.

Q. You did not know that Mr. Bell was at that time in the employment of General Babcock?—A. No, sir; I did not know that he was at that time, and never knew that he was until I saw his testimony. I knew that he was very friendly to General Babcock, and I also knew that he was on terms of acquaintance with the Solicitor of the Treasury, and that he was seeking the position of chief of the secret service. I believed Mr. Bell to be a very capable detective, and I think I indorsed him to the Solicitor.

The following is a copy of the memorandum referred to by the witness:

"On Wednesday, December 15, 1875, Bell called me one side in the Ebbitt House, and stated that he was commissioned as special agent for the Post Office Department, and had recently performed a very important service against some Mississippi offenders, which obtained for him promotion and the personal commendation of the Postmaster-General, who had directed him (Bell) to accompany him on his tour of inspection of the fast-mail arrangement to Chicago. Bell proceeded to state that he had been 'borrowed' by the Internal Revenue Department to manage some important cases in Saint Louis, and in the prosecution of this last duty he had obtained information that showed conclusively that those who were intrusted with the records of Saint Louis whisky frauds on the part of the Internal Revenue Department, and assigned to work up the cases under the personal direction of the Solicitor of the Treasury and the Secretary, were personally interested in misdirecting those officers and diverting their attention from the real Washington conspirators, by directing their suspicions against members of the President's official household as being the parties who were furnishing information to the Saint Louis conspirators.

"As an evidence of the truth of this theory Mr. Bell related that while he was in Saint Louis prosecuting his duties under orders from the Internal Revenue Bureau, about December 1, 1875, he met one Jesse B. Woodward, an attorney at 217 North Third street, who

stated that in the fall of 1873 Special Agent H. T. Yaryan and Penn Brasher (the latter being then, December 1, 1875, a fugitive from justice) were sent to Saint Louis by the Internal Revenue Department to investigate into rumors of frauds by rectifiers and distillers at that place and elsewhere in the West. After they had obtained proof of frauds on a large scale, they (the agents) caused a meeting to be held in Woodward's office and in Woodward's presence between themselves and certain distillers and rectifiers, at which conference the agents related the proof against the whisky-men, and demanded from the latter \$25,000 to induce them (the agents) to suppress the facts from the knowledge of the authorities at Washington. After a long conference this meeting broke up without any action, because the whisky-men refused to pay the money on account of the large amount.

"Brasher, within a few days of the above-described interview, held another interview with the same parties, on which latter occasion he produced a written report signed by Special Agent Yaryan, which report set forth the exact facts recited by the two agents in their former attempt to get \$25,000; and at this second interview Brasher stated that he and Yaryan had prepared this report to forward to the Department for action unless the parties charged therein would pay for its suppression. After hearing the report read, the conspirators came to terms and paid Brasher \$10,000 for himself and Yaryan, and arranged to pay more in the future for services to be rendered by Brasher and Yaryan in protecting them (the conspirators) in their illegal acts, and (Woodward is said to state) Brasher did receive the further amount of \$7,000, making in all \$17,000 paid to Brasher for himself and Yaryan, under this arrangement.

"The report produced by Brasher at the second conference never came to light after the agreement in 1873 until the final exposure of the frauds in 1875, when rumors were circulated implicating Yaryan among others, at which time a publication appeared (the narrator goes on to say) in the public press purporting to be a defense of Yaryan, (who at this time was the custodian of the papers in the whisky-fraud cases,) which defense Woodward recognized as the so-called report of Mr. Yaryan which Brasher had produced and used in 1873 to black-mail the conspirators. Bell further stated that Woodward could produce Brasher if the latter could be granted immunity.

"In this conversation Bell alluded to a rumor that Yaryan was responsible for carrying a son of Commissioner Douglass upon his rolls as a special agent, at a large salary, while said Special Agent Douglass was attending school in Philadelphia, drawing per diem and expenses without performing duty. This was related to account for Yaryan's influence in the Internal Revenue Department.

"Bell returned to Saint Louis again, and I did not see him for a month, when he was again in Washington, when he informed me that he had seen the President and General Babcock, and that the real conspirators would be exposed, and the President's household appear as clear as the noon-day sun, the real conspirators being, as he stated, Brasher and Yaryan.

"On the last-named occasion of meeting Bell, Judge M. N. Brewster, of Texas, was present, and Bell stated that he was no longer an applicant for the office of chief of the secret service of the Treasury Department, but was endeavoring to obtain a commission from the State Department to go to the Mexican frontier and collect evidence of the responsibility of the Mexican government for the acts of the banditti against citizens of the United States on both American and Mexican soil. Bell said he had no doubt of obtaining the appointment, and stated that Colonel Luckey was actively favoring his application, and in order to be strong with Colonel Luckey he asked Brewster and myself to see Colonel Luckey and recommend him, which we did, relating to Colonel Luckey what we knew of Bell's services under General J. J. Reynolds, in Texas, which services had familiarized him with the Texas frontier, and especially fitted him for the duty in that quarter.

"Bell did not intimate to us that he had any other object than this in seeing Colonel Luckey, although he said he had communicated the Woodward conversation to General Babcock.

"WASHINGTON, Sunday, January 30, 1876."

WASHINGTON, June 7, 1876.

SAMUEL RINDSKOPF sworn and examined.

By Mr. CATE:

Question. Where do you reside?—Answer. In Milwaukee.

Q. Did you reside there in 1873-'74-'75?—A. I did.

Q. What business were you engaged in during those years?—A. Wholesale liquor business.

Q. Were you interested in the manufacture of whisky or high wines?—A. I was interested in the manufacture of whisky.

Q. Running a distillery?—A. No, sir.

Q. How did you manufacture it?—A. Redistilled high wines and manufactured whisky; redistiller and rectifier.

Q. State whether you were prosecuted by Government for a violation of the revenue-law in 1874?—A. I was prosecuted in 1874.

Q. What was the result of that prosecution?—A. I was convicted and sentenced to pay a fine of \$5,400, and imprisoned twenty-four hours; nominal imprisonment.

Q. Was the sentence carried into execution; were you imprisoned?—A. I was nominally imprisoned in the Park Hotel, at Madison.

Q. Did you pay the fine?—A. I did.

Q. So that there is no judgment against you arising out of that transaction?—A. No, sir.

Q. How long was that prosecution pending in the courts?—A. I think it was pending there from the latter part of May or first part of June, 1874, until the end of December, 1874; the trial was in December, 1874.

Q. At what time was the senatorial election in Wisconsin, resulting in the election of Campbell?—A. I guess that was in January, 1875.

Q. January next succeeding the termination of this lawsuit?—A. Yes, sir.

Q. State whether, during the pendency of that election, you had any understanding or agreement with any of the Government officers of Wisconsin that that suit should be postponed until after the termination of the senatorial election, and if Senator Carpenter should be elected Senator that the suit should be settled or compromised by the Government?—A. I, at that time, was a candidate for Congress myself, and did receive the nomination in my district for Congress. I was anxious to get the case continued.

Q. That is not the question. Did you have an understanding with any Government officials during the pendency of this election, that it should be postponed until after the senatorial election?—A. Yes, sir.

Q. And that if you assisted in the election of Senator Carpenter, and the contest resulted in his election, it should be compromised or settled?—A. It was so understood.

Q. Between you and whom was that understanding?—A. With the revenue-agent of our district.

Q. What was his name?—A. Mr. Conklin. He was a Government officer, inspector, and having control of all the distilling and rectifying establishments in the district. He was Government detective or revenue-agent for the State of Wisconsin.

Q. State what the arrangement was?—A. Well, it was the understanding that influence should be brought to bear, and conversation was held frequently. He often came to my house.

Q. State the full circumstances, and if you can give the words, do so.—A. Well, I was anxious to get the case continued, and he promised me that it should be, and that the leaders of the party in the State should see that the case was continued and afterward compromised at Washington.

Q. What was the consideration for the continuance of the case on their part?—A. Well, they did not ask anything particular of me. They pumped me and found that I was a friend of Senator Carpenter, a personal friend, and at that time I believed that the republican legislature would be elected, and they knew that I was in favor of Senator Carpenter and that I would use my influence in his favor; they made pretty certain of that. He asked me if that was my candid opinion and wish, and if I would do all I could for Senator Carpenter. I said, "Yes;" and upon that they promised me that the case would be continued and compromised afterward.

Q. You mean Conklin promised you that?—A. Yes, sir.

Q. Did you have any conversation with any official in Wisconsin, connected with the revenue or otherwise, except Conklin?—A. I may have had with the other revenue-officers, subordinate officers, and no doubt had, that we would support Mr. Carpenter for United States Senator.

Q. Well, were they to favor you if you favored Senator Carpenter?—A. They would be more friendly to me if I would.

Q. What was the understanding on your part and on theirs?—A. Well, it was understood that we would have to support Senator Carpenter, and they would aid and assist me in everything that I wished; all the Government officers there.

Q. Can you name any others?—A. Yes; a Mr. Fitzgerald, I think it was J. E. Fitzgerald, I recollect often spoke about it. He was a Government inspector and gauger. There was a Mr. C. Y. G. Moller.

Q. Do you know of any assessments having been made there by Government officials upon distillers, store-keepers, or others engaged in the manufacture of high wines?—A. I have heard of that.

Q. Do you know of your own knowledge?—A. Do you mean that I have been myself?

Q. No; do you know, of your own knowledge, of any assessments having been made by Government officers upon persons engaged in the manufacture of whisky?—A. Not of my own knowledge, except what I have heard of, but I knew that they were assessed.

Q. You know, of your own knowledge, that they were assessed?—A. Yes.

Q. State whether you know that those assessments were paid or that money was paid by distillers or others to Government officers.—A. I think it was paid. I have not seen it paid, but I am pretty certain that it was paid.

Q. Did you see it paid by the store-keepers, distillers, and others?—A. No; I did not see them pay it, but I know they did pay it.

Q. Are you acquainted with Mr. E. W. Keyes, of Madison?—A. I am.

Q. What office did he hold under the General Government in 1874-1875?—A. Postmaster of Madison, Wis. He was chairman of the Republican State Central Committee.

Q. Did you ever have any conversation with him in regard to whisky matters?—A. I did not.

Q. None whatever?—A. None whatever.

Q. Did you ever see any telegrams from him in relation to these things?—A. Yes; I think I saw a telegram to Mr. Nunemacher.

Q. What was his business?—A. He has the largest distillery in Milwaukee.

Q. What was the purport of that?

Mr. CASWELL objected to the question.

By Mr. McMAHON:

Q. Who has that dispatch now?—A. I do not know. Mr. Nunemacher received it at the time and showed it to me.

By Mr. CATE:

Q. Did it purport to be sent by Mr. Keyes?—A. Yes, sir; it had his signature.

Q. At the request of Mr. Nunemacher?—A. Yes, sir.

Q. Mr. Nunemacher was engaged in that business at that time?—A. Yes, sir; the heaviest, perhaps, in the West.

Q. Has he since been prosecuted and convicted of violation of the revenue-laws?—A. He has not been convicted, but he has been prosecuted and is under several indictments. He has run away.

By Mr. McMAHON:

Q. What was the date of that dispatch?—A. Some time in January, before the 15th of January, 1875.

Q. Who showed it to you?—A. Mr. Nunemacher came to my office and showed it.

Q. What did he show it to you for?—A. Well, he wanted me to contribute to make up certain sums of money that Mr. Keyes demanded of him in that dispatch or letter; I think it was a dispatch.

Q. Do you know how much was collected at that time, if any was?—A. I do not.

Q. How soon after the dispatch was received did you see it?—A. I think it was probably the same or the next day.

By Mr. CASWELL:

Q. How came you to know that?—A. By the date at that time.

By Mr. McMAHON:

Q. Was Mr. Nunemacher applying to you to get your contribution, what was demanded in that letter?—A. Certainly.

Q. At the time you had this conversation with Conklin was it understood by Conklin and you that the distilleries there were running in violation of law?—A. No, sir; I never had any such understanding with him, for I did not run a distillery myself.

Q. What was the specific offense that you were charged with?—A. For buying some fifteen barrels of illicit whisky in Madison, at the Middleton distillery.

Q. Had you any conversation with any Government officials in regard to the appointment of store-keepers, gaugers, and others, at any time?—A. I had not.

Q. Anything with regard to their removal?—A. No, sir, I had not.

Q. Had you ever any conversations with Senator Carpenter in regard to these things?—A. Removals and such?

Q. Yes.—A. No, sir.

Q. Was Senator Carpenter your attorney in this prosecution?—A. Not at that time.

Q. Did you ever have any conversation with him in regard to your suit?—A. At Madison; yes.

Q. Anything in regard to a settlement by the Government?—A. Yes, sir.

Q. What was it?—A. In the first place I asked him to assist me in getting the case continued, and afterward if I could not get the case compromised at Washington. He told me he would do the best he could for me. I went and saw him at that time as I would go to see any other representative of my district.

Q. You had no expectation that he would do anything outside of his ordinary duty as a Senator?—A. No, sir; on the contrary I asked at the time to retain his partner, Mr. Murphy, as one of my attorneys, and he would not be retained; because Mr. Carpenter was a Senator he refused to accept the retainer.

Q. There is a rumor floating around Wisconsin that money was paid to Senator Carpenter to procure the continuance of these suits?—A. Well, if there was I do not know anything about it. I know he didn't. There was nobody ever took any hand in it at that time.

Q. Do you know of anything else bearing upon this inquiry in regard to the connection

of the Government officials in Wisconsin with the manufacture of whisky?—A. Well, I know that the officials in general in the revenue office assented that the distillers run illicitly, and pay them as much as possible.

Q. Do you know that yourself, or is it mere hearsay?—A. Well, it is not exactly hearsay.

Q. State what you know in regard to it.—A. I myself never paid a cent to them, but I knew pretty well that they all did receive pay, and the more they received the more welcome it was to them; and I am also convinced that no distiller in the State of Wisconsin could have run straight if he had wanted to. I do not say this to exculpate myself.

Q. Were you at any time ever called upon to pay money by any of the officials?—A. No, sir.

Q. Do you know of your establishment being assessed?—A. I know that my establishment had to pay Government officials.

Q. How much did they pay?—A. It was in different sums. Some \$200 a month, some \$150, and some \$100.

Q. What was that paid for?—A. When we bought the high wines, and received them from the distiller, they had to be dumped and the stamps erased and defaced, and by not doing so they received so much per barrel; we paid them for not defacing the stamps, and the barrels to be returned to the distiller and refilled.

By Mr. CASWELL:

Q. You say "we paid?"—A. Well, I never paid anything in my life; the firm did. I never had anything to do with it, but I had the name of being the head man of the machine.

Q. State to what officials your establishment ever paid anything for that consideration.—

A. They often changed: Mr. Roddis, Mr. Fitzgerald, Mr. Taft, Mr. Moller.

Q. Do you mean to say that you paid all of those, or some of them?—A. All of those.

Q. What amounts?—A. Varying from \$150 to \$300 a month.

Q. How much in the aggregate do you think you paid for services of that kind?—A. Between \$50,000 and \$75,000.

Q. You mean all the distillers?—A. No; I mean my firm.

Q. Between \$50,000 and \$75,000?—A. I think so; no less.

By Mr. McMAHON:

Q. Into what account on your books were those sums of money passed?—A. Expense-account, but we generally did not put it down at all; we drew it, had it charged, and paid it over.

By Mr. CATE:

Q. Can you tell from your books, cash-books and others, the amount that was paid, and have you arrived at that from your books, or is it a rough estimate?—A. That is a rough estimate, but it is not put any too high.

Q. That is the amount you paid those officials in consideration of their allowing you to use these high wines in violation of law?—A. Yes, sir.

By Mr. GLOVER:

Q. Will your books show how much you paid each of these officials?—A. No, sir; they will show no name. They will show the expense-account, but it won't show what for; but these parties received the money, and it will be rather more than what I have stated.

Q. Have you any means of ascertaining the amount paid to each?—A. Not exactly; no, sir, I have not.

By Mr. CATE:

Q. Have you any means of ascertaining the aggregate amount?—A. Well, I think I could get within a few thousand dollars, within \$10,000 or \$15,000.

By Mr. McMAHON:

Q. Did you pay it by checks?—A. No; they would not accept checks, only some of them. They wanted ready greenbacks. These officers would not do anything except they got the greenbacks right flat down.

By Mr. CATE:

Q. Over what length of time did that extend?—A. Probably four years; not so much as that—probably three and a half years.

Q. Can you think of any person besides those you have named?—A. For the last year there has been so much trouble that I have neglected names; there may be some others, but those that I have named I am certain of.

Q. Do you know what was done with the money after it was paid to them, whether it went to the officers above them or went to any particular fund for any particular purpose?—A. Well, I heard the officials say that. Of course, a part of it, probably the lion's share, they kept; but they were assessed by Keyes and others.

Q. Do you know that of your own knowledge?—A. Well, I know that they often grumbled that they were assessed so much.

Mr. CASWELL. I object to that ; that is not evidence.

By Mr. McMAHON :

Q. These different parties are all in Wisconsin ?—A. Yes, sir.

By Mr. CATE :

Q. Did you ever pay Conklin any money ?—A. No, sir, I never have. He only obtained payments from distillers, not rectifiers.

Q. With reference to a particular transaction, I ask you did your establishment ever pay anything to him ?—A. No, sir ; he has never received anything to my knowledge from me.

Q. Were you ever the custodian of any money that had been collected from distillers or rectifiers or anybody connected with illicit whisky ; in other words, did you ever pay Conklin any money not from your own contribution, but from others ?—A. No, sir, I never have.

Q. Did you ever have any in your possession deposited with you for that purpose ?—A. No, sir.

Q. Did you ever have any transaction with anybody in regard to any money that was expected to be paid to Mr. Keyes ?—A. I never have.

Q. Did you ever have any conversation with Mr. Keyes in regard to your suit ?—A. I think I had once or twice in Madison, at the Park Hotel, right in the office.

Q. Anything in regard to its final disposition, or that he would favor you, before the election of Mr. Carpenter ?—A. Yes, sir ; just before the election of Mr. Carpenter ; he always seemed to favor me before my suit was brought on. I came to Madison very often—every five or six weeks—and I have often met Mr. Keyes and spoke to him.

Q. Was the subject of the final disposition of your suit ever talked of between you and Mr. Keyes ?—A. No, sir ; he would dodge me every time he met me.

Q. What were your politics at that time ?—A. A democrat. I could have proved an *alibi* in that case in Madison when I was prosecuted, but my lawyers told me it was not necessary ; there was no case against me.

By Mr. CASWELL :

Q. How many of these officials were receiving any part of these \$50,000 or \$75,000 ? You have named four ; can you think of any others ?—A. I was thinking of some others ; but I cannot remember the names just now.

Q. Who were the others ?—A. The gaugers, the dumpers, and inspectors.

Q. These men that you have mentioned were gaugers, dumpers, and inspectors ?—A. Yes, sir.

Q. But you have no knowledge that any of this money went into Senator Carpenter's or Mr. Keyes's hands ?—A. Well, I have never seen these men pay any money to them.

Q. I ask for your own knowledge.—A. No, sir.

Q. And you never talked with Mr. Keyes about the final disposition of your trial ?—A. I have not.

Q. He always seemed to avoid you if you attempted to talk with him about it ?—A. Yes, sir.

Q. When you spoke with Mr. Carpenter, did he promise you anything more than his friendly assistance ?—A. No, sir ; no more than as a friend.

Q. What was the substance of his promise to you ?—A. I asked Mr. Carpenter and requested him—

Q. He made no improper promises to you that would be a violation of his duty in his position in Congress ?—A. No, sir ; not the least.

Q. Did Mr. Keyes make anything of the kind to you ?—A. No, sir ; but he sent word through Mr. Conklin.

Q. That Mr. Conklin told you, I suppose ?—A. We looked upon Mr. Conklin as the agent of Keyes.

Q. What reason had you for doing that ?—A. In the first place, we believed him to be the brother-in-law of Mr. Keyes, and I believe there were not five thousand people in the city that did not believe the same thing ; we always thought he was.

Q. You have learned since that he was not, I suppose ?—A. Well, only a few newspaper reports. I do not know whether he is or not.

Q. These men that you have named gaugers and dumpers have all been indicted and convicted ?—A. They have been indicted, and some of them have been convicted, and some of them have plead guilty.

Q. They all paid fines and took their punishments ?—A. No, sir ; they have not paid any fines to my knowledge yet. One of the indictments was *nolled*.

Q. What was the indictment that was quashed ?—A. For conspiracy to defraud the Government ; it was *nolle prossed*, on the account of their giving evidence.

Q. All these parties have been indicted in the courts ?—A. Yes, sir.

Q. Including yourself ?—A. Yes, sir.

Q. You have been convicted again ?—A. No, sir ; I plead guilty.

Q. And you stand awaiting sentence ?—A. Yes, sir.

Q. You made some general remarks to the effect that money was raised for political pur-

poses; do you claim to give testimony of your own knowledge that money was raised for political purposes in the fall of 1874?—A. By whom?

Q. Anybody?—A. I do not know what they used it for. The gaugers and those persons claimed that they were assessed to help pay the campaign expenses.

Q. Then you say you do not know what it was used for by any parties in the fall of 1874?—A. I do not.

Q. When you speak of paying money to officials you mean no others than those you have named, except some dumpers?—A. Some dumpers and gaugers that I cannot think of their names.

Q. You do not intend to include Mr. Carpenter nor Mr. Keyes?—A. No, sir; I do not.

Q. Nor Mr. Conklin?—A. Nor Mr. Conklin.

Q. You speak of an understanding with some one that your Middleton distillery suit should be settled or compromised; was that understanding with any other person than Conklin?—A. It was with Mr. Conklin three or four times. It was not necessary to have an understanding with anybody else, because we looked upon him as the head man. It was with no one else.

Q. What promise did he make you?—A. He wanted me to compromise it several times, and he thought he could, but I flatly refused to compromise the matter. He said it could be done as easily afterward, but I always refused to compromise.

Q. Had it not been the usage in the city that the cases were compromised?—A. Yes, sir; it had been through the State and the United States.

Q. Then Mr. Conklin was only acting as they had always done in such case—when distilleries were seized they had always compromised?—A. Yes, sir; they had recommended a compromise to the Government.

Q. When Mr. Conklin talked to you about supporting Senator Carpenter he then intimated to you you would be favored by Mr. Carpenter if he was elected?—A. Yes; he did.

Q. You do not know that Mr. Carpenter ever gave him any such authority?—A. No, sir; I don't believe that Mr. Carpenter would have given him any such authority, because I was well acquainted with Mr. Carpenter.

Q. You think this was on Conklin's own motion?—A. No; I think he received that instruction from Mr. Keyes.

Q. Do you know that Mr. Carpenter gave him any authority?—A. I don't know whether he did or not.

Q. And you do not know that anybody did?—A. No, sir; I do not.

Q. Conklin was subsequently indicted, was he not?—A. Yes, sir.

Q. And convicted?—A. No, sir.

Q. Why?—A. He has not been tried yet.

Q. Why?—A. That I only know from the newspapers. He went to Canada.

By Mr. CATE:

Q. The fact is he received immunity from the Government?—A. He received immunity from the Government.

By Mr. CASWELL:

Q. He paid his \$3,000 bail, didn't he?—A. I do not remember whether he did or not.

Q. Do you know that Conklin knew that the distilleries were running crooked at the time you had that conversation with him?—A. I think he did. He received pay for knowing it.

Q. In the fall of 1873, the same distilleries were largely assessed for political purposes, were they not?—A. Yes, sir.

Q. What party were the funds contributed to aid that fall?—A. The funds, to my knowledge, all went to the republican party.

Q. In the fall of 1873?—A. Yes; through those years.

Q. Were you at the head of that organization controlling the distillers' fund?—A. No, sir; I was never at the head nor in with them; the Rindskopfs were excluded.

Q. There was a fund raised to help Governor Taylor's election?—A. Yes; but not from the whisky-men. They opposed it. I was the head man of that other organization, but that was another association; it was for the protection of personal liberties; they were not the whisky-men.

Q. How much money did your company that you were at the head of raise?—A. It raised different sums of money, large sums. We made members, and each of the members paid a dollar a month. We had it for a year and a half, and for the sums they paid monthly we retained attorneys throughout the State to fight the temperance law.

Q. But I am asking you now about what was used in the political campaign of 1873?—A. That was money that we had left from those collections; we used it in the campaign to defeat Mr. Washburn and aid Mr. Taylor.

Q. How much of that money was there that was used in that way?—A. I know that we ran considerably short, and I made up the balance, with another gentleman.

Mr. CATE. This is not within the scope of the resolution, unless the raising of this money for political purposes was connected with the whisky frauds. What the public understand as the "whisky ring" had nothing at all to do with the elections of 1873.

By Mr. CASWELL :

Q. How much money was used by the society of which you were the head to aid in the election of Governor Taylor in the fall of 1873?

By Mr. McMAHON :

Q. Before answering that question give the name of the society to which it refers?—A. I was president of the "Society for the Protection of Personal Liberties," which was formed for the purpose of abolishing the Graham liquor law in the State of Wisconsin.

Q. Had it any connection with the revenue of the United States?—A. It had no connection at all with the revenue of the United States.

Q. Or with the society or body known as the "whisky ring"?—A. No, sir.

(The last question asked by Mr. Caswell was excluded.)

Q. Your society supported Governor Taylor?—A. Yes, sir.

Q. He was the democratic nominee for governor?—A. No, sir; he was the reform nominee.

Q. The democratic was known as the reform nomination that year?—A. No, sir; it was not.

Q. Did they make separate nominations?—A. No, sir. The democrats nominated Mr. Taylor because they wanted him elected.

Q. Mr. Taylor was a democrat?—A. Yes, sir; I think he was a war democrat.

Q. And he was renominated by the democratic party proper?—A. Yes, sir.

By Mr. CATE :

Q. Do you not know that he was nominated by the independent reform party?—A. Yes, sir.

By Mr. CASWELL :

Q. The party of that name succeeded the regular democratic party in Wisconsin?—A. Some of them have; some have not.

Q. There were but two parties in the State, one the republican, and the other the reform party?—A. No, sir; there was the independent reform and the democratic party.

By Mr. GLOVER.

Q. Was Mr. Taylor nominated by two separate conventions?—A. No, sir; by one, but the reformers and democrats united and nominated him.

Q. Governor Taylor was elected that fall by 15,000 majority?—A. Yes.

Q. Before that the State had been largely republican?—A. It was.

Q. Hadn't you reason to believe that this organization in Milwaukee caused his election by this large majority?—A. I think it had something to do with it.

Q. Don't you believe it was the main cause?—A. Well, I do not know. The people of the State may have come to their senses without that, but I think that organization had considerable to do with it.

By Mr. CATE :

Q. And there was less difference in the vote in Milwaukee than there was in some other parts of the State?—A. Yes, sir; there was wonderful changes.

Q. What makes you think that these illicit distillers did, in the fall of 1873, contribute to the republican fund?—A. Well, they were asked to do it.

Q. I want what you know?—A. I can only state from what the gentlemen told me, and what the officers told me.

Q. When you say that the money was raised by what you call the whisky ring in the fall of 1873, to help the republicans, you only have it as hearsay?—A. Certainly.

Q. You do not know it of your knowledge?—A. Not of my own knowledge.

By Mr. McMAHON :

Q. You were approached at one time on the subject?—A. I was approached to contribute as a rectifier.

By Mr. CASWELL :

Q. But you did not?—A. I did not.

By Mr. CATE :

Q. Did you at anytime hand Mr. Conklin a package for carriage, you and Keyes and Conklin being present together, alone?—A. Not of my own knowledge.

Q. Did you complain to these Government officials that their assessments took all the profits of your establishment, and threaten to shut down?—A. Yes, sir.

Q. What did they say they would do if you shut down?—A. Well, that they wanted so much or they would not do the work; they would keep on assessing.

Q. Did they threaten to prosecute you if you stopped running?—A. Yes, sir; they said so, and I think they would.

Q. They did some months take all the profits?—A. Well, in general, the Government took three-fourths of the profits any way, by assessment, &c.

By Mr. CASWELL:

Q. These Government officials you refer to now are the same that you have referred to?—A. Yes; these and others. These were especially in my house, that I know of positively.

Q. "These and others;" what others?—A. I cannot think of the names of the others.

Q. They were all gaugers and dumpers?—A. Yes, sir; and inspectors.

Q. All of whom have been prosecuted since?—A. I think they have all been prosecuted.

By Mr. GLOVER:

Q. About what amount of the revenue from your establishment did the Government get?—A. We paid annually a wholesale license and retail license amounting to \$325, and we pay to the Government only ten cents for every stamp, whether for a large or small package; but the difference was that the goods were not dumped.

Q. What per cent. of the amount of goods dumped did you pay on?—A. The Government received about 60 per cent. pay from what we dumped, and of the 40 per cent. left the Government officials got at least 10 per cent. To show you—I came in one day and saw twenty barrels of high wines there, and Fitzgerald, the dumper, and my brother quarreling. I asked, "What is the matter?" My brother told me that Fitzgerald wanted \$6 a barrel for dumping it, while my brother only offered him \$5. I called my brother aside, and asked him what was our profit; he said our profit was \$8, six of which we were compelled to pay to Fitzgerald, the dumper, or else he would not do the work.

Q. All of which was unlawful?—A. Yes, sir.

By Mr. CASWELL:

Q. Why did you not report him to the district attorney or the marshal at once?—A. That is a pretty hard question to answer, because the Government officer was accustomed to do it for \$5 in general, and then he made a raise of \$1.

Q. But why did you not report him?—A. There is where the profit of the illicit work comes in to the rectifier. That is a question that I cannot answer. I knew that we were liable to arrest, and we could not go and inform on him, and we thought it better to comply with this demand.

Q. Fitzgerald was indicted with the rest, was he?—A. Yes, sir; he received immunity, &c.

WASHINGTON, D. C., June 7, 1876.

LEOPOLD WIRTH sworn and examined.

By Mr. CATE:

Question. Where do you reside?—Answer. Milwaukee, Wisconsin.

Q. Where did you reside in 1874?—A. Milwaukee.

Q. What was your occupation in 1872, 1873, 1874, and 1875?—A. I used to manufacture whisky.

Q. Were you a distiller?—A. Yes, sir; I used to run the Spring street distillery, and then I built what they called the Menomonee distillery in Milwaukee.

Q. How much used you to pay the Government a month?—A. I used to pay them from \$45,000 to \$50,000 a month tax.

Q. Are you acquainted with E. W. Keyes, of Madison?—A. I am.

Q. Were you acquainted with him in 1873 and 1874?—A. No, sir.

Q. When did you make his acquaintance first?—A. In 1875.

Q. Do you know S. J. Conklin?—A. Yes, sir.

Q. What office did he hold?—A. He used to be a revenue agent to look over all the distillers manufacturing, and to look over the whole process generally.

Q. Were you running your distillery in 1874 and 1875 in violation of law?—A. Yes, sir.

Q. Have you been indicted for it?—A. I am sorry to say I have.

Q. What were the proceedings in court against you?—A. I plead guilty.

Q. Has a fine been assessed against you?—A. Not yet.

Q. You are awaiting sentence?—A. Awaiting the sentence.

Q. State whether at the time you were running your distillery in violation of law, it was a general thing in Milwaukee?—A. It was general all over the country, as I understood.

Q. Were you acquainted with any other revenue officers in Milwaukee besides Conklin?—A. Yes, sir; with August Weishardt, deputy collector, and with all the gaugers, Fitzgerald, Griffiths, Moeller, Taft, and Roddis, and Mr. Hovey a store-keeper, and Bemis, and other store-keepers.

Q. Were you on intimate terms with any of those officers?—A. I was on intimate terms with all of them.

Q. Was it known to them that you were running your distillery in violation of law?—A. Yes, sir.

Q. While such was the practice did you pay any money to Government officers, or to other persons to be paid to them, for any purpose having connection with your running your distillery in violation of law?—A. I guess I paid money to every Government officer except Hovey.

Q. For what reason did you pay them money?—A. I paid it to the United States officers for keeping quiet, and letting us work the way it was—hush-money, and for political matters also.

Q. State whether you collected any money from any other distillers, and from store-keepers, gaugers, and others, and paid it to any person.—A. Yes, sir; from Taft, Roddis, Griffiths, Fitzgerald, and other store-keepers and gaugers, for political and electioneering purposes.

Q. Did you collect money from any other distillers?—A. Yes, sir; from Henry Scheinfeld, Thomas O'Neil, and Charley Grau, and Bagenthal.

Q. Did they know for what purpose that money was collected?—A. Yes, sir; I generally told them what I wanted money for.

Q. You were acquainted with Conklin, you say?—A. I was.

Q. Did you ever collect any money and pay it over to him for any purpose?—A. Yes, sir; there was money collected for him, but I did not pay it to him myself.

Q. In what part of 1875 did you become acquainted with E. W. Keyes, of Madison?—A. The first introduction I got to him was on January 25 or 26, in the Park Hotel.

Q. Do you know of any of this money that was collected from distillers, gaugers, and others being paid to Keyes?—A. About the 22d or 23d, Conklin came back from Madison, and said to me and Herman Nunemacher, "We have got to have some money." Nunemacher and I built the Menomonee together. Mr. Conklin said they must have some money for electioneering purposes at the time that Mr. Carpenter was to be re-elected, and he said it would be a good idea to buy a stock of the Sentinel. I said I did not want to invest any money in the Sentinel, and Nunemacher said he would not do it unless he had the controlling stock. Conklin said, "We must get money anyhow for the running of this machine; Mr. Keyes needs some money for political affairs."

(Mr. Caswell objected to the witness stating what Conklin said.)

By Mr. CATE:

Q. After Conklin told you all this, what did you do?—A. We went around collecting—I and Herman Nunemacher; we collected from distillers and United States officers.

Q. Did you collect from any other persons except those connected with the whisky business?—A. No, sir; we collected from gaugers, store-keepers, and distillers.

Q. Did you tell the parties from whom you collected this money the reason for collecting it and what was to be done with it?—A. Nunemacher and I went around to some parties and said that we needed some money in this election affair for Mr. Keyes, in order to have Senator Carpenter re-elected; so some gave us \$50 and some \$100 and so on, and we collected \$1,500. We took that money—myself and Nunemacher—and gave it to Mr. Conklin in an envelope. Conklin asked me if I wanted to give it to Keyes myself. I said, "No; you can do it; I don't want to give it him myself, because I ain't acquainted with him." So I gave the money to Conklin, and he walked along, and I saw him giving the envelope to Keyes; and about ten minutes afterward Conklin and Mr. Keyes came out, and Conklin gave Keyes an introduction to Nunemacher and myself. Said he, "Mr. Keyes, these are the gentlemen that collected that \$1,500 that I gave you." I excused myself and said, "Mr. Keyes, that is all we could collect at present, because we were in a hurry. Conklin hurried us up so, but if there is any more needed, we will get some more money." Mr. Keyes said, "That will do; I will let you know if we want any more."

Q. What did you give that money to Keyes for?—A. Electioneering purposes.

Q. But you were not interested in the re-election of Mr. Carpenter?—A. Well, we thought Senator Carpenter ought to be re-elected, because he was a good man, and we wanted to see him in again.

Q. Was one of the reasons why you gave that money that you expected Keyes would stand between you and the Government?—A. I cannot tell that.

Q. What motive actuated you?—A. Well, we all felt kind of warmly toward Senator Carpenter, and we thought he ought to be elected for general purposes all around, because he was a man from Milwaukee; and another thing, he would not do any harm to a certain extent.

Q. What do you mean when you say that "he would not do any harm to a certain extent"?—A. I think he would hold a hand over us more than anybody else.

Q. Was not this the reason that governed the distillers in raising that money: the expectation that if they did assist in Carpenter's election, he and the Government officials would favor them?—A. Well, I could not say that as a fact.

Q. Was not that one of the reasons that you paid the money?—A. It was a feeling that we thought our officers would be in a better condition if Mr. Carpenter was re-elected.

Q. Do you know that Conklin knew at that time that you were running your distilleries in violation of law?—A. I guess he knew it.

Q. Did you have any conversation with Keyes about it afterward?—A. After the seizure, in the latter part of May or the early part of June, I met Mr. Keyes at the depot, and I

said, "Mr. Keyes, now is the time to pull off your coat and assist us, because we are in trouble, and you must try to do all you can for us." He said, "Let this thing blow over, and then we will see."

Q. Why did you go to Mr. Keyes for assistance?—A. I met him accidentally at the depot.

Q. You met a good many men accidentally at the depot. Did your asking him for assistance have any reference to your having paid him money?—A. Well, I thought he ought to assist us.

Q. You thought he was under some obligation to you on account of what you had done?—A. Yes, sir.

Q. At the time you paid the money, was it not with the expectation that he would favor you if you needed assistance?—A. It was, in my mind; but we had no conversation about it.

Q. But when you raised that money for them, it was with the expectation on your part that if you get into difficulty they would favor you?—A. Yes; we expected that.

Q. You applied to Keyes after the seizure had been made, and said to him in substance, "Now we are seized, and it is time for you to help us," and his reply was, "Let this flurry blow over, and then we will see what we can do?"—A. Yes, sir.

Q. Have you ever been instrumental in collecting any sum of money for such purposes, aside from that \$1,500?—A. Well, we used to collect money now and then for delegates and for electioneering purposes.

Q. Did you ever know of any dispatches being sent out from Keyes for money at any other time?—A. No, sir.

Q. Do you know of any money being paid to him at the new hall on an occasion when Griffiths was present?—A. No, sir; I know nothing about it.

Q. Do you know F. W. Payne?—A. I do.

Q. What office did he hold in the revenue service at any time; was not he a gauger?—A. He is now deputy collector; he was at one time store-keeper at the Killikinick distillery.

Q. Do you know of his receiving any money from any person at any time?—A. I do not know anything about it.

Q. Do you know of his borrowing a large sum of money of some distiller at one time?—A. I don't know anything about it.

Q. Were you not intimately acquainted with him?—A. I am.

Q. Do you know of his making any assessments on anybody?—A. No, I do not.

Q. Did you ever have any conversation with him in regard to revenue matters?—A. We have had lots of conversations now and then.

Q. Don't you know of his having received any money from any store-keepers, gaugers, or others?—A. No, sir; I don't know anything about it.

Q. Did you ever talk with him in regard to the business that you were doing?—A. No; I was not acquainted with him when I was running.

Q. Do you know that he knew that the distillers and others were making crooked whisky?—A. I don't know whether he did or not.

Q. Did you ever talk with him in regard to it?—A. No, sir.

Q. You had no conversation with him whatever in regard to crooked matters?—A. Only joking, like everybody does.

Q. Did he ever approach you on the subject of what you were doing there?—A. No, sir; we had approaching enough. He was a new hand, not initiated; we didn't want to initiate any more.

Q. You say your legitimate dues to the Government amounted to between \$40,000 and \$50,000 a month?—A. Yes, sir.

Q. How much did you pay in the way of crooked assessments to officers and others?—A. I will tell you how that was. I would like to make a little explanation of this whisky business, that seems so strange to some gentlemen. In the first place, the Government books a little from the distiller in the measurement; then the distillers try to get even with the Government—they have not got anything for themselves yet; then the officers want to get something for themselves, and then the politicians want to get something to grease the wheels; and so you have to do so much fraudulent business. For instance, if a man wants to make \$25,000 a year out of a million dollars, he has got to steal \$75,000 and keep \$25,000, and the rest goes to officials and politicians, and to the Government on incorrect measurements.

By Mr. GLOVER:

Q. Do you mean to say that you paid 75 per cent. of your profits to the Government officials and others?—A. Not exactly; because there is wastage, &c., and you have got to make it up.

Q. About what per cent. did you pay out to these officials as hush-money?—A. Sometimes \$200, sometimes \$500; once in a while we would be black-mailed out of \$1,000, and once in a while we would be black-mailed out of \$5,000. I didn't keep any account; I just made a rough calculation, but I think you have got to steal \$75,000 to make \$25,000.

Q. The officers get more than the owners of the distilleries?—A. Well, they have got to make more pieces of it.

By Mr. CATE:

Q. Did you save half your profits, or did more than half go for these assessments?—A. Once in a while we got a big assessment from the Department here in Washington, and we did not know what it was for; sometimes it would be \$1,000, and sometimes \$1,500.

Q. In what shape did it come?—A. That is what I would like to find out. Every distiller knows that he has got to give the Government a certain proportion to the bushel, and we were sharp enough not to steal where the Government could find out that we were stealing, but nevertheless the assessments came from headquarters now and then for \$500 or \$1,000.

Q. How do you know that they came from headquarters?—A. Because they were collected through the collector.

By Mr. GLOVER:

Q. They claimed that you didn't make whisky enough out of a certain quantity of grain, and they assessed you. Is that it?—A. Yes. We thought we did make enough, but nevertheless the assessments came along.

By Mr. CASWELL:

Q. Those were only regular business revenue assessments, going into the regular accounts?—A. Yes, sir.

By Mr. GLOVER:

Q. Are you able to show from your books that, according to the Government requirement of a certain amount of high-wines from a certain amount of material, you rendered the Government what the regulations required, and yet that they afterward assessed you?—A. I think we can. The Government have got the books in their hands.

By Mr. CATE:

Q. Who made those assessments?—A. They are collected through the collector. I guess Mr. Pratt himself makes them.

Q. But he makes them on information; who gives him that information?—A. He is informed by the papers that come down—the monthly reports.

Q. The store-keeper or gauger makes a report?—A. Yes, sir.

Q. And the assessments were made from those reports?—A. Yes, sir.

Q. Is it your impression that at the time the assessments were made you had paid the Government enough to make up its proper dues?—A. I think so. I think there are wrongful assessments made; they may not be wrong altogether, but I think some of them were wrong.

Q. You think you paid the Government all that was due them from the amount of business you did?—A. Yes, sir.

Q. The money you paid the Government officers was other money, of course?—A. Yes, sir.

Q. What offices did those men hold to whom you paid money?—A. Some revenue agents, some supervisors, and some gaugers.

Q. Who was the supervisor?—A. Well, I didn't give money directly to Munn, but there was money paid to Munn.

Q. Tell us who received money that you know?—A. Well, I know we paid it toward Munn, but I didn't give it to him direct.

Q. Do you know that?—A. Yes, sir.

Q. Were you subpoenaed as a witness to Chicago?—A. I was; but they would not allow it because he was indicted at Milwaukee.

Q. He was indicted there, but he has not had his trial?—A. No, sir.

By Mr. GLOVER:

Q. To whom did you pay the money that went to Munn?—A. Nunemacher gave it to Conklin and Conklin gave it to Munn.

Q. You have mentioned the supervisor; now who else?—A. There was Valentine, a store-keeper, and Ellis, a store-keeper, and Fitzgerald, a gauger, Roddie, a gauger, Taft, a gauger, Bemis, a store-keeper, and August Weishardt. These are the men that money was paid to by the distillers from 1873, to January, 1875.

Q. Have those men all been indicted at Milwaukee?—A. Yes, sir.

By Mr. CASWELL:

Q. At the time this \$1,500 was raised, Senator Carpenter was a resident of Milwaukee and was running for the Senate?—A. Yes, sir.

Q. You all felt an interest in him, didn't you?—A. Yes, sir.

Q. Why?—A. Because he was a citizen and an able man.

Q. Did you have any reason to think that he knew that any of you were running crooked?—A. Mr. Carpenter?

Q. Yes.—A. I don't know what Carpenter thought.

Q. But you had no reason to think, had you, that he knew you were engaged in illicit distilling at the time this money was raised?—A. No, sir.

Q. And you have no reason to think that Mr. Carpenter knew who contributed this money?—A. I don't know whether Mr. Carpenter knows anything about that money at all.

Q. You have no reason to think that he knew anything about the contributors or that there was any money raised?—A. No, sir. I didn't speak to him about it. I was not acquainted with him at all personally until after the whisky trials.

Q. Do you know that Mr. Keyes knew that you were engaged in illicit distilling at that time?—A. I don't know if he knew. I didn't have any conversation with him about it.

Q. How long had you been acquainted with him then?—A. I got acquainted with him that day, the 26th of January I guess it was. He knew where the money came from.

Q. Do you know that he knew each one that contributed?—A. I think I put a list of the names with the money; I don't swear that positively, but I think so.

By Mr. CATE:

Q. Was there anybody on that list except those engaged in that business?—A. No, sir; only distillers, store-keepers, and gaugers.

Q. You had no conversation with Keyes at the time this money was paid about protecting you if you got into trouble?—A. No, sir; we never had any conversation about anything of the kind.

Q. You never had any promise, directly or indirectly, from Keyes to aid you out of your difficulties?—A. Not through his mouth, only what we spoke after the seizure.

Q. After the seizure you met him at the depot and had some conversation with him, and he said what?—A. He said to "wait until this first fire is over or until this blow is over, and we will see what we can do."

Q. You said something about having expected help if Carpenter was elected or from Keyes; what were those expectations based on?—A. Well, so far as money matters was concerned, when the republican delegates were elected we helped to elect them and spent money around town for it.

Q. That was voluntary on your part?—A. Well, it was through the officers, the store-keepers and gaugers.

Q. But you had no assurance of protection from Keyes or Carpenter?—A. No, sir; not any.

Q. Did Keyes, after you were indicted, try to get you out of it in any way?—A. I don't know that he did. I didn't speak to him any more. I don't know whether he made any effort either way.

By Mr. GLOVER:

Q. You said that from time to time the Government made assessments upon you?—A. Yes, sir.

Q. Have you kept a record of those assessments?—A. They are in the collector's office. After the seizure, we destroyed everything and lost everything, but they can be found in the collector's office, I guess. They were paid there.

Q. When you go home will you go through the collector's office and send an abstract of the dates and the amounts of those assessments, and the names of the persons by whom they were made?—A. I will if I can.

By Mr. CASWELL:

Q. When you contributed this money to assist in Senator Carpenter's re-election, your expectations of assistance, if you got into trouble, were based upon the fact that he was a strong influential man, and you thought that if you befriended him he would befriend you, and from the fact that he was a resident of your own city you wanted to see him re-elected, and you were willing to contribute money for that purpose?—A. Yes, sir.

Q. Did you understand what this money was to be used for; to pay hotel-bills or any other purpose?—A. No; it was to be used for political purposes. I don't know what Keyes done with it; I only know he got it.

Q. This was at the time of Mr. Carpenter's campaign?—A. Yes, it was January 26, 1875, and I think Mr. Cameron got elected early in February.

Q. Your whole expectations of assistance if you got into trouble were based upon the idea that Carpenter and Keyes were strong, influential men, and that they might or would assist you if you needed assistance, and not upon any assurance received from them?—A. I had no assurances, but I expected some favor.

Q. And I ask you why you expected it. Was it not from the fact that they were strong, influential men?—A. The fact that they were strong, influential men, and then we thought we ought to have some benefit by working for the party.

Q. You thought that if you helped them they would help you?—A. Yes, sir.

By Mr. CATE:

Q. Didn't Conklin tell you at the same time that if you did pay this money they would help you?—A. Yes, Conklin did; but they did not.

Q. And then when the Government pounced upon you and you applied to Keyes for as-

sistance, he said, "Let this flurry blow over!"—A. Yes; I applied to Mr. Keyes, and I said to the rest of the boys we ought to use Keyes now because he used us.

By Mr. CASWELL:

Q. But they neither assisted you nor Conklin when you got into trouble?—A. No, sir.

WASHINGTON, D. C., June 9, 1876.

LEOPOLD WIRTH recalled.

By Mr. CASWELL:

Question. You were engaged in illicit distilling in Milwaukee in 1873 and 1874?—Answer. Yes, sir.

Q. Did you belong to the society of which Sam Rindschopf was president, called the Personal Liberty Association?—A. No, sir.

Q. Did you contribute to its fund?—A. I did.

Q. In what year?—A. I think in 1873.

Q. How much did you pay?

(Question objected to by Mr. Cate. The committee overruled the question for the reason that they had no jurisdiction of any question of fraud in the election of a governor or other State official, unless the fraud proposed to be inquired of shall involve some fraud on the revenue, or some official of the United States shall be involved therein.)

Q. Did you or your distillery contribute toward a fund, to be used for the election of the democratic nominee for governor, in the fall of 1873, in Wisconsin?

[Objected to by Mr. Cate; objection sustained upon ground given above.]

Q. Do you know of others who engaged in illicit distilling in the fall of 1873, in Milwaukee, contributing toward the election of Governor Taylor?

[Objected to by Mr. Cate; objection sustained upon ground given above.]

WASHINGTON, June 9, 1876.

DAVID GRIFFITHS sworn and examined.

By Mr. CATE:

Question. Where did you reside in 1874?—Answer. In Milwaukee, Wis.

Q. Did you hold any office there under the General Government?—A. Yes, sir.

Q. What office did you hold?—A. United States store-keeper.

Q. At what distillery?—A. I was at several distilleries in 1874. I was at Nunemacher's, Henry Shaufeld's, and Bergenthal's.

Q. When were you appointed store-keeper?—A. I was in the service twice. I was appointed into the revenue service the first time in March, 1873. I afterward resigned that position, and accepted a position in the mail service. I resigned that and accepted the same position in the revenue service on the 1st of June, 1874.

Q. Through whose influence did you obtain the appointment, or through whom did it come? I refer to your last appointment.—A. I made a trade. I would have to go over all the facts to explain it fully. It was through Mr. Erskine, I suppose; he was collector.

Q. Did any consideration pass between you and any other person, either Erskine or anybody else, for that appointment?—A. No, sir; except this change that I say was made. The first distillery I was at was Nunemacher's; I was there from the 1st of June until the last day of October.

Q. While you were at that distillery, did you contribute any money for any purpose in Milwaukee?—A. I did for different purposes.

Q. By whom were such assessments made upon you?—A. They were made by different parties there.

Q. Name them.—A. I paid money to Mr. Weizart, who was the deputy collector. I paid money in the Luddington campaign.

Q. Was that a State affair?—A. He was running for Congress.

Q. I desire you to confine your answers to money paid to officials of the Government, and to nobody else, unless it was for some purpose connected with some Government official.—A. I paid money to Weizart and to Fitzgerald.

Q. What offices did they hold?—A. Weizart was deputy collector and Fitzgerald was gauger.

Q. What was the nature of those assessments, and how were they imposed upon you?—

A. They came around and told us that they wanted money to pay so and so, toward the election of such and such a man, or to give such and such a man some money.

Q. Was there a uniform assessment upon your class of officers and upon others; that is, were gaugers assessed so much, store-keepers so much, and distillers so much?—A. Yes, sir.

Q. Did they tell you when they came what the storekeepers' assessments were?—A. Generally the store-keepers' assessments were \$50.

Q. Were they of frequent occurrence or rare?—A. They came quite often—about every month.

By Mr. McMAHON:

Q. Every month?—A. I cannot say exactly how often, probably once a month or once in two months.

By Mr. CATE:

Q. How much do you think you were assessed per month?—A. I could tell you how much I paid altogether while I was in the service. The last time I was only in the service about a year or thirteen months, and I paid between three and four hundred dollars.

Q. That was paid in the uniform way for electioneering purposes, as you understood it?—A. Yes, sir.

Q. How came you to be assessed, and why did they come to you for money; what was your understanding of it, and what was said to you when you were called on to pay money, as a reason why you were assessed?—A. I was a Government officer, and I am sorry to say that I was one of the crooked officers. Of course the understanding when we went in there was that we should help each other. That is, not each other, but to contribute money to protect us in any shape or manner.

Q. Was it your understanding that these contributions were for the purpose of your protection?—A. Certainly; that is the way I always understood it.

Q. Was it understood by you that these contributions and payments were in the nature of hush-money to the Government officers?—A. A portion was, but not all.

Q. When you were called upon to pay money, what was said to you as to the use that was to be made of it, by those Government officials and officers?—A. I generally complained; our regular salary was only \$4 a day. I told them that I could not stand it. The answer they would give me would be, "It is for your own interest, and your own protection; suit yourself."

Q. Were you ever told at the time of these assessments to whom the money was to be paid?—A. Yes, sir; at certain times I was told.

Q. Were you acquainted with Herman Nunemacher?—A. Yes, sir.

Q. Did you know him in December, 1874, or in the first part of 1875?—A. I did.

Q. What business was he engaged in?—A. In the distilling business.

Q. State whether he himself ever called upon you to contribute money for any political purpose?—A. He did.

Q. Was there any person with you when he called upon you at that time?—A. At one time there was.

Q. Who?—A. Mr. Wirth.

Q. State what conversation passed between you relative to the money.

[Objected to by Mr. Caswell. Objection overruled.]

A. I paid Mr. Nunemacher money twice, once in the presence of Mr. Wirth. The first time he came to me, he told me that Mr. Keyes was in town and that he wanted money. The second time he came was with Mr. Wirth. They also came to my house.

Q. I refer to the time that they came to your house, 601 Jackson street.—A. I do not know that I can designate one from the other. The first time that Mr. Nunemacher spoke about it, and asked me for the money, he said, "Keyes is in town and wants money." I said to him, "This is getting thin. I don't want to pay my money without I know that those parties get it." The reply Mr. Nunemacher made to me was, "Mr. Keyes is stopping at the Newhall House, and if you will come down there with me you will see that he shall get it." I went down with him, and Mr. Keyes was in the room. Mr. Nunemacher, by the way, had collected from several other parties, and had the list of names. They always made out the list with the money, so that the parties should know who were the contributors. He showed me the money in his vest pocket before he went up-stairs, and he had the list with it. I went up with him to the door of his room. Mr. Keyes came to the door and invited him in. I stepped back; I did not go in. He was in there, probably, five or ten minutes. When he went in he had the money in his vest-pocket, with the names of the parties who contributed. When he came out I searched him, and the money was not there.

By Mr. LEAVENWORTH:

Q. By searching, do you mean that you simply looked at him?—A. No, sir; I looked in his pockets. I was very well acquainted with him.

By Mr. CATE:

Q. You did not testify whether you contributed anything yourself at that time?—A. Yes, sir; I did pay \$50.

Q. Do you remember now certainly whether Wirth was along that time, or whether it was some other time Wirth was with you?—A. I think it was the last time I contributed money that Wirth was along.

By Mr. GLOVER :

Q. Do you know how much the aggregate contributions were at the time you gave the \$50?—A. No, sir; I could guess or estimate it. It was between fifteen hundred and two thousand dollars; it might be more and it might be less.

By Mr. CASWELL :

Q. What time do you locate this?—A. It was either December, 1874, or January, 1875.

By Mr. CATE :

Q. State whether, at any other time, say in February, 1875, they came to you for money.

—A. Yes, sir; Mr. Wirth and Mr. Nunemacher were at my house one Sunday.

Q. What time was it?—A. It was the Sunday before Mat Carpenter's defeat.

Q. It was in February, then?—A. Yes, sir; they came up there, and Mr. Nunemacher showed me a dispatch, dated Madison, Wis., and signed by E. W. Keyes; that I remember very well. I do not remember the exact wording of the dispatch. It purported to come from Keyes.

Q. What was done?—A. The dispatch said that he wanted help, and they showed me a list of parties, and they had been around to see who had paid money. I told Mr. Nunemacher that I did not have the money then, but if they would come down to Shanfield's distillery, where I was situated at that time, that I would get Mr. Shanfield to give them a check in the morning. Mr. Nunemacher asked Wirth if that was all right, and he said yes. Mr. Wirth came out there himself and got the check, and they left the next Monday or Tuesday for Madison.

Q. What was said at the time the money was paid, as to the use which was to be made of it?—A. It was said that it was to be paid to Mr. Keyes.

Q. For what purpose was it to be paid to Mr. Keyes?

(Objected to by Mr. Caswell. Objection overruled.)

A. I told Mr. Nunemacher at the time that I thought we were getting bled pretty hard, and that this thing ought to let up. He said, "We are all doing it for our own good and for our own protection." That was the reason I paid it.

By Mr. McMAHON :

Q. The question is, what was the use that the money was to be put to; that is, what object was held out to you?—A. I understand that it was to be paid to Mr. Keyes.

By Mr. CATE :

Q. For what purpose?—A. As they always talked, I supposed that he was getting his regular—

Q. No; you do not understand me. My object is to ascertain whether the money was to be used for political purposes in Mat Carpenter's election.—A. I do not think it was.

Q. There was nothing said about that?—A. No, sir.

Q. It was simply paid to Keyes to be used in his discretion?—A. Yes, sir.

Q. And the reason assigned was that it was for your protection?—A. Yes; certainly.

Q. Are those the only two instances in which you were assessed while you were there by any persons for the benefit of Keyes, so far as you can remember?—A. Yes, sir; I think so.

Q. Did you pay money at any other time to anybody for political purposes?—A. Yes, sir.

Q. Did you generally pay as often as once a month to somebody?—A. I do not know that I could say that we paid regularly once a month, but whenever they came around we always paid.

Q. Then these are not the only instances in which you did pay?—A. O, no, sir.

Q. It was a matter of frequent occurrence, was it?—A. Yes, sir.

Q. And continued until you got tired of it, and said that it was coming pretty thick?—

A. Yes, sir.

Q. You were at Shanfield's distillery?—A. Yes, sir.

Q. At that time did you know that they were running crooked whisky?—A. Yes, sir.

Q. What was your particular duty there?—A. I was the general overseer of the distillery. Nothing can be done there unless I consent to it.

Q. Are you acquainted with other Government officers in Milwaukee?—A. Yes, sir; with all of them, I think.

Q. Was it generally known and understood among those Government officers that these gentlemen were running crooked whisky?—A. Yes, sir; it was always understood.

Q. Are you acquainted with Conklin?—A. Yes, sir.

Q. Do you know whether Conklin knew anything of these things or not?—A. Well, I don't see how he could help it.

Q. Do you remember whether or not Mr. Wirth and Herman Nunemacher went to Madison that day, within a day or two after you paid that last money to them, or not?—A. I know they did.

Q. You did not go with them?—A. No, sir.

By Mr. GLOVER :

Q. What position did Mr. Conklin hold?—A. He was a revenue agent.

By Mr. CASWELL :

Q. Some time ago, in answer to a question, you said something, in which you were interrupted, to the effect that the talk was that Keyes was getting his regular—, and there you stopped.—A. Among us crooked boys, as we were called down there, we had our regular cash every month; and as it was generally talked of there, I meant just the same thing of him; that it was talked that way; he was receiving it.

By Mr. GLOVER :

Q. Receiving his regular proportion?—A. Yes, sir; that is what I meant.

By Mr. CASWELL :

Q. Who talked this?—A. It was generally talked.

Q. That will not do. You must tell who talked it.—A. I can name the parties who were in this affair; they all talked it.

Q. You may. Class them, if you please, as gaugers, or storekeepers, or others, if they belonged to that class.—A. They were gaugers, storekeepers, distillers, deputy collectors, &c.

Q. Did Keyes ever talk so to you?—A. I never talked to Mr. Keyes about the subject.

Q. And you only know what these gaugers and storekeepers talked among themselves?—A. I know I have paid money to go to that source; that is, to Mr. Keyes.

Q. Did you ever pay Keyes money?—A. I never paid Keyes money, but I say I have paid money toward that.

Q. To whom did you pay the money which you understood went to him?—A. I paid it to Mr. Nunemacher once, and once to Mr. Wirth and Nunemacher.

Q. You mean the times you have spoken about?—A. Yes, sir.

Q. You have said that when you made payments at these times you supposed that he was getting his regular installments?—A. Yes, sir.

Q. What do you mean by his regular installments?—A. I just explained that to you.

Q. Were those the only times that you paid money to go into his hands which you have named?—A. Yes, sir; that is all that I have a recollection of.

Q. Then the two times which you have detailed were the only times that you ever paid money to go into Keyes's hands?—A. Yes, sir.

Q. You say the first time was in December, you think?—A. Yes, sir; I think it was.

Q. Was it when the legislature was in session?—A. No, sir; it was before the legislature was in session, I think.

Q. Who collected that money?—A. Herman Nunemacher.

Q. Did Wirth go with him at that time to Madison?—A. That was given to Mr. Keyes.

Q. How do you know that?—A. I have just explained it.

Q. That was the time you were in the room?—A. Yes, sir.

Q. That was before the legislature convened, and before the first of January?—A. That I do not know; I cannot tell. It was either in December, 1874, or January, 1875; I cannot swear as to the date.

By Mr. GLOVER :

Q. Was this the time that dispatch was sent down?—A. It was sent subsequently.

By Mr. CASWELL :

Q. You say that there were about fifteen hundred or two thousand raised?—A. I should think so, more or less. I cannot swear exactly as to the amount.

Q. When was the other time?—A. It was the Sunday before Mat. Carpenter's defeat.

Q. How much did you raise that time?—A. I could not tell you how much was raised. I know that all the gaugers and the store-keepers except one—

Q. Keyes was in there, you say?—A. No, sir; he was not.

Q. Did they raise and carry it to Madison?—A. Yes, sir.

By Mr. CATE :

Q. You meant to say that all the storekeepers, gaugers, and others contributed; you were broken off and simply left off the word "contributed"?—A. Yes, sir; they all contributed, and the distillers also.

By Mr. CASWELL :

Q. Wirth was present the first time, was he not?—A. No, sir; I do not think he was.

Q. That is, at the time the \$1,500 was contributed?—A. No, sir; I don't think he was.

Q. Let me ask you in all candor, have you not got the one case stretched into two by not recollecting clearly?—A. No, I do not think I have. I know that I went up with Mr. Nunemacher. It was the understanding before I paid him the money.

Q. Are you certain that there was any collection of funds made at all before the legisla-



ture convened in Milwaukee—I mean to be sent to Keyes and delivered to him?—A. I know it; I know that I paid \$50.

Q. You paid it to somebody, you say?—A. I paid it to Mr. Nunemacher.

Q. You do not know that he paid it over to Keyes?—A. I have stated already that I went up with Mr. Nunemacher; that he rapped at the door; that Mr. Keyes came to the door, said "Good evening; come in," and that I stepped back.

Q. Do you think this was before the legislature convened?—A. I do; but I could not swear to it. I have sworn that it was either in December or in January.

Q. Who helped you to collect that money; did Nunemacher do the most of the collecting?—A. I suppose so; I could not tell.

Q. Did he do it alone, so far as you know?—A. As far as I know, he did.

Q. Do you know that Keyes knew that these distillers were running crooked at that time?—A. I do.

Q. You know that he knew it?—A. I do not say I know it, but I think he did; that is, I cannot swear that he knew it, but everybody did; and I do not see why he should not.

Q. You say the only reason assigned for requiring you to pay money was that it was for your protection?—A. Yes, sir.

Q. Who gave you that pledge or assurance?—A. It was the general talk among the men who were in that business, the officers, distillers and rectifiers.

Q. You were not distilling whisky yourself?—A. I was an officer.

Q. Why did you desire protection?—A. I was in it just as much as the distillers were, and the rectifiers. I permitted it.

By Mr. McMAHON:

Q. You had a share of the profits?—A. Yes, sir.

By Mr. CASWELL:

Q. Why should anybody assess you for your protection? I can see how you might assess the distillers for their protection, but I cannot see how anybody could assess you.—A. It was generally understood that Mr. Keyes knew what was going on, and this thing was paid to him in order that he might protect us.

By Mr. GLOVER:

Q. You admit that the distillers and all the officers connected with this business had gone into the crooked running of whisky?—A. Yes, sir; all except one.

Q. Consequently, both officers and distillers needed protection?—A. Yes, sir.

By Mr. McMAHON:

Q. Who was that one man who was not crooked?—A. His name was Hovey. In fact, there were two. There was one man named Peter Hugan.

By Mr. CASWELL:

Q. This was a mutual understanding, then, among you?—A. It was generally understood and talked.

By Mr. GLOVER:

Q. When you say "generally," do you mean among these officers, distillers, and rectifiers?—A. Yes, sir.

By Mr. CASWELL:

Q. You say that you never contributed funds when you were given to understand that it was going to Keyes, except twice?—A. Yes, sir, that is so, I think.

Q. How much did you contribute at those two times of which you have spoken?—A. I just told you, \$50 each time.

Q. You have heretofore stated that you contributed in all \$300 or \$400? Who was that paid to?—A. It was paid to various parties.

Q. To whom?—A. To parties not connected with Keyes or Carpenter.

Q. You never had any assurance of protection from Keyes or Carpenter yourself, did you?—A. Personally, I never did.

Q. When did you first become acquainted with those two men, Keyes and Carpenter?—A. I have known them by reputation a long time.

Q. When did you have any personal acquaintance with them?—A. I could not tell you exactly.

Q. Have you any personal acquaintance with them now?—A. I have been introduced to both of them.

Q. How long ago?—A. I was introduced to Mr. Keyes as delegate from the Ninth ward of Milwaukee to the State convention, a year ago this last July. I was introduced to him in Milwaukee once or twice before.

By Mr. McMAHON :

Q. You were a delegate for the republican State convention ?—A. Yes, sir.

By Mr. CASWELL :

Q. State what year it was that you were first introduced, and also state the date of your second introduction.—A. That I do not remember.

Q. Do you say that you had personal acquaintance with him before one year ago ?—A. I cannot say that I have a personal acquaintance with him now. I have been introduced to him two or three times.

Q. Can you not state the first time ?—A. I do not think I can. It must have been two or three years ago.

Q. And the last time was when ?—A. I have said that it was at the State convention last July.

Q. Have you any personal acquaintance with Mr. Carpenter ?—A. Yes, sir.

Q. When did that commence ?—A. I have also been introduced to Mr. Carpenter several times.

Q. State when your personal acquaintance commenced ?—A. I cannot say exactly ; five or six years ago.

By Mr. CATE :

Q. He lived at Milwaukee and you lived at Milwaukee ?—A. Yes, sir ; I live there, and have lived there since I was a boy.

By Mr. CASWELL :

Q. Did you ever talk with either of them about these parties running crooked ?—A. No, sir.

Q. I suppose that you all employed counsel and might have spoken about the matter.—A. Mr. Butler was my counsel. I had a talk with Mr. Keyes at Madison, at the time of that convention. That is the only time that I ever had any conversation with Mr. Keyes on the subject of crooked whisky.

Q. That was after the seizure of the distilleries ?—A. Yes, sir ; there were many rumors and much excitement at the time.

By Mr. McMAHON :

Q. These seizures took place in May ?—A. Yes, sir ; there were great rumors afloat that we were going to be indicted, &c., and shoved in the penitentiary without having any trial.

By Mr. CASWELL :

Q. Have you made and signed the statement of what you knew about this matter under investigation ?—A. I have.

[At the request of Mr. Caswell, Mr. Cate handed to him copy of the statement referred to.]

The WITNESS. One thing I want to say is that I have never sworn to that statement.

Mr. CASWELL. You signed it, did you not ?—A. Yes, sir.

Q. [Referring to statement.] Is that the statement which you meant ?—A. Yes, sir. [Referring to the signature.] That is my handwriting.

Q. You say in that statement that to the best of your knowledge and belief " money was paid to E. W. Keyes, residing at Madison."—A. I do ; there are some corrections, however, which I desire to make in that statement.

Q. You say in that statement, " I, David H. Griffith, residing at Milwaukee, Wis., while holding the position of United States store-keeper at distilleries in the district of Milwaukee, have, at various times, contributed money by me obtained from distillers for allowing them to perpetrate frauds upon the revenue, to be paid, and that was to the best of my knowledge and belief paid, to E. W. Keyes, residing at Madison, Wis."

The WITNESS. Allow me one word. I do not mean to say that all the money that I received from distillers was paid to Mr. Keyes.

By Mr. McMAHON :

Q. You mean that it was out of your share ?—A. Yes, sir ; it was out of my share.

By Mr. CASWELL :

Q. You mean that you only paid to E. W. Keyes in the two instances to which you have referred ?—A. Yes, sir.

By Mr. McMAHON :

Q. You paid out particular money which you collected from distillers for your own use ?—A. Yes, sir.

Q. That is, out of your share ?—A. Yes, sir ; out of my share of the spoils.

Q. That is, you did not go around and have a collection-list ?—A. O, no, sir.

By Mr. CASWELL :

Q! You further say: "I having been told, and believing that it was necessary for me to contribute such money in order to more perfectly protect all persons concerned in defrauding

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the Government of its lawful taxes upon high wines manufactured in the district of Milwaukee, Wis." Do you mean that Carpenter or Keyes ever told you so?—A. I do not.

Q. You further say: "Upon one occasion, some time in the month of December, 1874, or January, 1875, Herman Nunemacher and Leopold Wirth, both distillers in the district of Milwaukee, came to my residence, 601 Jackson street, in the evening, and said that E. W. Keyes was in town and must have some money. My wife, who was in the room when the persons named called, left the room, that my conversation with Wirth and Nunemacher might be private. They told me that I must pay \$100. I at first refused, stating that I was tired of being assessed so often, that besides, I had no guarantee that the money was actually paid to E. W. Keyes; that when I contributed money, I wanted to know that it really went to him, that I might get the proper credit for having done my share. I told Wirth and Nunemacher that they might call at my place of work, Shanfield's distillery, the next morning, and that then I would give my final answer. The next morning they came (Wirth and Nunemacher) to Shanfield's distillery, Milwaukee district, where I then was, and said that I might contribute \$50, and then go to Newhall House, city Milwaukee, Wis., with them and see E. W. Keyes, who was at the Newhall House, receive the money that had been contributed by the various distillers, gaugers, store-keepers, and rectifiers. I paid them the money, and on that evening I went to the Newhall House, and there I found Wirth and Nunemacher. Herman Nunemacher had the money that had been contributed in his vest pocket. We left Mr. Wirth in a sitting-room, and I went with Herman Nunemacher to the room occupied by E. W. Keyes. Mr. Keyes was in his room. The door was open. I saw E. W. Keyes. He greeted Mr. Nunemacher and asked him in. I remained on the outside of the room."

The WITNESS. I remained outside of the door.

Q. You further say: "In a few moments Mr. Nunemacher came out of E. W. Keyes's room without the money. Wirth, Nunemacher, and myself then went to Filee's restaurant, in the same block as the Newhall House, and there I searched Mr. Nunemacher, and found that he did not have the money that he did have in his possession when he went into the room at the hotel kept by E. W. Keyes. That satisfied me that Mr. Keyes received the money, and the list of the persons who had donated it, and I was satisfied."

The WITNESS. I would like to say this: Mr. Wirth, Mr. Nunemacher, and myself used to go down to the Newhall House very often of an evening, and on several occasions we had been there. Wirth was not connected with that hotel, but Nunemacher alone.

Q. Then you mean to say that the reference to Wirth is not the truth?—A. Yes, sir; I refreshed my memory in talking the matter over with Mr. Wirth.

Q. You learned that it was not so by conversing with Mr. Wirth?—A. Yes, sir; and that he was not there; but he told me that he had heard of it, or something to that effect.

Q. How long before Mr. Nunemacher came out of the room was it before you searched him?—A. Mr. Nunemacher had only one arm; I took him by that arm, and walked with him to Filee's restaurant, which is only four or five doors from the Newhall House, on the corner of the same street. We went in there. I was very well acquainted with him. Said I, "Herman, look here, I want to see whether Mr. Keyes handed you that money." He said, "Well, search me." I looked over him, and in his pockets, and every place where I thought he might have it put away, and I could not find it.

By Mr. CATE:

Q. You could find neither the money nor the list?—A. Neither the money nor the list. That satisfied me that Mr. Keyes had received the money.

By Mr. CASWELL:

Q. You understood, I suppose, that the senatorial election was approaching?—A. Yes, sir.

Q. You think the legislature had not yet convened?—A. No; I do not think it had.

Q. And you think that this was to be used for that purpose?—A. No, sir; I did not understand it in that way.

Q. Was there any explanation made to you about it?—A. All that was said to me was that it was for Mr. Keyes.

Q. You further say: "On another occasion, either in January or February, 1875, Mr. Leopold Wirth and Herman Nunemacher came to my residence one Sunday, and said that they wanted \$50 to give to E. W. Keyes. Mr. Herman Nunemacher showed me a telegraph dispatch, dated at Madison, Wis., and signed by E. W. Keyes, asking for help. I told them that I did not have the money that night, but that I would pay the amount in the morning." Have you not got that mixed up with the other matter?—A. No, sir; I do not think I have.

Q. You referred to the very same men?—A. I know that, but I was at Shanfield's distillery from December, 1874, to the 1st of May, 1875.

Q. You proceed to say: "But that I would pay the amount in the morning, if they would call at Shanfield's distillery. Nunemacher said to Wirth that will be all right, will it? and Wirth replied, yes; that Henry (meaning Shanfield) will pay. The next morning Mr. Wirth came to Shanfield's distillery, and Henry Shanfield gave him a check for \$50 for me."—A. That means, gave Wirth the check for \$50.

Q. Now, as I understand it, you swore that at two different times Nunemacher and Wirth came to your house in the evening?—A. No; I did not; I corrected the first statement.

Q. You said Wirth was not with you?—A. I said Wirth was not with Mr. Nunemacher at all the first time, but the last time he was with him. I would like to have Mr. Wirth's name scratched off that first statement.

Q. You further say: "Both Wirth and Nunemacher went to Madison on the following. Tuesday morning, to pay, as I understood it, to Mr. Keyes the money that had been raised. The demands in this case had been \$200 on each distiller, \$100 or \$125 on each gauger, and \$50 upon each store-keeper;" now, do you state that of your own knowledge?—A. I will tell you just how I know it. They showed me the list.

Q. Who showed it?—A. Mr. Nunemacher and Mr. Wirth. They showed me the names of the distillers first, then the gaugers, and then the store-keepers.

Q. And that is the way you know it?—A. Yes, sir; they said it was so, and I took their word for it.

Q. What do you mean by assessments? Who made these assessments?—A. Different parties.

Q. Who were the parties? Do you know anything about there being assessments, more than you learned from the minutes which Wirth and Nunemacher showed you?—A. I have told you what they told me.

Q. Do you know anything about assessments beyond what they told you?—A. No, sir. I know what I have done myself.

By Mr. GLOVER:

Q. Did any of these parties ever admit to you that they were paying money as you were paying it?—A. Yes, sir; they have. I know they have. I have seen them do it.

By Mr. CASWELL:

Q. I want to know what you mean by assessment; do you mean the levies made on you by Nunemacher and Wirth when they came around to collect?—A. Yes, sir; I would like to explain in reference to the first part of my testimony given just before the interruption occasioned by the committee being required to be upon the floor of the House, that Mr. Weizart and Mr. Fitzgerald did not make the assessment, but that I paid the money. I do not want you to understand that Weizart and Fitzgerald levied the assessments on us, because they were contributors themselves.

By Mr. CATE:

Q. They were the persons who collected it?—A. Yes, sir.

By Mr. CASWELL:

Q. Who made what you call the assessments?—A. I do not know that I could tell you exactly. Nunemacher and Wirth generally. They always had a list.

Q. They in the first place, that night, wanted you to pay a hundred dollars, and the next morning they came and told you you might pay fifty dollars?—A. Yes, sir; Nunemacher said so.

Q. You further say in your statement: "I was informed that all but one or two of the store-keepers, distillers, and gaugers paid that assessment;" how were you informed of that?—A. Most all of them told me that they had, and some of them I saw paying it.

Q. You further say: "The one man always exempted from this assessment was W. H. Hovey, a store-keeper, who did not know of the frauds committed upon the revenue."

The WITNESS. Yes; and I ought to have said Peter Hugen, too.

By Mr. McMAHON:

Q. What was the matter with him; was he too dumb?—A. They could do all they wanted with him without making payments to him. A *nolle pros* was entered in his case. He was no man for the position. I think he was better than the rest of us were, for he tried to do his duty, and thought he was doing it.

Q. You further say: "I always understood and believed as a measure of success in carrying on the frauds of the revenue, that it was necessary to contribute whatever money was asked for by those who collected money for E. W. Keyes." All you know about their collecting money for E. W. Keyes was what you have heretofore stated?—A. Yes, sir; all that I know I got from Wirth and Nunemacher, and what I have stated.

Q. You further say: "It was understood by me as a part of the general plan, that I was obliged to contribute such money. It was understood by me that E. W. Keyes afforded protection to all of us engaged in the frauds upon the revenue. I came to that understanding by the general talk among the parties to the frauds in the Milwaukee whisky. I have carefully read the above statement as dictated by me, and I affirm it to be true in all particulars, signed David H. Griffith." You say now that it is not true in all particulars?—A. Well, I did not swear to that.

Q. But you say now that it is not true in all particulars?—A. It is not according to my present recollection. I have made some verbal changes, as you have proceeded with the reading of it.

By Mr. McMAHON:

Q. Is there any other correction that you desire to make of it?—A. I do not think of any now.

By Mr. CASWELL:

Q. How came you to sign a statement which is not true in all respects? Who prepared that statement?—A. I prepared it myself.

Q. Why did you put in anything that was not true?—A. I do not think there is anything in there that is not true.

Q. You do not mean to say that that statement is in your handwriting?—A. No, sir; but I was the one who got it up in the first place.

Q. Who wrote it?—A. A gentleman in Milwaukee.

Q. Is the language there your own, as you wrote it in the first place?—A. Yes, sir.

Q. It is simply copied from what you wrote?—A. Yes, sir; it is a copy of mine.

Q. Why did you not sign it yourself when you wrote it out, instead of copying it?—A. I wanted to keep it.

Q. Is not this statement in a lawyer's handwriting?—A. It is not. It is in Mr. Northrop's handwriting.

Q. Who is he?—A. He is the editor of a paper in Milwaukee.

Q. Is he the editor of the Milwaukee Times?—A. Yes, sir.

Q. Then he prepared your statement?—A. He did not prepare it.

Q. He prepared it for signature really. Did he not vary it any?—A. No, sir; he did not, not a word, I don't think.

Q. What was the object in his redrafting it?

Mr. CATE. He sent it to me himself.

The WITNESS. I made a statement and I gave it to Mr. Northrop to copy.

Q. Is this a copy of your signature or your own genuine signature?—A. That is my own signature.

Q. You made the original statement and signed it, did you not?—A. You can call this the original. I made a statement and gave it to Mr. Northrop to copy.

Q. Did you sign the statement which you made?—A. No, sir.

Q. Have you that original with you?—A. I have it at the hotel in another coat-pocket. It is exactly the same as the one before you.

Q. Why is not that original which you drew up and signed, however, instead of this one?—A. I wanted to copy that myself.

Q. Why did you say that Mr. Wirth came with Mr. Nunemacher to your house the first night in December, if he did not?—A. I think that he did. I hadn't talked this matter over with Mr. Wirth at that time.

Q. Why did you say that he went down to the Newhall House and sat down on the sofa?—A. I did not say anything of the kind.

Q. Do you remember what you did say?—A. I think I do. I said that he remained in the room down-stairs while Herrman and myself went up to Keyes's room.

Q. Why should you put that all in if it was not true?—A. We went down there very often in the evening and called on several parties who went there. I had the different visits mixed up.

Q. State if you have not also got the contributions of money mixed?—A. I am sure that there was more than one time at which money was raised.

Q. Were not the two occasions to which you refer really only one occasion?—A. No, sir; I do not think so.

Q. Those who claim to know say that you are mistaken about that.—A. I do not think I am mistaken.

Q. You say that these parties stated that they wanted money to pay Keyes?—A. Yes, sir.

Q. And that these contributors, at the two times of which you have spoken, understood that they were raising money to pay Keyes?—A. I suppose they did; it was talked among us.

Q. All these men of whom you have spoken in Milwaukee, the gaugers, store-keepers, and others, have been indicted, have they not?—A. They have.

Q. And nearly all of them have been convicted, have they not?—A. No, sir; they are not convicted; most of them have pleaded guilty.

Q. Did you plead guilty?—A. I did.

Q. Haven't you been sentenced?—A. I have not.

Q. Did not these men, whom you claim paid money for political purposes, or to be paid to Keyes, all testify; or did not a good many of them testify in court on the various trials?—A. Some of them did.

Q. Did they not testify that all this money which they took from the distilleries was really bribe-money?—A. Whom do you mean?

Q. I mean these gaugers and store-keepers.—A. I acknowledged that myself to you. It was hush-money to me.

Q. The point is this, that they did not assume, when they were bleeding the distillers, to collect money from them for political purposes; I mean, these store-keepers and gaugers did

Mr. McMAHON. I did not understand the claim to be that all that was raised was for Keyes.

By Mr. CASWELL :

Q. Did you and others, for instance, the store-keepers and gaugers, who were taking illegitimate money from the distillers, claim at all that that money, or any part of it, was to be paid to Keyes, or to anybody else, for political purposes?—A. No, sir; not that portion of it, if I understand your question.

By Mr. GLOVER :

Q. Do you mean to say that any part of the money which you collected from the distillers was not the money which you paid to go to Mr. Keyes?—A. Certainly.

Mr. GLOVER. Your answer would indicate that it was not any portion of that.

By Mr. CASWELL :

Q. Where did the money come from which was paid to Nunemacher and Wirth when the check was given?—A. The check was given by Mr. Schanfield for him.

Q. What money was that?—A. That was to be deducted out of my monthly payments.

By Mr. GLOVER :

Q. Out of your monthly allowance?—A. Yes, sir; out of my monthly allowance from the distillers.

By Mr. CASWELL :

Q. What was your monthly allowance?—A. It varied at different distilleries. At some distilleries they would pay \$400 or \$500 a month, and at other distilleries they would pay \$200 a month.

Q. The question is how much was your allowance at that time?—A. At that time, I think, it was \$200 a month.

Q. Did they have more than one gauger at a distillery?—A. That is all.

Q. Did they have more than one at a time at a rectifying establishment?—A. They had their distilleries divided up. One gauger can do the work of four, six, seven, or eight rectifiers.

Q. Were you ever gauger for Rindskopf?—A. No, sir.

Q. Did you ever have anything to do with them?—A. I was no gauger. I used to oversee the distillery in which I was placed.

Q. Did not you in overseeing know whether Rindskopf had more than one gauger at a time?—A. No, sir; I do not think he did; I do not know anything about it. Upon reflection, they had two; a dumper and a gauger.

Q. Are they not the same thing?—A. No, sir; they are not.

Q. Did they have more than one at the same time?—A. Yes, sir, they had two; they had a dumping gauger and the gauger.

Q. How long a period of time did this illegitimate distilling run over?—A. I could not tell you that; I know it ran in full blast when I was in office.

Q. Can you state how many years?—A. I was not in the service the last time but about fourteen months.

Q. Who talked to you about protection?—A. It was common talk among them; I mean among us.

By Mr. GLOVER :

Q. Do you mean among the ring of officers, distillers, and rectifiers?—A. Yes, sir.

By Mr. CASWELL :

Q. But no talk that you know of extended to Carpenter or Keyes?—A. No, sir.

By Mr. McMAHON :

Q. You had no talk with Keyes?—A. No, sir.

Q. The talk did extend to protection from Keyes?—A. Yes, sir; certainly.

Q. Carpenter's name, however, was not mentioned?—A. No, sir.

By Mr. CASWELL :

Q. I understand that Carpenter's senatorial campaign was pending then, was it not?—A. It was.

Q. Why did you want to help him?—A. Well, we were very anxious to have Mr. Carpenter re-elected.

Q. Why?—A. My only reason was that Mr. Carpenter was a Milwaukee man, and that my friends were all there; that they would have more influence with Mr. Kerr, because, in the first place, my friends had recommended me to Mr. Carpenter for the appointment, and that it would be all right if Mr. Carpenter was re-elected; that he would use his influence to keep me in the future if he was re-elected.

Q. You thought then if Carpenter was re-elected that you local officers in Milwaukee would never be turned out?—A. Yes, sir; that was the talk.

Q. Why; was it because he would protect you if he knew that you were dishonest?—A. No, sir.

Q. But because you were recommended by him?—A. Yes, sir.

Q. You had no reason to think that he supposed you were running dishonestly, or that any of you were?—A. No, sir; and I do not think that he did.

Q. Have you any reason to think that Keyes knew that they were running dishonestly?—A. All I can state is my opinion on that subject.

Q. Can you answer the question that you have any reason to think Keyes knew it?—A. I have reason.

Q. State your reason.—A. I paid him that money—that is, I do not mean that I paid him the money, but my reason is based upon the fact of the payment by me to Worth and Nunemacher made in the room at the Newhall House, to which I have hitherto referred.

Q. Then the fact that money was paid in is the reason which you think he knew you were running crooked; have you any other reason?—A. I think I have.

Q. What is it?—A. I do not know that I ought to say anything about it, but when I was at Madison, at the convention, I talked with Mr. Keyes; I felt as if I could talk to him. He was a candidate for the chairmanship of the State convention, as Mr. Caswell remembers. He came around to me, and in talking to him, I told him that I understood they were going to indict all of us men at Milwaukee, and I told him that I supposed—at least, that I expected—he would do all he could for us. He said, "Certainly, I will."

By Mr. McMAHON:

Q. What are Mr. Nunemacher's politics?—A. He is a democrat. He worked very hard against my friend, Mr. Lynde, here, however, as I understand.

Q. But he was understood to be a democrat?—A. Yes, sir.

By Mr. CASWELL:

Q. Has he not very frequently supported the republican ticket in years back?—A. That I cannot tell you.

Q. Were any of the distillers who were running crooked, republicans?—A. Yes, sir; there was one of them elected to the legislature as member of the assembly. His name was Thomas O'Neil.

Q. Any others?—A. Leopold Wirth.

Q. A number of them are republicans, are they not?—A. No, sir; I do not think there are any besides Mr. O'Neil, who came right out.

Q. These distillers were rather largely interested in Milwaukee, were they not?—A. Yes, sir; more or less.

Q. They were anxious to see a Milwaukee man elected to the Senate without reference to his politics, were they not?—A. Well, I suppose they were.

Q. They were friends of Carpenter, so far as you know?—A. Yes, sir; I suppose they were.

Q. They wanted to see him re-elected, not because of his politics, but because he was an able man and was from Milwaukee. That is the truth of it, is it not?—A. Yes, sir.

Q. So far as you know, it actuated the distillers to help his election, if they did?—A. That I cannot say of my own knowledge. I do not know what they contributed the money for.

Q. Have you any reason to think it was then from the fact that he was a strong able man and might befriend them if they were in trouble or anything of that kind? What is your reason; you know of no improper reason, do you?—A. No, sir; I do not.

Q. You do not know that they expected to have gained any improper influence from him or through him?—A. No, sir; I do not think they did, and furthermore I do not think he would have given it if they had expected it.

Q. You have no other reason to think that Keyes knew that those distillers were running crooked except the fact that he received the money as you have described it.

Mr. McMAHON. And the other reason that he has given—

The WITNESS. I have given several reasons.

By Mr. CASWELL:

Q. You refer to the time you speak of at Madison and the conversation you had with him?—A. Yes.

Q. At that time you say that he was running for election?—A. Yes, sir.

Q. Some were opposing his re-election, of course?—A. Yes, sir.

Q. You and he had a talk about it?—A. Yes, sir.

Q. At that time when the convention was in session you remarked to him that you were in trouble and expected that you were all going to be indicted?—A. Yes, sir.

Q. You were all indicted then, were you not?—A. No, sir; not at that time.

Q. Were not a good many of you indicted?—A. No, sir; nobody was.

Q. The distilleries were all seized then?—A. Yes.

Q. And the whole thing was broken up?—A. Yes, sir.

Q. There was a great deal of excitement, was there not?—A. Yes.

Q. What was it that he said to you?—A. I told him that I supposed we would all be indicted and that we would expect him to help us all he could; he said, "Yes, certainly," or something to that effect. He might not have worded it as I have stated.

Q. There the conversation ended?—A. Yes, sir.

Q. And you never had any afterward?—A. No, sir.

Q. And he never helped you afterward?—A. No, sir; he never did, and never will

By Mr. GLOVER:

Q. Did you intimate to him that your crowd were guilty?—A. No, sir; I did not.

Q. You did not say that these parties had been running crooked?—A. No, sir; I never said a word of that to him.

WASHINGTON, June 21, 1876.

Mr. CASWELL called the attention of the committee to a list of witnesses that Mr. Carpenter (now in Wisconsin) desired to have subpoenaed, and the chairman said the committee would take the matter into consideration.

SYLVESTER J. CONKLIN sworn and examined.

Before the examination began, the witness said it seemed to him that the investigation might take a turn which would make it important for him to be present during the examination of witnesses to be called hereafter by Mr. Carpenter or Mr. Keyes, and requested that he should have the privilege of attending and cross-examining them if he should deem it necessary.

Mr. CASWELL. We have not the slightest objection on our part to anybody's being present.

By Mr. CATE:

Q. Where do you reside?—A. I have lived in Wisconsin for the last nineteen years, until November last, when I moved to Windsor, Canada.

Q. Have you been in Government employ at any time?—A. Yes, sir; I have been in the Government employ a great many times.

Q. In 1874-'75 were you in the service of the Government?—A. Yes, sir. I entered the service of the Government about the 4th of June, 1874, and remained in the service under that commission until the 19th or 20th of May, 1875.

Q. What was your official position?—A. I was internal-revenue agent.

Q. For what locality?—A. They are not appointed for localities. I was assigned, under that appointment, to Wisconsin.

Q. Where did you reside?—A. At Waterloo, Jefferson County.

Q. Do you know by whom you were recommended or nominated for that office?—A. I think the nomination is made by the Commissioner of Internal Revenue, and confirmed by the Secretary of the Treasury.

Q. Who, if anybody, from Wisconsin recommended your appointment?—A. I think I was recommended by nearly, if not all, the members of the republican delegation in Congress from Wisconsin, and by I don't know how many parties in that State. Mr. Keyes was one who recommended me, I suppose.

Q. By whom, if anybody, aside from the officer making the appointment, were you notified of your appointment?—A. I think the first notice I got that I was appointed was from Mr. Keyes.

Q. By letter or otherwise?—A. By letter or telegraph.

Q. Do you know which?—A. I think it was by letter.

Q. Have you got the letter?—A. Whichever it was, a letter or a telegram, I have it.

Q. Did you receive any letter from Mr. Carpenter notifying you of your appointment?—A. I would not be sure without examining my letters, but I am of the opinion that I did not. If I did, I have it.

Q. Who was your predecessor?—A. A. E. Burpee, of Jamesville.

Q. How long prior to your appointment was he removed?—A. He was removed, the removal to take effect, I think, on the 1st of June or the 31st of May, and my appointment was made to take effect the 1st of June.

Q. Were you acquainted with any of the circumstances or causes that led to his removal?—A. I am somewhat acquainted with the objections that were made to him.

Q. By whom were those objections to him made, so far as you know?—A. A good many objected to him. I don't believe I could name them all, but I can name a number of them; General Bentleff was one, Mr. Keyes was another, Mr. Moak, of Watertown, was another—I might say that the republicans generally in the vicinity were in favor of his removal—the class of republicans that I was acquainted with. There were other republicans who were opposed to it.

Q. Was the desire for his removal generally coupled with a desire that you should be his

successor?—A. I cannot say about that. It would be egotistical for me to say. I know that I was recommended as his successor, but I think the move was made for his removal before it was considered who should be appointed in his place. I know the move was on foot before I was consulted about it or knew that it was being made.

Q. How long did you say you held the office?—A. About ten or eleven months.

Q. Were you removed or did you resign?—A. I was removed very peremptorily.

Q. State whether you were indicted in Wisconsin for malfeasance in office.—A. I was indicted. I never saw the indictment, and know nothing about what I was indicted for, except by newspaper-reports.

Q. You never pleaded to the indictment?—A. No, sir.

Q. Were you arrested upon a warrant issued on the indictment?—A. No, sir; I was arrested on a warrant issued by the Commissioner, and gave bail for my appearance in court at the next term.

Q. What was the amount of bail you gave?—A. Three thousand dollars.

Q. Did you appear to answer to the indictment?—A. I did not.

Q. Did you forfeit your bond?—A. I paid my bond. I am so informed both by the Government officers and by the parties with whom I arranged for its payment.

Q. Did you leave Wisconsin shortly after you gave the bond?—A. I went within about three days after to New York State, and then to Windsor, Canada.

Q. Did you go to Canada for the purpose of avoiding the process of the court?—A. When I first went to Canada I went for the purpose of remaining there until an indictment was found, if one was to be found, and to make up my mind whether or not I would return and come to trial.

Q. Did you go for the purpose of avoiding the service of process—to place it in your own power to answer or not; was that your object?—A. That was my object.

Q. Did you consult with any of your political friends before you took that step?—A. Yes, sir.

Q. That is, you consulted with them as to the propriety of your going there for the purpose of avoiding the indictment?—A. I consulted on the whole ground of the matter—as to what I was charged with, and what the probabilities would be about it.

Q. Was it the general opinion, upon such consultation, that it would be better for you to go to Canada and forfeit your bonds?—A. I so understood it. There were some exceptions; but you asked me if that was the general opinion.

Q. Was that the opinion of those with whom you consulted?—A. It was the opinion of all but one man.

(Mr. Caswell objected to the question as not pertinent, and Mr. Cate said he would waive it.)

Q. Did you consult with Mr. Keyes as to the propriety of going to Canada and avoiding the indictment?—A. I had a consultation with Mr. Keyes, which, before we got through, involved the question of my going to Canada.

Q. State whether you had any such consultation with Mr. Carpenter.—A. I had, in the same way. Before we got through with the consultation, it took in the question whether I had better go away; I didn't say to Canada, but to go away.

Q. Was there any other place than Canada spoken of?—A. No; I don't know that there was; but I don't know that Canada was spoken of. The question was, whether I had better go away and avoid trial or not—whether I had better get out of the reach of the court.

Q. State whether in that conversation with Mr. Keyes the whole question of the probable result of your trial was talked of and taken into consideration.—A. Yes, sir.

Q. State whether it was believed then by you and by Mr. Keyes and others that if you stood trial you would probably be convicted.—A. That was the opinion of my friends that I talked with.

Mr. CASWELL. We do not know yet whether the persons with whom he consulted were his lawyers or counsel.

Mr. CATE. We do not suppose they were.

By Mr. CATE :

Q. Did Mr. Keyes, upon that consultation, advise you to go away and avoid the process of the court?—A. That is what I understood to be the result of his judgment in the matter.

Q. State whether Mr. Carpenter also gave that advice.—A. I understood him the same way.

Q. What position in the republican party in the State of Wisconsin did Mr. Keyes hold at that time?—A. Mr. Keyes was a very prominent man in the party there. He was chairman of the State central committee.

Q. What other office did he hold at that time under the administration?—A. He was postmaster at Madison.

Q. What position did Mr. Carpenter hold at that time?—A. United States Senator.

Q. And upon that advice, so given, you did go to Canada?—A. After hearing all my friends, I made up my mind to go.

Q. How long were you in Canada?—A. I was there until some time last month.

Q. State the circumstances and reasons of your return, how you happened to return, and

all the correspondence and conversation you had with Mr. Keyes bearing upon that question.—A. Well, if I have got to speak about that at all, I would like to give the history of it as briefly as I can.

Q. That is what I expect you to do.

(Mr. Caswell remarked that the matter called for by the question was wholly immaterial, but did not object to the witness answering.)

A. I went over to Canada in November, 1874. Before that, perhaps in the latter part of December—I will not pretend to be very correct about the dates, because I am not accurate on dates anyway—I was visited by certain persons. The first Government officer who visited me was Mr. Simpson, deputy United States marshal from Milwaukee. He wanted to know what I knew about Mr. Munn, and made inquiry as to some other matters connected with the internal revenue service during the time I was in office, and intimated that he thought I might perhaps give information that would make my return an object. I did not converse much with Mr. Simpson. I told him that I knew whether Mr. Munn was an honest man or not, but I did not tell him whether he was or not. In other words, I did not give him any encouragement to think that I wanted to talk or go back, and he did not very strongly urge it; he merely alluded to it. Subsequent to that, Mr. Miller, a revenue-agent under Supervisor Hedrick, of Iowa, came to see me. He talked about in the same vein. I did not give him any encouragement. He advised me to write to Hedrick and Mathews, and have a consultation with one or the other of them. I did not give him any encouragement that I would do so, nor did I give him any information. I think the next man who visited me (I am speaking of representatives of the Government) was General Hamilton. He came to see me about the 10th, or 11th, or 12th of March, 1875; it was on a Sunday. I was very much surprised to meet General Hamilton at that time. We belonged to the same party, but we had never been intimate in any way whatever, although we had boarded at the same hotel in Milwaukee for several months, the year before that. He said he had been to Washington, and that he thought he would stop and see me and have a chat; that he wished to ask me some questions which he would like to have me answer, and wanted to know if I would do so. I told him that while we had been opposed in our political associations, (as the party was somewhat divided in Wisconsin,) I had always believed that he was a gentleman of integrity, and so on; that he had come a good way to see me, and that if he wanted to sit down and ask me some questions with the understanding that my answers were not to be repeated without my consent, I would talk to him frankly about the situation. He assured me that I could do so; that whatever I should say to him would be strictly confidential, not to be repeated without my consent. He then asked me quite a variety of questions, to which I gave answers. After having done so to quite an extent, he said to me, "Mr. Conklin, you can go back home to Wisconsin if you want to, in my judgment; if you will testify to what you have said to me here, in my judgment, you can go back." He went further than that, and said he knew I could go back. He took out from his pocket a letter from Special Attorney McKinney and handed it to me to read. That letter is here. It was directed to me, and it assured me that Mr. Hamilton represented the prosecution in the whisky cases in Milwaukee, and that whatever he said or promised or agreed to do would be faithfully carried out; the letter also urged me to remember what he had written to me theretofore; that it was my last opportunity, and not to make any mistake, or something to that effect. I have the letter and would prefer that it should speak for itself. General Hamilton said that he had had a personal interview at Washington with Mr. Pierrepont upon this subject, and that Mr. Pierrepont had said to him that whatever arrangement he (Hamilton) made with me would be carried out; that whatever arrangement he made with me which was indorsed by McKinney and Dixon would be carried out. I do not know that he said that he had seen Mr. Bristow; it strikes me he did, but I won't testify that he did; but as to Mr. Pierrepont I am certain. I do not know that I made up my mind that day whether I would do so or not. I wrote him I know the next day, (or I commenced a letter that evening and completed it the next day,) in which I gave him the terms upon which I would go back. I do not think I said to him then and there that I would do it. We had considerable conversation. There was some talk about pleading guilty to one count in the indictment. I told him I would not plead guilty to that indictment if he would give me a warrantee deed of the North American continent, (that is the expression I used,) because in any proper sense of the word I was not guilty of what was charged. He seemed to think that the statement given by me was sufficient to convict some of the parties.

Q. Were you required by him to make a statement of what you would swear to?—A. Not at that time.

Q. Did you make a statement at that time?—A. Subsequently I did. At that time I did not, any more than to answer his questions.

Q. Did your answers to his questions amount to a statement of what you would swear to?—A. Well, I answered every question he put to me. I did not answer anything in writing. He asked me questions and I answered them. He made some private memorandums for himself, but signed nothing. I told him I would not go back under any arrangement whereby my immunity should depend upon convicting anybody else; that I would not believe a man who would accept immunity on such terms.

Q. Did you make a statement to Hamilton of what you could testify to?—A. I answered all the questions that he asked me.

Q. Did he ask you questions for the purpose of ascertaining what you could testify to?—A. Yes, sir; that is it exactly. That turned out to be the object he had in view.

Q. Did he, upon your making that statement, say that you could come back?—A. He said if I was willing to testify to what I told him, I should have immunity from prosecution.

Q. Did you and he make an arrangement at that time by which you should come back, or was it postponed?—A. Well, I think I gave him very strong encouragement at that time. I raised some questions—

Q. You at some time made an arrangement with somebody by which you did come back?—A. I wrote him, the next day, a letter, in which I stated the terms on which I would come back, and I got his reply. I continued my correspondence with him from that time until I returned, and I think everything from Dixon and McKinney came to me through General Hamilton. I recognized him as the representative of the Government. When I wrote this letter, on the same day of our conversation and the next day, (bearing date, however, on the day that he was there,) I stated quite fully the terms and conditions upon which I was willing to return, and received from him a letter assuring me that they would no doubt be accepted, but, as I asked additional immunity further than they had contemplated, it required time to consult with the parties at Washington.

Q. Did you finally come to an arrangement with the Government officers by which you were to receive immunity?—A. The next practical move was a letter from McKinney asking me to make a statement and directing me as to what they wanted me to make the statement about. He wrote me, saying that it was necessary, in order to determine the question whether I should have immunity or not, that I should make a statement, and he directed my attention to certain particular persons and things. I made the statement as requested by them, on the 24th of April last.

Q. Upon the making of that statement, did they give you immunity?—A. Upon the receipt of that statement, or very shortly after, they sent me a letter guaranteeing me absolute immunity from prosecution of any kind. By the letter from my attorney inclosing immunity, I was instructed to remain there until I should be notified by Dixon and McKinney to return, and I did remain until I received a telegram signed by Dixon and McKinney and Hamilton, directing me to go to Chicago and report to Supervisor Matthews.

Q. Between the time when you went to Canada and your return, did you have any conversation with Mr. Keyes with regard to your return?—A. I saw Mr. Keyes at London, in Canada.

Q. How happened you to meet him there?—A. I think he wrote me from Washington, on some point East, that he was East, that he was going to return home, and would like to see me.

Q. Have you got that letter?—A. I think I have the letter. There was nothing of it further than that he would like to see me, and, as he had not time to stop over at Windsor, he would like if I could meet him at some point on the Great Western road. I telegraphed an answer, and received a dispatch from him that he would leave New York at such a time, or be at Suspension Bridge at such a time, and I met him at London.

Q. Did that letter of his state his object in desiring to meet you? If so, I wish you to find the letter and produce it.—A. I cannot remember that he gave any reason further than that he would like to see me and have a talk with me.

Q. When you met him at London, Canada, in pursuance of that correspondence, what reasons did he assign for his visit to you?—A. Well, he did not come to visit me. He was on his return home, through Canada, and he asked me to meet him at some point on the Great Western road, and I met him at London.

Q. You telegraphed him at New York City?—A. Yes, sir.

Q. Is it usual in going from New York to Wisconsin to go over the Great Western Road of Canada?—A. Yes, sir; it is one of the direct routes to New York. I almost always travel that way.

Q. What was the subject-matter of your interview with him, as tending to show what his object was in seeing you?—A. He said he understood that I had heard that he was opposing my return, and he was anxious to see me; that his principal object was to satisfy me, if he could possibly by any words of his, that he was not opposing my return. He said he would sign any papers that anybody had a mind to get up for my return. I don't know whether I told him that I had the idea that he was opposing my return; the fact was that I did have that idea, but I don't know whether I told him so. He then asked me some questions, and I said that I was peculiarly situated, and I did not think it was advisable for me to talk much upon these subjects. I did answer, however, one or two questions which he put to me.

Q. What were they?—A. He wanted to know, first, how much money I paid him at the time the senatorial fight was going on. I told him the amount, and he thought I was mistaken, that it was not so much.

Q. What was the other question?—A. He said, "I understand you say that I advised you to go to Canada." I then referred him to our conversation and asked him what such and such arguments were used for if not for that. I said to him, "It is very strange that we should differ on that point; you know very well that we had a conversation when w

were all together in the office, you and I and Matt, and I was inclined to the opinion that I had better stay, even if, as you believed, the circumstances were such that I would be convicted. You recollect one argument I made use of; I said 'Suppose I am convicted, suppose the worst comes to the worst, and this Rindskopf family swear me into the penitentiary, ain't I better off even to go to the penitentiary than to go to Canada? What can I do in Canada? I can't practice law there. If I stay at home and even go to the penitentiary, my friends who know me will never believe those charges against me, and when I come out of it, I shall be in Jefferson County where I can practice my profession.' Then said you or Matt, 'Look here, now, don't you suppose there is some member of the bar in Jefferson County, some enemies of yours, if no other, who, if you are sent to the penitentiary, will move your expulsion from the bar, because you have been convicted.' Then that was the last knock-down argument and took the pith out of me about staying and taking the chances."

By Mr. CATE:

Q. Was it the fact that you had that conversation which you have now related with Mr. Keyes and Mr. Carpenter before?—A. I think it was the first day that Mr. Keyes came into Milwaukee to stay after I was arrested.

Q. Did you have more than one conversation with Mr. Keyes relative to your going to Canada?—A. I was talking with him on that subject. It was all tending to the subject whether I had better go or not, and I talked with him several times on that subject during the day or day and a half that he was there.

Q. When did you go to Canada with reference to the conversation you had with Mr. Carpenter and Mr. Keyes; how long after that conversation was held was it that you went?—A. As I have stated, this conversation that I have related now was on the day and the day but one before I gave my bonds. I had given bail to appear before the commissioner, I think, on Wednesday in the afternoon about 4 or 5 o'clock. If I am correct in that, then it was probably Monday and Tuesday, though I won't be certain about it, that we had this conversation. I think it was on Monday and Tuesday before I gave my bonds. I believe the first conversation that we had when "Matt" was present was on Monday and the second on Tuesday. The conversation between Mr. Carpenter and Mr. Keyes and myself I think were had in those two days. I may be wrong about that, however.

Q. How long after that did you go to Canada?—A. Two or three days. I can't tell exactly; it may have been three or four days.

Q. In that day and a half during which Mr. Keyes was in Milwaukee, when you say you frequently talked with him over this matter, was it his uniform opinion that it would be better for you to leave the country and go to Canada?

(Mr. Caswell objected to the question.)

Q. Did Mr. Keyes advise you, during this day and a half, whenever you talked with him on this subject, that it was better for you to go to Canada? Was that his uniform and general advice, or did he reserve his advice until this last conversation which you had at which Mr. Carpenter was present?—A. I do not wish to be understood that at this conversation of which I have been speaking, when we were all three talking and I made those suggestions and they made those answers, that they said to me in so many words, "You had better get out and go to Canada;" but I say that all the arguments they made use of to me indicated that clearly.

Q. That you have testified to before. What I want to inquire about now is whether, prior to this last conversation, and during the time that Mr. Keyes was in Milwaukee, he had given to you the same idea, viz, that it was better for you to go away.

Mr. CASWELL. Ask him what he said.

A. I cannot be any more particular than this: after Mr. Keyes got there and had got the situation before him, as I supposed, and after having heard what I had to say and what other parties had to say, I do not think that Mr. Keyes had any doubt in his own mind as to what I had better do.

Q. How did he express himself on that subject prior to your going into the office, on this occasion to which you have now testified?—A. I cannot remember whether that was the first conversation we had or the second or third.

Q. Would you have conversations with him elsewhere on the subject?—A. Yes.

Q. And was that the general drift of his advice to you?—A. There was no question about its being his judgment that I had better not stand trial under all the circumstances which were related, and which I myself believed to exist; and when I say that I do not wish to be understood as saying that Mr. Keyes thought I was guilty at all of any crime. On the contrary, I claimed that I was not, and I claim so still.

Q. You say, with regard to the circumstances, that you made a statement of what you could testify to before the immunity was granted?—A. I do.

Q. Did you make such a statement?—A. Yes.

Q. And signed it?—A. Yes.

Q. What did you do with it?—A. I mailed it to Dixon and McKinney, care of General Hamilton.

Q. Have you got that or a copy of it?—A. I have got a copy of it in my letter-book, and I have also another copy of it.

Q. I wish you would produce that statement and put it in evidence.

(Mr. Caswell objected.)

Mr. CATE, (to the witness.) Take that statement and read it, making such alterations in it as, upon reflection, you desire to make.

(Mr. Caswell objected.)

Mr. CATE. The witness made a certain statement. Upon that statement he was granted immunity. I now desire the witness to make a similar statement of the facts to this committee. I do not care whether he does it from the written statement or not. If he can do it without reference to that statement, I am perfectly willing that he should do so.

(The witness handed to Mr. Cate the written statement referred to, stating at the same time that the marks on the margin were no part of the statement, but were corrections he intended to make; and also that Supervisor Matthews came to see him upon, as he thinks, the day before he made that statement.)

By Mr. CATE:

Q. What were the special duties pertaining to the office which you held?—A. The duty of revenue-agent was to see that the revenue-laws were executed in his district so far as he could; to make discoveries of frauds, to keep a watch upon other officers, &c.

Q. You yourself had no special duties connected with the execution of the laws, but your duties were merely those of supervisor?—A. There is a supervisor of internal revenue whose duties are specific, and there is also a revenue-agent. The revenue-agent does not act under daily direction of anybody; his work is general. He goes about the States wherever he is assigned, or wherever he thinks his presence is required. Frequently special work is given to him, as when reports are made of irregularities by this or that officer. These reports are first referred to the supervisor of the district, and by him to the revenue-agent, who goes and looks the matter up and reports the facts as he may find them to the supervisor and to the Commissioner of Internal Revenue.

Q. State whether you know of any money being collected from persons engaged in the whisky business in Milwaukee, and paid over to any of the Government officers for any purpose other than the legitimate tax-collections that ought to have been made.—A. I can state what I do know on that subject without giving my conclusions. I know of some money being collected by Herman Nunemacher and by Mr. Wirth in January, 1875, which was paid over to me and by me paid over to Mr. Keyes during the senatorial campaign of 1875 in Wisconsin.

Q. Where was the money paid to you?—A. In the city of Madison, the capital of the State. I think the first payment was made, to my knowledge, in the capitol, and I think the other was handed to me out on the sidewalk.

Q. Do you remember by whom these amounts were handed to you?—A. Mr. Nunemacher handed me the first and Mr. Wirth the second.

Q. What were the amounts of the packages?—A. I think the first package was \$600. The second package I did not count, and did not see it counted. Mr. Wirth said that there was about \$700 in the second package. He was not exactly certain of the amount himself. He said they collected a good deal more, and told me how and where they had spent some of it, but said that there was about \$700 in this package. It strikes me that he represented the package to contain a little more than \$700. At any rate, I did not count it, and when I gave it to Mr. Keyes he did not count it. I took \$50 of it out in Mr. Keyes's presence, which I told him I would take to pay for some cigars that I had bought a day or two before, and had taken to the room where we used to meet.

Q. What was going on at Madison at that time?—A. The senatorial campaign.

Q. Where was Mr. Keyes when he took this money?—A. I don't think I can recollect where he was at the time I paid him the first amount.

Q. What did you say to him when you paid it to him?—A. I don't know what I said to him. The first money I took to him I said—or at least that is what I would naturally say, "Here is some money Nunemacher has handed me, and he said they would raise some more."

By Mr. CASWELL:

Q. Who said they would raise some more?—A. Nunemacher.

By Mr. CATE:

Q. Tell the conversation that you had with Mr. Keyes about raising it.—A. I had no room to meet in, except in the Park Hotel, which was not very well furnished, and I suggested to Mr. Keyes that we ought to have a better arrangement about our room and conveniences for our friends. He said he knew that, but he would like me to tell him where the money was to come from. He said he had not enough money to do anything with, and I said, "Have you not money enough?" He said, "I have not enough to do those things as they ought to be done." I said, "I think I can raise some money without any trouble, if you want some money." He said, "That is what we want." I told him that Nunemacher was here and O'Neill, and that I had no doubt if I went to them they would raise some money

if it were necessary to have it. I could see myself that it was necessary. He said, "That is all right; if you can raise money to do it, do it." I asked him how much would be necessary, or how much he would want, and he said he thought \$600 would do. Nunemacher was there for a time at the capital, and I saw him, and I think also O'Neill, and I believe we talked about it. I think Nunemacher went to Milwaukee then. I know he did not pay it right away. When he came back he brought it.

Q. What was the business of these parties?—A. Mr. Wirth was part owner in the Menomonee distillery, Mr. Nunemacher had been in the distillery business, but I think at that time claimed to have had no interest in the distillery. I think he did have, however.

Q. From whom was this money obtained, according to your understanding?—A. I have no knowledge where they got the money.

Q. Where did you tell Keyes you could get it?—A. I told him I could get Nunemacher and O'Neill and these men to raise money.

Q. Did you not tell him you could get it of the whisky-men?—A. That certainly was where I expected to get it. I expected to get it out of that class of men, and these men I referred to represented that class of men. They had been willing to raise money during the campaign.

By Mr. CASWELL:

Q. Mr. Cate asked you if you did not tell Mr. Keyes that you would get this money out of the whisky-men, or something of that kind. I insist that you shall state what you did tell Mr. Keyes.—A. I might have used those very words. At any rate, I understood very well, and I suppose Mr. Keyes did, that that was the class of men I was going to.

By Mr. CATE:

Q. State anything that transpired between you and Mr. Keyes at that time tending to show that Mr. Keyes knew of whom you expected to get this money.—A. I told him that Mr. Nunemacher was there, and that I could go to Nunemacher and O'Neill, and they would take hold and raise money. O'Neill was a distiller and a member of the legislature from Milwaukee as well. Mr. Nunemacher was there, interested, as many of the rest of us were, in the re-election of Mr. Carpenter. Mr. Nunemacher had been very efficient during the campaign in raising the money in Milwaukee to forward the interests of the campaign.

Q. State if you know of any other money being raised by the whisky-men or distillers and paid to any Government officials.—A. I do not call to mind that I do, except what was paid to me.

Q. Who paid money to you?—A. Mr. Louis Rindskopf paid me some money and Mr. Nunemacher paid me some money.

Q. For what purpose did they pay you this money?—A. To re-imburse me, to a certain extent, moneys which I was using in a political way. That is what Mr. Rindskopf paid me for particularly.

Q. What business was Mr. Rindskopf in?—A. He was a distiller.

Q. What were you disbursing money for that they were re-imbursing to you?—A. I was disbursing money just as every active politician does. To answer your question generally, I was being a pretty good fellow, and was paying out money wherever it was convenient or necessary; that is, not in buying votes, but in a social way and in traveling-expenses, and one thing or another of that kind.

Q. What class of people did you apply to for money to enable you to carry on your political arrangements?—A. I never applied even to either of those men for money.

Q. What class of men did you receive it from?—A. I received none except from those two people whom I speak of. One of them was a distiller. Both of them were distillers part of the time, but I think Mr. Nunemacher claimed that he was not then interested in a distillery, though I believe he was. He pretended to have sold out. Mr. Rindskopf came to me several times and said he would not pay any money to Nunemacher or anybody else. That Nunemacher would put the biggest part of it in his own pocket; but, he says, "If you want any money for political purposes, call on me for it, and you shall have it." He offered me money several times before I would take it. However, I made a trip once to New Orleans which cost me over \$200, and when I came back I told Louis that I had expended this amount of money legitimately on political business, and that if he wanted to return me that money he could do so; and he did so.

Q. Why did you apply to that particular class of people and not to any other?—A. Because they had shown a willingness and anxiety to work and help elect Mr. Carpenter.

Q. Were there no other people in Milwaukee except that class of people who were willing to help elect Mr. Carpenter?—A. There were a great many people.

Q. Did you apply to any other class of people except those engaged in that business?—A. I did not.

Q. Do you know of any other class of people contributing?—A. I contributed some myself.

Q. But you were engaged in the business to some extent yourself, as appears by the fact that you were indicted?—A. I was not engaged in the business to the extent that my indictment indicates.

Q. Do you know of any other class of people contributing to the election of Mr. Car-

penier?—A. Government officers contributed and raised funds during the campaign in the fall.

Q. Do you know who they were that raised the funds?—A. I am only speaking generally now; perhaps I could only name one or two that contributed, but, as I understand it, the Government officers contributed to the campaign-funds in the fall. I cannot say that I know of anybody else contributing but myself; I mention it in that way, because it has been the rule and custom to do it.

Q. Mr. Wirth testifies here, I believe, that he saw you deliver a package to Mr. Keyes. Did he see you deliver such a package?—A. Yes; the last package—the one that was not counted he saw me deliver to Mr. Keyes, or at least stood in the door of the room while I crossed the room and gave it to Mr. Keyes. I think that Mr. Keyes and he talked some together.

Q. Does this comprise all your knowledge of money matters between Mr. Keyes and anybody else, or between the distillers and any other Government officers? Have you testified to all the facts within your knowledge?—A. I don't know of any Government officer besides myself receiving any money from any distiller that I now think of, except Mr. Munn, the supervisor of internal revenue, who lived in Chicago.

Q. Was there money paid to him?—A. \$3,000 was paid to Mr. Munn on the 27th of April, 1874, thirteen days before the raid.

Q. State your knowledge of the facts.—A. I took the money and handed it to him myself. I got it from Herman Nunemacher.

Q. Do you know where the money came from?—A. I only know what was said.

Q. Where did you pay it to Mr. Munn?—A. I paid it to Mr. Munn at my room in the Opera House at Milwaukee.

Q. Why did you pay that money to Mr. Munn; what was your reason for it?—A. Because he wanted it. He requested me to receive the money for him.

Q. Relate to the committee all the facts in your possession as to why Nunemacher was paying money over to Mr. Munn, who was a Government officer.—A. Mr. Munn was supervisor of internal revenue. He came to Milwaukee on, I think, the 26th, (Monday.) I won't be absolutely certain as to dates, but think I am correct. He wrote me before coming there that he would be there on Monday and wanted to see me. On Monday evening he told me that he wanted me to be ready to go out early in the morning to a distillery. I asked him what distillery, and he said he had not made up his mind what one he should visit, but he should visit one or two in the morning, and desired me to be ready to go. We did go early in the morning. I think I got a horse and buggy myself, and took Mr. Munn. He wanted to go to the Killickinnick distillery, which is about five miles from Milwaukee. When we were about a mile from where we started—that is, when we had got to the outside of the city, as it were, Mr. Munn said to me that he wanted to have a plain talk with me, and wanted that I should talk just what I thought to him. I told him that that was all right. Then he said to me, "Conklin, don't you think these distillers would like to bleed?" After reflecting a moment, I told him I thought they would if they could see that they could make anything by it; that I believed they were pretty generally willing to bleed if they could profit by it. "Well," he says, "to be plain with you, I think that you and Weiser (referring to a deputy collector there) have got a good thing of it. I don't find any fault with it. It is all right, but I think I ought to have a share." I told Mr. Munn that, so far as Mr. Weiser was concerned, I didn't know that Weiser ever received in any manner anything that he ought not to have received, and that, so far as I had been able to discover, Weiser was a very industrious and honest officer. I said to him that, as to myself, I knew that I had never had a cent that I ought not to have had. Said he, "Conklin, that is all very well. You would talk just the same if it were true, would not you?" I said, "Very likely I should. I think I should. I don't think I would own it, even if it were true, but how are you going to know whether it is true or not?" "Well," he says, "I think all the more of you for saying what you do, but I don't want you to misunderstand me. You claim that you have never allowed these distillers to do any extra mashing. I don't believe you have, but you know and I know that when you have done the very best you can, it is perfectly impossible for us to prevent them from cheating. They will cheat in spite of us." He says, "I have got a mortgage on my property in Chicago on which a certain sum is due." I don't remember the sum now—it was quite a sum, however. He said, "These distillers have been wanting to pay me money—Wirth wants to, and Nunemacher; but," he says, "I won't take any money from them." Said I, "Why won't you take it?" "Well," he said, "I won't take it from them." Said I, "What are you driving at, Munn? Do you wish me to take the money and give it to you?" He said, "That is just what I want." Said I, "Where is the money?" He said there would be somebody at this distillery with it. I said, "All right; if anybody wants to give me money for you I will take it and give it to you." We drove up and went into the house of the old man Jacob Nunemacher. I think we went to the distillery first and went through that, and then went up to the house and took a drink, or some of them did, (I don't know whether I drank or not; very likely I did.) As we were all about leaving the room, Hermann stepped into the parlor or sitting-room, and I thought he appeared to act as though he wanted to speak with me. I went in there, and he says, "What is up?" Said I, "Mr. Munn tells me that

he has got a mortgage on his house, and that he has heard that some of you men were going to raise him some money. Do you know anything about it?" He says "But how is it that you are in this matter?" I said, "That doesn't make any difference to you; if you have any money for Mr. Munn, you can give it to me." He took out a package from his pocket, and says, "There are three thousand bushels of wheat that you can give to Mr. Munn." I then started out and went down to the distillery, where the horse was hitched. Munn appeared to be going into the distillery, and I said to him, "Come, Munn, let us get into the buggy. If we have to go around to O'Neill's, we had better be off in time." He said he had an engagement in the city at 11 o'clock a. m. He came up to me near enough for me to speak to him quietly, and I said to him, "That is all right. I have got the money." He said, "Keep it until you get to the room; don't take it out here." When we were on our way down he said to me, "Conklin, I don't want to take that money even from you. I don't want even you to be able to say that you ever gave it to me." I said, "All right." So when I went to the room I opened a bureau-drawer in bed-room, and put the money into it. Something transpired by reason of which I was in a hurry to leave, and I referred to the fact that that package was in the drawer. "Well," he said, "hand it to me. I ain't afraid to take it from you. I took it then, and for the first time I looked at it, and saw that it was money, and told him of the amount that was said to be in there. We had further conversation about my taking some of it, and as to future payments. I saw him again at dinner, and he said it was all right.

Q. What was that money for?—A. You know just as well what it was for as I do. I have told you substantially the conversation that took place.

Q. Why was he calling on the distillers for money?—A. Because he thought they would pay it.

Q. Why would they pay it to him?—A. I think it is perfectly proper for me to tell you all the facts and circumstances, and let you judge for yourself.

Q. If you can answer my question, do so; if not, say so. Why were those distillers paying him money?—A. I suppose they thought that they would be benefited in some way by it. I cannot tell you how or in what particular way.

Q. Why was Nunemacher and Wirth paying money to Mr. Keyes for Carpenter's election?—A. They were anxious to have Mr. Carpenter elected.

Q. Did you ever talk with Mr. Keyes about the feeling of the distillers in regard to Mr. Carpenter's election?—A. Yes; I did.

Q. State whether it was understood between you and Mr. Keyes, or whoever you talked with about it, that the distillers were willing to contribute money.—A. At first it was not. It was supposed when I first went into the revenue service that those distillers were against us; at least it was supposed that Rindskopf was against us. We talked that matter over about the distillers before I went into Milwaukee, or about the time that I went in.

Q. Do you know who was instrumental in getting the distillers and Mr. Keyes together, and in communication, so that Mr. Keyes would call upon them for money, and that they would give it to him?—A. When I first went into Milwaukee Mr. Keyes's ideas about these matters were just exactly that the distillers had been stealing.

By Mr. CASWELL:

Q. You need not state Mr. Keyes's "ideas;" state what he said.—A. What he said to me was that those distillers, and specially Sam. Rindskopf, had been stealing from the Government, and using the money to beat the party with. He wanted me to look sharply after Rindskopf, and to clean him out and break up that nest. He had no idea then of getting any support from democrats who were working the whisky business; but after I had been in there a month or six weeks, it began to be talked about, that we could get a considerable vote in Milwaukee from the democrats. I think the first man that talked to me of it was General Hobart, who was a supporter of Mr. Carpenter, although a democrat. I had had some talk then with Rindskopf himself, and he said he was willing to support Carpenter, or felt inclined to do it. I saw Mr. Keyes again and talked with him about it. He didn't believe that there should be any stock taken in Sam. Rindskopf supporting the republican party, nor in any of these other men supporting it. I told him I thought he was mistaken, and that from what I could see and hear in Milwaukee, my opinion was that we could have that vote. He didn't believe it at that time; still, said he, "it is well enough to go slow and see. Of course, if we could have that vote we would like to have it." I saw Mr. Nunemacher, Mr. Rindskopf, and other parties repeatedly after that, and saw Mr. Keyes quite often, and I became satisfied that we could have that vote, especially the vote and influence of Sam. Rindskopf, who was in trouble in a suit in Madison, as to which he was of opinion that Mr. Keyes had a good deal to do in starting it against him, because he thought that Mr. Keyes was mad with him for leaving the republican party the fall before, and he claimed that Mr. Keyes had been particularly instrumental in his being prosecuted. Those things came gradually. These people were democrats when I went to Milwaukee, and were calculating to support the democratic ticket, no doubt, about that time; but when the election came about, they pretty generally supported the republican ticket.

Q. Did you make it any part of your business to see if you could not bring around some arrangement by which the funds could be got from the distillers?—A. I was looking after votes more than after funds.

Q. You finally got to raising funds; how was that brought about?—A. I had nothing to do with that, and I do not know how it was brought about. I talked a great deal with Mr. Nunemacher, and Mr. Nunemacher was raising money. He was a prominent man, and took hold of the thing pretty vigorously in that respect.

Q. State the understanding of the distillers as to whether, if they raised money to help elect Mr. Carpenter, the Government officials, including yourself and Mr. Keyes, would shelter them if there should be a storm.—A. I think the distillers thought that if they got into trouble, or into the same kind of fix as Sam. Rindskopf, and a compromise should be pending, Mr. Keyes would assist them. That was before Mr. Bristow turned over a new page; it was the custom for many years to settle such matters by a compromise with the Department. I think that the distillers thought that if they elected Mr. Carpenter it would be to their advantage. I tried to show them that Mr. Carpenter was the right man to elect.

Q. Did you ever pay Mr. Keyes any money at any other time except that?—A. Yes; I paid him \$150 in all to re-imburse him for money which he paid, or which he said he paid, to Judge Frisbie; and I think he did pay Judge Frisbie, because Judge Frisbie acknowledged to me that he received the major part of it.

Q. What was Judge Frisbie being paid for?—A. For a trip he made to Washington in connection with the removal of Mr. Burkle.

By Mr. KEYES: .

Q. Was it not for services in trying affidavits, &c.?—A. I suppose.

By Mr. CATE:

Q. Why did you pay it to Mr. Keyes?—A. I felt as though I had received the benefit of my position from the labor of Mr. Keyes, and that I really ought to pay it instead of him.

By Mr. CASWELL:

Q. You succeeded Mr. Burkle?—A. Yes.

By Mr. CATE:

Q. But you said a while ago that Mr. Keyes's labors did not have anything to do with that payment at the time he was hiring Frisbie to go to Washington to get Burkle out?—A. Well, I think it did at that time; I think Mr. Keyes went to Washington two or three times before he got Burkle out—the last time he got him out; he was got out upon charges, coupled with a recommendation for my appointment in his place.

Q. You understood that Mr. Keyes was working in your interest at the time that Mr. Burkle was removed?—A. Yes.

Q. And so you paid him the \$150?—A. Yes.

Q. Where did the money come from?—A. It came in the same way as the money that I got to pay my expenses to New Orleans.

Q. I have not heard how you got that money?—A. I have stated that I got it from Louis Rindskopf.

Q. Did Louis Rindskopf pay you this money?—A. I can't say whether it was him or Nunemacher who gave it to me.

Q. Was that money collected from the distillers or whisky men in that section?—A. It came from whisky men, I presume. I had some money from them and I had my own money. Mr. Keyes said to me when I paid that money to him, that if it was coming out of my pocket he didn't want me to pay it.

Q. Did you tell Mr. Keyes where it came from?—A. I told him that there were parties there who were willing to contribute money for political purposes, and that it would come under that head, or words to that effect. He considered that all right, as I did, and he took the money. I did not pay it to him all at once; I paid him the \$150 in, I think, two, perhaps three, payments.

Q. You told him that certain persons were willing to contribute for political purposes, did you?—A. Well, I said that some persons would contribute, or "the boys," or "my brigade," or something of that kind. I don't remember the exact language I used.

Q. Did you not state to him that was a good term to use, it might as well be employed as any other term, and that therefore it would do to say for political purposes?—A. I think that that is about what I said; I would not be positive about the language used.

Q. If that was the language used, what do you mean by it? You assumed that it was paid for political purposes; if it was so paid, why did you use that kind of language to Mr. Keyes?—A. Well, I had an object in using that language, or in using whatever language I did use amounting to that, at the time. I wanted to satisfy myself whether Mr. Keyes was or would be in any wise tender-footed about receiving money that he supposed was contributed for political purposes by the class of men I represented.

Q. Did not Mr. Keyes, after you made that statement to him, compliment you for your tact and for the skill with which you managed it?

(Mr. CASWELL objected to the question.)

Q. State whether he made any such statement as that to you.—A. Yes; he did.

Q. What did he say?—A. He remarked what a difference there was between Burkle and myself—between having a damned fool in such a place, and a man who understood how to do business, or words to that effect.

By Mr. KEYES :

Q. When was it that I made that remark ?—A. When I made the first payment, or offered to make the first payment, on that \$150—when you said, "Conklin, if this is coming out of your pocket I am not going to take it." I told you it would not come out of me.

By Mr. CATE :

Q. Were you upon pretty intimate terms with Mr. Keyes prior to that payment ?—A. Yes.  
Q. Had you talked with Mr. Keyes prior to your appointment, with reference to your succeeding Mr. Burkle ?—A. Quite often.

Q. How long prior to Mr. Burkle's removal had you talked with him in regard to it ?—A. On two or three occasions, perhaps, running through six weeks or two months. I cannot be exact as to the time.

Q. Was it the fact between you and Mr. Keyes that your appointment and Mr. Burkle's removal were coupled together all the time ? Was not one of the prime objects that Mr. Keyes had in getting Burkle out, to get you into that office ?—A. There was talk of getting Burkle out all the time for a year or two prior.

Q. The movement for his expulsion was protracted so long as that ?—A. It seems to me it was, but my name, perhaps, was coupled with the appointment for a couple of months ; maybe longer.

By Mr. KEYES :

Q. Was not Mr. Burkle gotten out once and afterward re-instated, about a year before you were appointed ?—A. Yes ; I remember now that he was.

By Mr. CATE :

Q. State whether at any time prior to Mr. Burkle's removal, and while that removal was under consideration, Mr. Keyes suggested to you that if you could get that office you might make some money, or "we might make some money out of it."—A. He made that remark to me. His words were, "We can make some money."

Q. Did you pay Mr. Keyes any money about the time of his going to Washington ?—A. After the senatorial fight I think it was.

Q. At what time after the senatorial fight ?—A. I think it was at the Grand Pacific Hotel, at Chicago, that I paid it to him. I think I gave him \$50. It seems to me that it was \$75, but I will say \$50.

Q. What for ?—A. For nothing, except that he was going down, and represented various parties of us that expected more or less difficulty in consequence of the election of a different Senator from the man whom we supported. I felt as though it was very proper that I should pay some toward his going. He did not ask me for it, but I paid it to him.

Q. What danger was there to you ?—A. The men who had succeeded in beating Mr. Carpenter were very bitter against us who had been working for Mr. Carpenter's success, and, as I supposed, they would try to get a recognition through the new Senator, and that some of us would have to go out.

Q. You thought the most active supporter of Mr. Carpenter in Milwaukee would be able to benefit you by coming to Washington, inasmuch as you were all in the same boat ?—A. I thought so, and I think yet that it was beneficial.

Q. Had it any reference to the whisky business ?—A. Not that I know of.

Q. Where did that money come from ?—A. I don't know ; I had it on hand.

Q. Was it collected from whisky men ?—A. I couldn't say that it was.

Q. Was it your money ?—A. It was money that I considered mine. After February, after we got through that fight, I do not think I had any money of the distillers whatever.

Q. Did this money that you had come from the distillers ?—A. I cannot tell how much money was had of the distillers. I never had any money of any other distiller than Rindskopf and Nunemacher. I kept no run of the money that I had of Nunemacher, but remember about what I had of Mr. Rindskopf. I had money of him several times.

Q. There was a suit pending against Sam. Rindskopf ?—A. Yes.

Q. Was that pending before the senatorial election ?—A. Yes.

Q. What was that suit for ?

Mr. CASWELL. I object to that question because it is intended to review Senator Carpenter's conduct in relation to the Middleton distillery-case tried in the western circuit, and not at Milwaukee. The resolution under which this committee is acting gives it no authority to investigate that matter.

Mr. GLOVER read the resolution under which the committee was acting.

Mr. CATE. Mr. Rindskopf resided in Milwaukee and kept a rectifying establishment there, although his high wines came from the Middleton distillery. We do not care to enter into that matter at all, but what we desire to show is that this man Rindskopf was indicted by the United States for violating the revenue laws ; that indictment was in the western part of the State. For the purpose of showing connection between the United States officers and the distillers, and as bearing upon the question at large, we have a right to investigate this matter. We have a right to show, for instance, that while this suit was pending, the United States officers—Mr. Keyes and others—agreed with Mr. Rindskopf that the case should be continued from time to time, in consideration of his supporting Mr. Carpenter ; that it should

be continued until after the senatorial election, and that then these parties should assist in obtaining a dismissal of the case, or its compromise. It is only to that extent that we care to go into the consideration of that case; it is a circumstance bearing upon the fact that is charged here, to wit, complicity between the United States officers and the distillers.

MR. CASWELL. It is claimed that Senator Carpenter, in the fall of 1874, but prior to the election of members of the legislature by which he, perhaps, expected to be returned to the United States Senate, said to Mr. Rindskopf that he, Carpenter, would get his case in the western circuit put over until they could get a compromise of some time. It is intended to make that bear also upon Mr. Keyes, and to show that Mr. Keyes and Mr. Carpenter said they would assist in putting over, or advise that Mr. Rindskopf case should be put over. Mr. Conklin, as an operator in Milwaukee, may have told Mr. Rindskopf that he would see that that case was continued over the term, and he may have acquired Mr. Rindskopf friendship for so doing, and may have got his support for aught I know, but that is a matter relating to a prosecution in another part of the State.

MR. GLOVER. But this gentleman was in Milwaukee at the time.

MR. CASWELL. He was operating in Milwaukee at the time, having been assigned to duty in that place.

MR. MCCRARY. [To Mr. Cate.] How do you connect it with the Milwaukee matter?

MR. CATE. My object is to show that the United States officers there were conducting this matter in fraud of the Government.

MR. KEYES. [To Mr. Cate.] What United States officers?

MR. CATE. Mr. Conklin for one, for instance. He was in the ring. We want to show that there was an understanding between the United States officers and Mr. Rindskopf that that case should be continued from time to time until the disposition of the senatorial election, tending to show fraud on their part.

MR. GLOVER. I think it is admissible in so much as it was connected with the officer at Milwaukee.

By MR. CATE:

Q. State what you know in regard to that matter.—A. In my first approach to Mr. Rindskopf in relation to his support of republican members of the legislature, he alluded to this suit at Madison, speaking of it as pending against him, and saying that Mr. Keyes had been, in his judgment, specially to blame for his being prosecuted. He thought Keyes had hatched up the suit because he was mad with him, &c. He wanted that suit settled in some way. He said he was a friend of Mr. Carpenter's and was inclined to support him, but didn't feel like supporting those who were fighting him all the time. I saw Mr. Keyes in Madison and talked to him about it; I told him I thought Sam's support could be had, and it looked as though we could get the support of the distillers generally. He had no faith in it, but he said: "Go carefully; and, of course, if we can get that vote it would be a good thing and we would like to have it." I said to him: "Here is the point; I will have to give some assurance to Sam, that he may expect some help to compromise his case, and not to have it go to trial. He doesn't want it to go to trial, but prefers to have it settled." Mr. Keyes says: "That is all right; you go slowly and carefully. I don't think you will have any support whatever out of him." "But," said I, "suppose he does support Carpenter?" Said he, "If he does we will help him to compromise his case." I think I first spoke to Mr. Hobart about it. I did not really want at that time to talk to Sam, very squarely about it, so I think I first intimated to Mr. Hobart that I thought if Sam did the fair thing the boys would be willing to help him to compromise that case, at all events." The subject was broached to him, and I finally talked to him about it myself, and before I got through saw him several times about it. I do not know whether we talked about the first continuation at La Crosse—presume we may—how it was continued, or what the arrangement was; but I think that the first encouragement we gave Sam, was of a probable compromise rather than a fight; but when the election came, and after further conference upon the matter, it was not thought advisable to undertake a compromise at that time, because there had been more or less talk about how we got the vote in Milwaukee. We were charged with buying democratic votes there and getting more than it was thought we could get by ordinary means. There was considerable talk upon the subject, and it was considered wise not to have anything to do with obtaining a compromise until after that senatorial fight. It was arranged and understood by Mr. Keyes, Mr. Carpenter, and myself that the case would probably be continued in December. That was the clear understanding; so much so that when the case came to trial and witnesses were subpoenaed, Mr. Weiser and Mr. Moeller among them, I told them that they need not go, because the case would be continued and would not be tried.

Q. State the conversation you had with Mr. Rindskopf as to what should be done after it was determined that the case should not be continued.—A. It was not determined. It came in a way that could not be avoided. I understood the matter so thoroughly that I told the officers there that they need not go, even after they were summoned as witnesses. I even maintained that position after they got dispatches requesting them to go. I still told them they need not go; but finally a dispatch came from McKinney, saying that if they would not go there would be trouble; also a dispatch came from Munn that they must come. Then I went to Madison with them myself, and when we got there I heard that affidavits

had been made out at least against Mr. Weiser. I do not know whether a warrant had been issued, but if there had been I was entirely to blame, and I went there to protect them. I called myself upon Judge Hopkins and told him that I was the only man to blame for those witnesses not being on hand at the time ordered, and that I understood that Senator Carpenter would see to it when he came down that the case should be continued that term. I went to see Mr. Keyes and told him the kind of fix I had got the boys into, and he explained to me that Mr. Carpenter had been to see Mr. Douglass, the Deputy Commissioner, and that he did not know whether Mr. Douglass was an enemy of Carpenter's, or wanted to ruin him, or whether he was a damned fool, but that he sent a dispatch saying that at the request of Senator Carpenter you can continue this case. He said it would not do to continue the case on that dispatch, as it would get up a howl and would beat Mr. Carpenter. He sent the dispatch to Mr. McKinney, I suppose.

By Mr. CASWELL:

Q. You do not undertake to say that such a dispatch was sent?—A. I undertake to say that Mr. Keyes said that there was such a dispatch.

Q. Did Mr. Keyes say that he had sent any word to Mr. Carpenter in regard to it?—A. He said he had sent him word to get that damned fool's dispatch out of the files.

Q. Mr. Rindskopf was first running for Congress on the democratic ticket while this prosecution was pending?—A. Yes.

Q. Were not appeals made from various parts of the country that his prosecution should be put off as a matter of fairness, because he was running for Congress on the democratic ticket?—A. There might have been something of that kind.

Q. Was not there a great deal of talk in the newspapers about it, and did not they appeal to Mr. Carpenter and Mr. Keyes, and others whom they supposed to be running the political machine, that as matter of fairness it ought to be put off until his campaign was over?—A. I do not remember seeing anything about it, but it may have been so.

Q. The court was in session in September, was it not?—A. In December.

Q. But it was in session in September, at La Crosse?—A. Yes.

Q. Do you not now remember that after the nominations there was an appeal made at La Crosse to have that case continued over simply on Mr. Rindskopf's account?—A. I have told you I do not remember the circumstance, or how it was brought about. I should not, probably, recollect so particularly about this discontinuance if I had not been drawn into it to protect the men whom I had told were safe in not going out as witnesses.

Q. You say that all the cases in the State had been compromised before that time?—A. I think it was the rule in thirty-nine cases out of forty, for many years before that time, to compromise them. Cases were settled without going to trial. There was a law which provided for it, and there were regulations which provided for the execution of that law up to the time when Mr. Bristow came into office.

By Mr. CATE:

Q. What other conversation did you have with Mr. Keyes in regard to that trial; did he say anything about what Mr. McKinney had done or would do; did he say that Mr. Rindskopf's conviction was sure, and that McKinney had the whole thing stocked on him before the jury?—A. Mr. Keyes said there was no show for Rindskopf, that he would be convicted, sure.

Q. What else, if anything, did he say? State whether he said that McKinney had everything stocked up on him before the jury.—A. Yes; because he said most of the jury were temperance men, and that was his opinion.

Q. Did he say, "There is no sight for Sam.?"—A. He said that there would be no sight for Sam.; he said he would be convicted, sure.

Q. What remedy did Mr. Keyes propose?—A. I had as much to say about it, perhaps, as Mr. Keyes; I said to Mr. Keyes, "How is this thing going to come out?"

By Mr. KEYES:

Q. Please state where and when this conversation was which you have related?—A. The conversation I am now referring to was in your office, but I could not tell you the time. It was the day I went to you to learn why it was that the case had not been continued, and that it fell through.

Q. Did you have anything at all to do with the arrangement of that case, in any of its stages, as an official?—A. No, sir; it was a case started before I went into the service. I had no personal knowledge about it. As I was about to remark, I said to Mr. Keyes that if Sam. were convicted and sent to the penitentiary, there was going to be a devil of a howl; that he had supported our ticket, and it was understood that the case should be continued past the term, and that then it would be compromised, and that if it were not so, won't there be a big howl? He said that that was so, and he said, "He will be convicted, that is sure." He said the only question was how to keep him, Sam., out of the penitentiary. He said, "There is no help for his conviction, that is bound to follow the trial." I had not any doubt about it myself, because I knew what the case was. Sam. was convicted.

By Mr. CATE:

Q. What was done in regard to it?—A. I had to talk with Mr. Keyes again once or twice

in relation to what was going to be done after he was convicted. I don't know but what I had one or two interviews with him about the time of the conviction; it might have been before, but I think it was after the conviction. I went to Mr. Keyes and talked with him again on that same thing. I said, "What is going to be done in this matter? If Sam. is sent to the penitentiary there is going to be a big howl." He says, "I know it." I think I made this suggestion first. I said, "Mr. Keyes, I know but two men in this State that I know of that could talk to Judge Hopkins about a matter of this kind. He is an honest man, and nobody can approach him by any improper means whatever, but I think there are two men in this State that can talk to him on that subject, and who would not give rise to any suspicion in his mind, and those two are yourself and George B. Smith. I think I had this first talk with him to that extent at his office. He said he had been thinking about it, and that he would see. The next I heard about Mr. Keyes was that he was sick. I went to see him on one occasion and found that he was sick. I went up to his house in the evening, or in the edge of the evening, and sent in my name. The servant said that Mr. Keyes was sick and could not see any one. I sent back word by the servant that it was very necessary I should see him, or something of that kind, and he allowed me to come in and see him. I talked there with him on this subject for a while; he told me that he had been thinking of the matter, and that it would come out all right. He was not very much inclined to say very much about it. I pressed him on the subject myself. Mr. Keyes is not a man that tells anything more to his friends than is necessary, even to his best friends. I told him that Sam.'s friends were looking ugly and sour and murky, and that there would be some howling pretty soon about this matter. He said to me, "I am going to see Judge Hopkins in the morning. If I am not able to see him, I am going to have him come and see me. Sam. cannot get off without paying at least a big fine; but I think he can be saved from going to the penitentiary. The law is such that he will have to be imprisoned one day, anyhow." In a former conversation I think that point was mentioned between myself and Mr. Keyes. He said this time, "I am satisfied in my mind that it will be all right." I said to him, "I wish I could just be allowed to hint that to Goodwin, (the counsel for Rindskopf.) He finally said I might use my judgment, but I had better be very careful about that, but that he was confident that Sam. could be saved from going to the penitentiary. I went and saw Goodwin in one of the rooms of the Park Hotel. I remember that in my written statement I said his room, but I do not know whether it was his room or not. It was in a room in the Park Hotel. I told him in substance what I thought about it, and told him that I had been counseling with a party that did not generally fail when he undertook to do anything, and I was satisfied that Sam. could rely upon it that he need not go to the penitentiary. Mr. Goodwin was very much interested, as I judged by his manner, and wanted to know who it was that I had talked with. I did not tell him that it was Mr. Keyes, but I think from the way I talked that he inferred it was Mr. Keyes, though I do not know whether he did or not. I meant that he should, because I thought it would be more satisfactory and assuring to him, and wished he would say to Sam. and his friends that he would not go to the penitentiary, though he would probably have to pay a heavy fine.

Q. When did you next see Mr. Keyes about it?—A. I cannot tell you just when I next saw Mr. Keyes about it. I had another talk with Mr. Keyes, and it was my opinion when I made that written statement (which, by the way, was made in a very great hurry) that it was before the verdict was rendered. I am mixed in my mind whether or no this conversation did not take place between him and myself afterward.

Q. After the verdict and before judgment did you see Mr. Keyes?—A. It is my better opinion that I did. I am relating the conversation that took place, and that conversation leads me to think that it must have been before.

Q. Before what?—A. It must have been before the verdict.

Q. I want to know if you had, after the verdict and before judgment, any conversation with him about it?—A. I think I had a conversation before and after.

Q. What conversation did you have with Mr. Keyes, after the verdict and before judgment, with reference to the judge's sentence?—A. It was after the verdict that I went to his house on this occasion that I have been talking about.

Q. Did you see him at any time before judgment, in which Mr. Keyes said that he had seen the judge?—A. That was what I was getting at when you stopped me.

Q. You were speaking of a conversation before the verdict. That could not have been.—A. If I said that, it was misspoken; it could not have been at that time. If I said *verdict* I meant *judgment*. Mr. Keyes said to me after the conversation at the house, and in another conversation that I had with him. that the figures originally arrived at by the judge showed that the fine in Rindskopf's case would be \$3,000, and that there would be also nominal imprisonment.

Q. What nominal imprisonment?—A. One day's imprisonment. But he learned that after he got into court the appeals that were made by the attorneys for Rindskopf were very strong, and the prosecution did not oppose the appeals at all, and the judge modified his view to a fine of \$5,000.

Q. State whether, in this matter, Mr. Keyes said to you with reference to Sam.'s coming sentence that it was all right, and that Sam. would get but one day's imprisonment.

Mr. CASWELL. Let him state what he did say.

The WITNESS. That is my idea of the conversation that I had with Mr. Keyes after I had been at his house.

By Mr. CASWELL:

Q. State what he said.—A. I saw Mr. Keyes on one occasion, after I had been at his house, and found him still assured on that subject. He was satisfied that it was all right, and that he would get nothing but a nominal imprisonment.

By Mr. CATE:

Q. You devoted a good deal of your time to politics while you were employed as revenue agent?—A. I did, from the opening of that campaign down to the close of the senatorial fight.

Q. You were a very active man?—A. Well, I did all the work I could; all that I could see wanted to be done.

Q. Was your relationship with Mr. Keyes and Mr. Carpenter intimate?—A. Yes.

Q. Did you ever complain to either of them that you were devoting so much of your time to politics and so little to the revenue business that you would probably be turned out?—A. I said to Mr. Carpenter that I was required to make a diary-report every month, according to the regulations, showing where I was every day, and that I didn't see how I could make that report, perhaps, and do justice to myself; but I said that if I were going to do such work as I should probably require to do in the campaign, Mr. Douglass ought to understand it—that the Commissioner of Internal Revenue ought to understand it—and understand what I was doing, so that I would not get into trouble or be removed. Mr. Carpenter said that he would see about that; that he would see Mr. Douglass and make that all right. I don't know whether he saw him or not, but he told me he did, and I have no doubt he did. I think I continued my diary-reports, with the exception of one month I made no report, and I presumed I was not called upon to make that. I took it for granted that there had been something said to Mr. Douglass about about it, and that that served as an excuse for my not doing it.

Q. After the raid was made upon the whisky ring did Mr. Keyes or any other officer of the Government advise the whole batch of officials to clear out?—A. I didn't know of Mr. Keyes giving any advice.

Q. Did you know of any other officer of the Government doing so? If so, state who.

The WITNESS. Whom do you call an officer of the Government?

Mr. CATE. You know what I mean as well as I do.

A. I didn't know of any other revenue officers there.

Q. I didn't say revenue officers, simply.—A. Mr. Carpenter advised that that class of distillers or whisky men whose cases were considered doubtful had better all go off in a batch. I don't say that he advised every one of them, each one, that they should go, or advise that they should; that is, as I understood it, he so advised those who came to consult him on that subject. I don't mean to be understood as saying that he met each one and told him that he had better go, but what I mean to say is that those who did meet and consult with him before the meeting of the grand jury at Oshkosh, he told them that in his judgment the best thing that could be done would be for all to go off, and that if they would do that, probably a compromise could be effected in a few months.

Q. When was that?—A. A few days before the grand jury met at Oshkosh, in July, about a year ago.

Q. The point I want to make is whether Mr. Carpenter was at that time Senator or not; was this advice given while Mr. Carpenter was Senator or not?—A. The advice was given in July, 1875. He was not at that time a Senator.

Q. Then he was not a Government officer?—A. No; but when I first answered your question I was thinking that he was a Senator.

By Mr. McCRARY:

Q. Do you qualify your answer now as to advice being given by Government officers?—A. Yes; I qualify it to that extent.

By Mr. CATE:

Q. Do you know a man in Milwaukee by the name of Moeller?—A. Yes.

Q. What is his business?—A. He was a Government officer for some time along about the first of June, 1874; he may not have been since that time; he was removed shortly after the raid.

Q. When was he indicted?—A. At the Oshkosh term, in July, believe.

Q. In July, 1875?—A. Yes; in July, 1875.

Q. He ran away, didn't he?—A. He ran away.

Q. When did he run away, in July?—A. No, sir; he remained there, and was tried and convicted, but ran away before sentence.

Q. After the verdict, before sentence?—A. Yes; it must have been in October or November.

Q. Did Mr. Keyes write you any letters while you were in Canada?—A. Only the one I have testified in relation to.

Q. Did he send you any other telegrams except those that you have testified to?—A. No, sir.

Q. Did you have any conversation with him in Wisconsin, after you came back, in regard to your affairs?

The WITNESS. After I came back under this immunity?

Mr. CATE. Yes.

A. No, sir; I declined to talk with him on the subject on all occasions.

Q. Did you ever at any time have any conversation with him, in which this matter was spoken of, and in which he assured you that McKinney, a Government officer, (the prosecuting attorney,) would stand by you and protect you?—A. His ideas have been varied about Mr. McKinney.

Q. That is not the point; but did he, in any conversation, guarantee protection to you, or assure you that you should be taken care of, and did he use the word Hazleton or McKinney, whoever happened to be the prosecuting officer at the time?—A. He wrote me once, about the time of my removal, that he had had a talk with McKinney, and that I could rely upon McKinney. He said that McKinney would have the key to the situation and would take care of me. That was the idea.

Q. Have you got his letter?—A. Yes; I think that that letter was just before my removal instead of after.

Mr. CATE. I wish you would look up that letter; I want to put it in.

Q. After Mr. Hazleton came into office did you have any assurance from Mr. Keyes that Mr. Hazleton understood the business, and that you should be taken care of and protected?—A. Not a great while before I was arrested I saw Mr. Keyes and told him that I had an idea there were some crooked things going on in there. I didn't know just what they were. Subsequently I wrote him to come in. He could not come in, but he wrote me a letter.

Q. Have you got that letter?—A. Yes; I have got that letter, also, among my papers. In this he said that he had written that day to Mr. Hazleton on some business which was between them, and that he had said to Mr. Hazleton that Conklin must be taken care of, and that a word to the wise was sufficient.

Mr. CATE. Please look that letter up, also. I want to have it in the record.

Q. How long was this before your arrest?—A. Perhaps a week, maybe less or maybe a little more. I don't remember as to the exact time, but it was a very short time before.

Q. In your written statement you don't seem to remember in regard to the exact length of time?—A. No.

By Mr. KEYES:

Q. Were not you protesting, all this time, your innocence before me?—A. Yes; and I do so still.

By Mr. CATE:

Q. Did you have any communication, by telegraph, letter, or otherwise, with Mr. Keyes immediately after you were arrested?—A. He telegraphed to me from Chicago to keep cool; that he was coming down.

By Mr. KEYES:

Q. You telegraphed that you were arrested, and I answered that telegram that I was coming to Milwaukee?—A. I presume so.

Mr. CATE. I wish you would look up that telegram, also.

By Mr. KEYES:

Q. That was an answer to a telegram you sent me advising me of your arrest?—A. I presume it was. I think I did tell you of it. In fact, I am sure I did.

By Mr. CATE:

Q. Did he come up from Chicago to Milwaukee?—A. He came up on Sunday and went right back again to Chicago, and came up again on Monday or Tuesday night.

Q. Whenever he did come up you had some conversation with him, didn't you?—A. Yes; I have been relating those conversations.

Q. I want to call your attention specially to some of his remarks when he came up. Do you remember what his language was in regard to Mr. McKinney and his prosecuting you, and what Mr. Keyes's advice to you was—do you remember his language?—A. After his going there and looking over the ground he expressed it as clear that McKinney was after my blood, so to speak; that he was bitter and was down on me. I do not give the conversation in detail, but it was Mr. Keyes's idea, for reasons which he gave, that very likely the whole matter was a put-up job to let out Rindskopf for some reason. He explained that they had to give somebody away in order to give McKinney a chance to do it, and that I had been pitched upon because I had on two or three occasions got money of Rindskopf for the purposes I have stated, and that if that was the case there was no chance for me at all, for all the Rindskopf people would swear one with the other, and that in the excited state of public opinion at that time I would be convicted.

Q. What did he advise you to do—did he advise you at that particular time to clear out and run away?—A. There is no question about the fact that Mr. Keyes's judgment expressed to me was that I had better not stand trial, but go away.

Q. I asked you as to what his advice was to you on this particular occasion.—A. He said to me that his idea was for me to go away, and that in process of time, perhaps no very great time, it might be arranged so that I could come back.

Q. State whether at that time he said to you that you had better go away, and that when the excitement blew over he would see you out all right and protect you.—A. He didn't say "protect" me.

Q. Did he say he would see you right through the prosecution?—A. There was nothing said about prosecution, but that when this excitement would blow over there would be some arrangement made so that I should be got back all right. Mr. Keyes remarked to me that he didn't consider me guilty, but considered the circumstances such that I would nevertheless be convicted.

Q. Did you receive any communication in Canada to the effect that you had better remain there until the excitement should have blown over?—A. I never received a word from Mr. Keyes directly on that subject, but I did get such word from others by whom he sent word to me.

Q. Did you ever receive any letters from Mr. Keyes with reference to that case of Rindskopf's?—A. I received one letter from him on the 20th of December, 1874, which alluded to it, as I understood it.

Q. Have you got that letter?—A. I think I have.

Mr. CATE. Please look it up.

The WITNESS. I would like, before I am cross-examined, to call your attention to a question which you put to me some little time ago, in which you asked me if I knew of any other money being paid. I forget what the question was exactly. I want to see how broad it was. I don't remember whether I answered it fully or not.

Mr. CATE. The question substantially was this: Do you know of any money being paid to any other Government official, or at any other time, than that which you have testified to here, by whisky men of Milwaukee?—A. Not of my own knowledge. I thought you asked me about whether I knew of any more money being paid in for campaign purposes.

Q. In October, 1874, you went to New Orleans for some purpose, did you?—A. Yes.

Q. What were the expenses attending that trip?—A. I stated about \$200.

Q. Who paid the expenses?—A. I stated that I paid them.

Q. I only ask now to ascertain the source from which these \$200 of expenses came; who raised it?—A. That came also from Mr. Rindskopf, and I re-imbursed myself.

Q. That is the matter alluded to in your written statement?—A. Yes.

Q. Did you say to Mr. Carpenter that you had sufficient money on hand to pay the expenses? If so, where did that money come from?

[Objected to by Mr. Caswell.]

A. Mr. Carpenter spoke to me, as I was about to leave, in relation to money; he said I would need some money to go away with. I told him I had enough by me to bear my expenses; and I don't know now whether it was that time or on my return that we were talking about those expenses, and I told him that I could get it from the boys, or some such expression; that they were willing to contribute for any such purpose. He didn't pay it.

Q. You stated that you had it by you, but that when you got back the boys would repay it. Whom did you mean by "the boys"?—A. I meant our whisky brigade there, who were contributing money liberally. I was not getting money from anybody else. I could draw upon Rindskopf, and I knew I could draw upon Nunemacher for purposes of that kind.

Q. But why were those parties interested in your trip to New Orleans?—A. Because it had to do with the election of Mr. Carpenter. He was charged with doing things while here as Senator in relation to Louisiana matters that, if true, were endangering his chances in Wisconsin, and he wanted statements from Kellogg and others in Louisiana to the contrary, and he asked me if I would go down there, as I had been there before, and see these parties and get statements from them. I called down there and got the statements, and I telegraphed them to Mr. Keyes to be published.

Q. And the expenses of that trip were contributed and made up by the distillers. Is that so?—A. The expenses were paid with money that was contributed by Mr. Rindskopf.

Q. He was engaged in rectifying high-wines?—A. No; this Mr. Rindskopf that I refer to was engaged in the manufacture of whisky. I would not swear positively that Mr. Rindskopf knew what it was for, or that I explained to him about it, but he paid it to me, to be used for political purposes. He had offered me money two or three times before for such purposes.

Q. The point I am trying to get at is, that for the purpose of paying those expenses you went to a particular class of people for re-imbursement, no matter whether they knew anything about it or not?—A. I never received any money from any other class, and only from two men of that class.

By Mr. KEYES :

Q. This Rindskopf to whom you now refer was Louis Rindskopf?—A. Yes. That was the first money I had had of Rindskopf.

By Mr. CATE :

Q. What I want to fix is, whether the officers knew that such money went to such purposes?—A. I don't say anything about officers; I say I did.

[The witness then produced some letters and telegrams, which he handed to Mr. Cate.]

Q. Is this letter dated December 20, 1874, a reply to any letter which you wrote to Mr. Keyes?—A. No.

Q. Does it refer to any subject-matter bearing on this case?—A. The first part of it does not refer to anything relating to this subject. The latter part does refer to one of the subjects as to which I have been testifying.

Q. Is that letter in reference to the Rindskopf suit in the district court, or the disposition that was made of that case?

Mr. CASWELL. I object and protest against any such construction. The witness has no right to put such a construction on the letter. The letter speaks for itself.

Mr. CATE. But it is equivocal and needs some explanation.

The WITNESS. The last part applies, I think, to this subject; I am sure, however, that I had not written anything about it to Mr. Keyes.

Mr. McCRARY. The letter seems to be ambiguous. I suppose you can show any conversation tending to explain it, but I think the letter ought to go in any way.

The WITNESS. I can only give my opinion, my judgment as to what it meant.

By Mr. KEYES :

Q. You cannot tell what it meant, can you?—A. No; I cannot swear positively what meant; I can only say what I supposed it meant from certain circumstances.

By Mr. CATE :

Q. You had had some conversation with Mr. Keyes, as I understand, with reference to the effect upon the whisky-men of the trial of that case, it having been tried in opposition to their expectations, and that it would be therefore unsatisfactory to them?—A. Yes.

Q. And this latter clause in the letter refers to that?—A. That answer of mine is objected to, as I understand it.

Mr. McCRARY. If the letter was written in reference to any conversation or any previous letter, I see no objection to its being stated.

By Mr. CATE :

Q. Does that letter refer to any subject-matter that you and Mr. Keyes had had under consideration prior to the letter being written?—A. I hadn't written him, I think.

Q. Did you have any conversation with him prior to that letter being written?—A. I think so.

Q. State any facts or circumstances in your mind which tend to show to what that latter clause of that letter of December 20, 1874, refers. How shortly before that letter was written had you seen Mr. Keyes?—A. I cannot tell exactly, but it could have been but a short time before.

Q. Was the subject-matter of the disposition of Rindskopf's suit talked of by you and Mr. Keyes?—A. It was talked of between Mr. Keyes and myself just before the convention, at the time, and after; I think that was somewhere about the 16th, 17th, or 18th of December.

Q. State whether you talked of the effect of the disposition of that case on the whisky-men in Milwaukee.—A. We did have a conversation in relation to the probabilities of how far Sam and his friends would be satisfied with the result, and as to what the consequences would be supposing Rindskopf should "blow"—supposing he should "howl!"—I guess that was the expression that we frequently used. I think I was apprehensive, and I think Mr. Keyes was apprehensive, that perhaps Mr. Rindskopf would blow, or "howl" about it; that perhaps, as the case had not been continued, he would think he hadn't been treated fairly, and that if he did howl in that way and the howl should be joined in by his friends, the tendency would be to endanger Mr. Carpenter's chances in the senatorial election, which was soon to come off, because it had then been accused, I think, in the papers, that we had got six republican members of the legislature from Milwaukee, where before there had not been usually, I believe, more than two. That remark was frequently made, and the thing was quite noticeable in that respect. There was a great deal of speculation about it; and there was a great deal charged that was untrue, and that would be the means of endangering our cause.

By Mr. CASWELL :

Q. You don't claim that it had any reference to illicit distilling, but simply to assurances which they had had about continuing the Rindskopf case over the term?—A. I claim just what I said; that we were anxious to know whether Sam was to be in a measure satisfied with the result, or whether he would howl about it.

Q. Sam had been a very strong and influential man in the State, had he not?—A. Yes he had been so, at least in the city of Milwaukee.

By Mr. KEYES :

Q. Do you say that I ever talked with you about Mr. Rindskopf "howling" as to the result of that matter?—A. Yes.

Q. And speculated about what the result would be?—A. Yes.

Q. Where was it?—A. On several occasions, just about the time of the convention and afterward. We were a little fearful that he might make a fool of himself. We thought that all had been done for him that could be done under the circumstances, and we thought that perhaps he might think it hadn't been done; that we had promised to continue that case and hadn't done it.

Q. Who promised to continue that case?—A. You, [Mr. Keyes.]

Mr. KEYES. I never did.

The WITNESS. And I, and Mr. Carpenter.

Mr. KEYES. I don't know what you or Mr. Carpenter said or did.

The WITNESS. You never assured me positively that that case would be continued, but you said to me that you had no doubt that it could be continued and would be continued. You said that it could be carried over past the senatorial fight, and that it would be good policy to have it done. It was on those assurances that I told these witnesses up there that they need not go to court, and pretty nearly got myself into trouble on their account. I had to go to Judge Hopkins and explain to him that my understanding was that the case was to be continued. And it was your understanding that it was to be continued. That telegram came as you supposed it would come.

By Mr. CASWELL :

Q. What was there criminal about it?—A. Nothing in the world. There was nothing wrong about it in my judgment. I have said before that it had been the custom for many years to compromise those cases.

By Mr. CATE :

Q. Do you know anything else that would tend to explain that letter?—A. I don't know any other fact except the line of facts that I have spoken of.

The letter is as follows :

"MADISON, December 20, 1874.

"DEAR CONK : The convention dodge is too thin ; it won't work.

"I will attend to every part of the programme, and be responsible for the result.

"Things are working well, and will come out O. K. But if the wolf howls, hell may be to pay.

"Yours,

"KEYES."

The witness read, also, the following letters and telegrams :

[Letter.]

[ "Private. ]

"MADISON, May 18, 1876.

"DEAR CONK : In the general crash there is, of course, great danger of all being ground to powder. Munn it appears has got to go out under a cloud. Well, I don't care much about that, but I have *only* one friend in the revenue service that I want to protect, 'Thou art the man.' McKinney has just promised me to stand by you, and I know he will. He told me to say to you to report to him and let the outside *slush* go. Mc. has the key to the situation, as you know. Be discreet and tie to Mac, and you will be O. K.

"In haste,

"E. W. KEYES."

[Telegram.]

"MADISON, November 19, 1875.

"To Hon. D. J. CONKLIN :

"I can't go in to-night. I am not in condition to travel nights. I was intending to go to Chicago to-morrow, and to Milwaukee Monday ; won't that do ?— Answer.

"E. W. KEYES."

[Telegram.]

"CHICAGO, November 20, 1875.

"To S. J. CONKLIN :

"Take things coolly ; I will be up.

"E. W. KEYES."

[Letter.]

"MADISON, November 19, 1875.

"DEAR CONK: You telegram recd. this a. m. I answered, I could not go in to-night, and stated I was going to Chicago in the morning, and would be at Mil Monday eve., and asked if that would not do. I get no answer. I think you are unnecessarily nervous. I must go to C., as I have arranged.

"I was writing Hazelton to-night about a matter I am doing for him in which he is greatly interested, and added, 'Conk. must be taken care of. A word to the wise is sufficient.' It will count. I shall get to the Grand Pacific at 4 p. m. If anything is going bad telegraph me.

"Yours,

"E. W. KEYES."

Q. At this time the distilleries were seized, were they not?—A. They had been seized on the 10th of May.

Q. And several of the revenue-officers had been dismissed the service, had they not?—A. I think that Moeler and one other had been before this letter of May 18. Nearly, if not all, were dismissed before the letter of November 19.

Q. Had you not been talking with Mr. Keyes and telling him that you might be retained, —and that you would not be dismissed with the others, and did he not write you saying that there was one whom he wished to protect, and that "Thou art the man?"—A. I do not know whether I saw Mr. Keyes after the seizure up to the time of this letter of May 18, or not.

Q. You have said that you have been writing and talking to him?—A. That was as to this last lot of letters that I referred to, [November, 1874.]

Q. You were writing to him you were afraid you would be removed; that was a matter of consideration. When, therefore, he writes to you to the effect that there is one friend whom he wishes to protect, what does he refer to—to keeping you in the service, or simply to protect you from any criminal prosecution? You were not arrested and had not been dismissed from the service at that time?—A. No; I was not at that time. I have been trying to think whether I had written to Mr. Keyes on the subject you refer to before this May 18th letter.

Q. You had protested your innocence always to him?—A. I said to him, as I have said to the committee, that I am not guilty in any proper sense of the matters charged in the indictment. I have not said that I was without fault.

Q. Concede that. What had you informed Mr. Keyes up to the time this letter was written; were you not telling him that you were in danger of being removed?—A. I have been trying to remember whether I had seen him or had written him, but I am not able to recall at this time. I may be able to remember at a future time.

Q. At any rate, you were not dismissed from the service?—A. Not until the next day, I think. I received notice on the 19th. This letter is dated the 18th.

Q. The fact was that you were nervous and afraid you would be dismissed, were you not?—A. As far as that is concerned, I did not have any idea that I could remain in the service under the circumstances then existing.

Q. I understood you to start out by saying you had been writing or talking to Mr. Keyes?—A. You are mixing up the batches of letters. I said I had been writing to him about coming in to Milwaukee, &c., but that referred to the other letters, written in November, and not May.

Q. I am referring to the letter of May 18, eight days after the distilleries were seized, and two days before you were dismissed from the service. When he spoke of one friend whom he expected to protect, what did he refer to—to keep you in office or to protect you from criminal prosecution? No reference had been made to a criminal prosecution at that time, had there?—A. No.

Q. No reference had been made to your guilt, had there?—A. Not that I know of.

Q. Had they claimed you to be guilty for six months after you were dismissed from the service?—A. O, yes; some persons had; but no charge had been made against me by the Government.

Q. How long was it after you were dismissed from the service?—A. It was in November that the charge was brought against me.

Q. And you were dismissed in May?—A. Yes.

Q. You stood perfectly clear, so far as any charges were concerned?—A. Yes.

Q. On the 18th of May Mr. Keyes wrote you the letter which is in evidence, of that date?—A. Yes.

Q. And in that he speaks of one whom he wished to protect, saying, "Thou art the man." According to that, he intended to retain you in office, did he not, and was not that the subject under consideration; you had had some fears that you might be removed?—A. I certainly had expected to go out of the service, as they had discovered a state of things there that I had not been able to discover, and supposed that was one reason for every one going out. I did not suppose one of us would be left in the service.

Q. They had turned out the collector?—A. They had not done so at that time. I think there had been two officers dropped up to that time.

By Mr. KEYES:

Q. Mr. Munn had gone out, had he not?—A. No, I think not; but it was supposed that he would go. I think there was no officer there at all who expected to remain in the service any length of time.

By Mr. CASWELL:

Q. It was under that state of things that Mr. Keyes wrote this letter?—A. Yes.

Q. You did not expect to be dismissed the service because of any charges the Government made against you?—A. I expected to be dismissed the service because they found such a state of things there as we had not found. I supposed they would pronounce all the officers inefficient, and turn them out. I hadn't any expectation of staying in the service any length of time whatever, under the circumstances.

By Mr. CATE:

Q. Who was the Mr. McKinney referred to in that letter?—A. J. C. McKinney.

Q. What office did he hold at that time?—A. I think he was then assistant United States attorney for the western district of Wisconsin.

Q. What is the occasion of his reference to McKinney in that letter, do you know?—A. I do not feel that I can squarely give the reasons that you would have me give, perhaps.

Mr. CATE. I only want you to give the *true* reason.

A. Well, I am a little mixed on that. I do not think Mr. Keyes anticipated at the time that I would be prosecuted criminally, or had serious apprehension that I would be. I did not have any myself. I do not know. I have been trying to recall as to that letter; my memory is not first-rate when called suddenly to a point like this. I have not thought of—reflection generally helps me out a good deal. If I have an opportunity of reflecting upon it, I should probably be able to remember. I must have written Mr. Keyes or perhaps seen him, though possibly neither.

Mr. CASWELL. McKinney was an assistant in the western district and had nothing to do with the Milwaukee district at that time, had he?—A. At this time, I think he had received his appointment as special attorney.

Q. You were dismissed from the service on the 20th of May?—A. Yes; my dismissal took effect on the 20th. Mr. McKinney, at the time I received this letter, was in the service. He was certainly there on the 19th, because that was the day I got the dispatch removing me, and I had received that letter that morning. I know I went and talked with Mr. McKinney immediately when I received it. He was in Milwaukee when I received it. I told him what Mr. Keyes had written, and he said it was "all right." When I received that dispatch ordering my removal, I went and showed that, too, to Mr. McKinney, and he appeared to be very much surprised about it, and so did Mr. Hedrick. They wanted me to feel sure that it had not come from *them*, at all; that they had not made any report against me up to that time.

Q. You think that Mr. McKinney was then in charge of the prosecution?—A. He was in charge at that time and had been before.

Q. Was it not quite well understood that he could, perhaps, control your retention or help it?—A. He could have helped very much, indeed, in doing that—probably more than any other man.

Q. If he had written to the Commissioner of Internal Revenue that he desired you to be retained to assist him in carrying on these prosecutions, you would have been retained, would you not?—A. I think he would have had more influence to that effect than any other man in the place. I think that, as Mr. Keyes said, he had "the key to the situation."

Q. Was not that what Mr. Keyes referred to when he made use of that expression?—A. I think that that may be so.

Mr. CATE. So far as that point is concerned, I am willing to concede that that was the intention.

By Mr. CATE:

Q. Was the dispatch from Mr. Keyes to you dated November 19, 1875, and written from Madison, a reply to something from you?—A. Yes.

Q. What was it?—A. A request for him to come to Milwaukee.

Q. For what purpose?—A. If it was a dispatch, I could not give it. I do not know whether this was an answer to a dispatch or a letter.

Q. But was it an answer to either a letter or a dispatch?—A. Yes.

Q. What had you written or dispatched to him; do you remember the occasion of the correspondence?—A. I know what it was. I had been wanting Mr. Keyes to come in to Milwaukee, to talk with him about matters that interested myself. These letters, of course, were before my arrest.

Q. Had you written him anything special, or simply requested him to come in?—A. I think, in the first place, that before either of these letters were written, I had seen him either in Milwaukee or Madison, and had talked with him about the situation, and then either wrote or telegraphed him to come in.

Q. What was the situation, as you talked it over with him?—A. I had talked with Mr. Keyes just before these letters were written, but whether I talked with him at Madison, or at Milwaukee, I do not know. I used to see him often, and had talked with him to the effect that things were getting into pretty serious shape in Milwaukee; that they were crowding some of these men very badly; that I saw no road out for them at all, and I was apprehensive that before they got out I might in some way get into trouble, from the fact of my raising money there as I have testified. I told Mr. Keyes all the time that I had never been bought or owned by these distillers, but efforts were being made to get parties there to turn State's evidence, and I was rather apprehensive about it, and told him that I thought it was better to explain fully to Mr. Dixon and Mr. McKinney about the raising of this money for political purposes, and about the fact that Mr. Nunemacher raised considerable money to be used in the city.

By Mr. CASWELL:

Q. You were stating about the conversation you had with Mr. Keys before this letter was written, about the 18th or 19th of May?—A. No; I was talking about the conversation had about the time of the telegram of November 19. These letters and telegrams are of November. That first letter that was objected to, alone referred to May. As I have said, I have talked to Mr. Keyes once or twice, or perhaps more, and told him it was best, I thought, to let the whole thing come in, and let the attorneys know all about this matter, so they would not take a step which would injure parties. I wrote and telegraphed him to come in, (up to the time of my arrest,) and these communications are in response to my urgent request that he should come. He understood, I suppose, from previous conversation, what I wanted him to come there for. I wanted him to go to the prosecuting attorneys and tell them the facts. There was nothing about the facts that I considered improper; others may and probably do think differently.

By Mr. CATE:

Q. Who is the Hazleton mentioned in the letter of November 19?—A. He was the United States district attorney for the Milwaukee district.

By Mr. CASWELL:

Q. Prior to your receipt of that letter did you not receive word from him that you would be arrested?—A. I don't remember about that; I know I was arrested afterward.

Q. Then you received this dispatch?—A. I received in reply the dispatch "Take things coolly; I will be up."

Adjourned.

WASHINGTON, D. C., June 26, 1876.

A. G. WEISSERT sworn and examined.

By Mr. CATE:

Question. Where do you reside?—Answer. Milwaukee, Wis.

Q. How long have you resided there?—A. About ten years.

Q. Have you ever held any Government office in Wisconsin?—A. I have.

Q. What was it?—A. United States internal-revenue storekeeper and inspector in the United States internal revenue; also deputy collector and surveyor of distilleries.

Q. When?—A. Off and on in 1867.

Q. What office did you hold in 1873 and 1874?—A. Deputy collector of internal revenue.

Q. Were your duties especially at Milwaukee?—A. No, sir; all over the district.

Q. How large was the district?—A. It embraced five counties, I believe.

Q. When were you appointed deputy collector?—A. I think in May, 1873.

Q. How long did you hold the office?—A. I held it till June, 1875.

Q. Were you removed?—A. The last time I resigned; I was removed, was re-instated, and then I resigned.

Q. When were you removed?—A. In May, 1875.

Q. For what reasons were you removed?—A. I do not know. The reasons were not given.

Q. Were any charges made against you?—A. There have been charges since then.

Q. Were any made at that time?—A. Not to my knowledge. There may have been charges, but I do not know the nature of them. I was never informed of them.

Q. You were re-instated?—A. Yes, sir.

Q. How long were you out of office?—A. Two or three days.

Q. How did you get back?—A. I was recommended for the appointment, and was recommended by the collector, George Q. Erskine.

Q. What induced you to resign finally?—A. It was suggested to me, and I thought it advisable.

Q. Were any charges made against you at that time?—A. Not to my knowledge; there may have been.

Q. Did you anticipate that there would be charges made against you?—A. No, sir.

Q. You simply got tired of the office?—A. No, sir; I will explain to you. After my re-instatement, General Hedrick suggested to Mr. Erskine that my re-instatement would look to the Department as though he was defying the authority of the Commissioner. He suggested to me to leave the service, and I did so.

Q. Since that time, has there been any trouble between you and the Government?—A. Yes, sir.

Q. You did not anticipate at the time of your resignation that there would be?—A. No, sir; I did not.

Q. What charges have been preferred against you since then?—A. Conspiracy and bribery.

Q. Have you been indicted?—A. I have been.

Q. Have you pleaded to the Government?—A. Yes, sir.

Q. What did you plead?—A. Not guilty.

Q. I suppose you feel as though you were an injured man by these charges against you?—A. Yes, sir.

Q. While you were holding any of these offices, did you know of any assessments being made either upon distillers, rectifiers, or persons holding office?—A. Not to my knowledge.

Q. Do you know of any being paid?—A. Yes, sir.

Q. Did you pay any of them?—A. Yes, I always paid.

Q. Was it a fraudulent thing that you were assessed?—A. I do not call it an assessment. I was called on freely to pay for national, State, and local elections.

Q. Did you ever collect any money for that purpose yourself?—A. I did.

Q. From whom?—A. From the different officers in the internal-revenue service.

Q. Did you collect any from the distillers?—A. Never.

Q. You were not aware that they were running crooked whisky there?—A. No, sir, only as I reported from time to time.

Q. You were surprised when it turned out that there was crookedness up there?—A. I was.

Q. And that it had escaped your knowledge so long?—A. Yes, sir.

Q. You were wholly unaware of any crooked whisky being made there?—A. Yes, sir, excepting as I reported it to the Department.

Q. Did you make reports of the violation of law?—A. Yes; I was reporting violations of the law right along.

Q. Have you made any seizures?—A. Yes; I made seizures right straight along.

Q. Prior to the raid there?—A. Yes. I was indicted by an individual whose distillery I had reported.

Q. How large a sum of money did you ever collect at any one time from distillers?—A. I never collected any.

Q. How large a sum did you have in your hands at any one time that had been collected from distillers?—A. Never a cent.

Q. Did you ever pay Paine any money?—A. Yes. That came from storekeepers and gaugers.

Q. Do you recollect from whom that was collected?—A. I do.

Q. From whom?—A. I think I collected it from John E. Fitzgerald, John S. Taffe, C. F. Moller, E. S. Redington, William P. Hovey, Peter Huegin, Henry P. Ellis, David Griffith, Henry A. Valentine, and Louis Beemis. There may have been a few more whom I do not recollect.

By Mr. CASWELL:

Q. These were all officers of the internal revenue?—A. Every one of them.

By Mr. CATE:

Q. When was that?—A. I think in the fall of 1874.

Q. You paid that money to Paine?—A. Yes, sir.

Q. What was the amount?—A. It may have been a little over or a little less than \$800.

Q. Was it all paid at one time?—A. No, sir; I paid it over as I collected it. I include in that amount money which I contributed myself.

Q. Who fixed the amount which every one should pay?—A. They fixed it themselves.

Q. Each man paid just what he had a mind to?—A. Yes.

Q. Did you not have a list that was kept?—A. I kept one for my own convenience. For instance, when I met Mr. Fitzgerald I would put his name down and the amount he gave.

By Mr. CASWELL:

Q. Were you one of the republican committee?—A. I was; and was designated by the republican club of my ward to make collections.

By Mr. CATE:

Q. Did you collect from any persons except United States officers?—A. No, sir.

Q. Do you know who made the collections from distillers, rectifiers, &c.?—A. No, sir, only from hearsay.

Q. Did you have any conversation with Mr. Paine as to the object of this collection?—A. He told me at the time that he wanted it for the campaign.

Q. Did you never collect from any other persons except those whom you have spoken of—from no one but officers?—A. No, sir.

Q. You made no collections from distillers or rectifiers?—A. No, sir, never.

Q. You collected taxes from distillers and rectifiers as an officer?—A. Yes; I collected their monthly tax for stamps, &c.

Q. Did you deliver the stamps to them?—A. No, sir; stamps were delivered at the office, and when they were delinquent, after a certain number of days Mr. Sherman or myself collected the amount.

Q. Was not your office one which naturally led you to make examination as to how business was done there?—A. Yes, to a certain extent.

Q. It never occurred to you that there was anything crooked there?—A. Only as I reported.

Q. Were you never paid anything as hush-money?—A. No, sir, never.

Q. You just drew your regular salary and nothing else?—A. Yes, sir.

Q. You did not know that these other fellows were getting more money than you?—A. No, sir.

Q. You never had an inkling of it?—A. Never till afterward.

Q. Do you not think it a little remarkable that all this thing escaped your attention?—A. No; I do not think it is.

Q. Then it was not an easy matter to ascertain this violation of law?—A. It was after you got the clew to it as General Hedrick did, but not otherwise.

Q. Were you a witness in the case against Rindskopf?—A. I was. I reported that case myself to the Department.

Q. You discovered the violation there yourself?—A. Yes; I did it by finding stamps uncanceled on the barrels.

Q. Did you go to Madison to testify on that trial when you were first subpoenaed?—A. No, sir.

Q. Why not?—A. I think Mr. Erskine told me that it was not necessary as the case would not be tried then. That is my impression.

Q. And that is the reason why you did not go?—A. Yes, sir.

Q. Had you any conversation with Mr. Conklin about it?—A. Yes; when I got the second dispatch Mr. Conklin spoke about it.

Q. What did he say?—A. He said that it was not necessary to go on; that he was going up there and would let us know. I was on my way to the depot when Mr. Erskine notified me not to go.

Q. It was the understanding among the revenue officers that that case would be continued until after the senatorial election?—A. So I understood.

Q. Did you ever talk with Rindskopf about it?—A. I do not think I did.

Q. Did you talk with Mr. Carpenter about it?—A. No; I do not think I ever talked with Mr. Carpenter on any subject.

Q. Who else besides Erskine did you talk with about it?—A. I think I talked with Mr. Conklin.

Q. Why was the case to be continued until after the senatorial election?—A. I do not know.

Q. After you got to Madison did you have conversation with persons there as to why you did not attend on the first subpoena?—A. Yes; I spoke with Mr. Webb, the district attorney, and with Mr. McKinney, the assistant district attorney, and I told them I was informed that it was not necessary to go.

Q. You gave that as an excuse for your not going?—A. Yes, sir.

Q. Did they say that there was no such understanding?—A. I believe they did.

Q. What was your salary?—A. One hundred and twenty-five dollars a month.

Q. And you say you never received any more than that?—A. I do.

Q. From anybody?—A. Yes, sir.

Q. What were you indicted for?—A. Conspiracy and bribery.

Q. By whom was it charged that you were bribed?—A. By Louis Rindskopf and I believe by Thomas O'Neill.

Q. Who is Thomas O'Neill?—A. A distiller.

Q. Was his distillery in your district?—A. Yes, sir.

Q. That charge was wholly untrue?—A. Yes; I will say so.

Q. You were not aware that Nunnemacher or those others were running in violation of law?—A. No, sir.

Q. When were you indicted?—A. I think in July, 1875.

Q. Why have you not been tried?—A. The case was continued from time to time.

Q. At your application?—A. The last time it was continued at my application; I was sick at the time.

Q. Have you been testifying for the Government in other cases there?—A. Yes, sir.

Q. Since you have been indicted?—A. Yes; right along.

Q. Have you had any promise of immunity from the Government?—A. No, sir.

Q. Do you not expect it?—A. No, sir.

Q. You expect to fight it out?—A. I am ready to fight it out.

Q. What office did Henry C. Paine hold?—A. Postmaster at Milwaukee.

Q. Was his influence considered very important by persons holding office in Milwaukee? Was it not a fact that nobody could get an office unless he had Henry C. Paine's indorsement to his application?—A. I would not say that it was absolutely necessary to have his indorsement, but quite a number of persons did have his indorsement.

Q. Was it not considered as rather indispensable that they should have it?—A. They usually went to him for it. I think nearly all of them went for his signature.

Q. Had you any conversation with him in reference to the collection of money except his telling you that some was wanted?—A. I never had any conversation with him to my knowledge about the collection of money except in the case stated.

Q. What did he say about your going to a particular class of persons? Did you collect from anybody else?—A. No, sir; I believe that the individual who collected the year before was not in the service.

Q. Was it not generally understood that the republican party was raising funds out of distillers, storekeepers, rectifiers, &c., to carry on the campaign in favor of Carpenter?—A. I did not so understand it.

Q. Was that not common talk about Milwaukee?—A. I understood that afterward. I was not in Wisconsin during that campaign until the latter part of it. I was with a sick brother in California.

Q. What time did you leave the State?—A. Early in January, 1875, before the senatorial election.

Q. When you went up to Madison to testify, did you have any conversation with Keyes about the case?—A. Not to my knowledge.

By Mr. KEYES:

Q. Did you have any conversation with Mr. Cate about it?—A. No, sir. I never saw Mr. Cate, to my knowledge, until to-day.

By Mr. CATE:

Q. What did Mr. Webb and Mr. McKinney say about this report that the case was to be continued?—A. They did not say anything to me about it.

Q. Did they not find fault with some persons for attempting to continue it?—A. I do not know.

Q. Did you not hear Webb say that Carpenter and Keyes and others were trying to run that case?—A. All that I heard on the subject was in open court. My impression is that something was said to that effect in open court.

Q. Was that not the common talk in the community?—A. I understood so.

Q. That the case was to be continued beyond the senatorial election?—A. I do not know anything about that.

By Mr. KEYES:

Q. Did they not want it postponed until after Mr. Carpenter's election?—A. I do not recollect about that.

By Mr. CASWELL:

Q. How far is Madison from Milwaukee?—A. Nearly one hundred miles.

Q. Mr. Keyes and Mr. McKinney and Mr. Webb all held their offices in the same building?—A. Yes, sir.

Q. And at Milwaukee the impression was that the case was to be put over for the term?—A. That is what I inferred.

Q. But when you got to Madison, where all these parties were, you found a different state of things?—A. Yes, sir.

Q. When they were talking in open court, did they not allude to some telegrams from the Commissioner of Internal Revenue?—A. That is what I had reference to.

Q. You did not have reference to what Mr. Keyes said?—A. No, sir.

Q. Do you not know that Mr. Keyes was in favor of the prosecution of the case at that time, and so expressed himself?—A. I do not know anything about it.

Q. Do you know from whom the information came in Milwaukee that the case was to be continued? Was it not a fact that Mr. Conklin told you and others that the case was to be continued?—A. Yes; I think so.

Q. Did not the whole understanding originate from that?—A. I think it did. I received a letter from Marshal Oakley to report at Madison at such a time. I had just got home to Milwaukee. The letter was undoubtedly sent quite late, but when I got it I went directly to the office to inform Mr. Erskine that I would have to go on the

one o'clock train which left in three-quarters of an hour from that time. Mr. Erskine was not at the office. I then went over to the Newhall House, where he takes his meals, and met him. I told him that I was looking for him at the office and that I had to go to Madison right away as I had got a letter from the marshal requiring me to testify in that case. He said to me, "You need not go. I have got information that it is not necessary for you to appear there at present." He said that Conklin would go out there and would telegraph us.

By Mr. CATE:

Q. Did he say where the information came from that the case would be continued?—A. No, sir. Mr. Conklin then went to Madison, but before he got there I received the first telegram from Mr. McKinney that I should appear there at once. That telegram I showed to Mr. Erskine. We went off together to Mr. Hovey and asked him what we were to do. The reason why Mr. Erskine wanted me to remain in Milwaukee was on account of the pressure of business. The next day Conklin returned and also Mr. Adams, one of the attorneys for Rindskopf. Adams said that the case would go over. Then we got another telegram that it was necessary for me to come at once. I showed it to Mr. Erskine and Mr. Hovey, and they said that they thought it better for me to go. They suggested that I should go at once, and I did so.

By Mr. CASWELL:

Q. How long has Henry C. Paine been postmaster at Milwaukee?—A. I think less than two months.

Q. Did he hold any official position in 1874 or 1875?—A. Not to my knowledge.

Q. Did you collect from Hovey and Huegin the same as you did from the others?—A. I told Mr. Hovey that we were about entering on the campaign and that I was designated by the republican club of my ward to raise some funds, and that, if he could, I would like to have him donate. I said that he could do just as he thought fit. He did so; he gave as much as anybody. I do not know how Peter Huegin came to know of it, as he was off duty at the time, and I did not apply to those who were off duty. He came to me and said that he wanted to give something to the fund, and he did give it. That was in the fall campaign before the general election.

By Mr. CATE:

Q. Did you ever meet Nunnemacher and Conklin and Wirth together in regard to any fund or had you any conversation with them on the subject?—A. Yes, sir.

Q. When was that?—A. I think I know what you mean. Mr. Conklin and I had gone to a distiller or a tobaccoist, (I am not positive which,) and on our return we met Hermann Nunnemacher and Mr. O'Neill. One of them, I do not know which, either O'Neill or Nunnemacher, made the remark to Conklin, "We have been called on for some money for Henry Paine for the campaign," and I think they said they had paid it.

Q. That was in the fall of 1874?—A. I think so.

Q. How much did they say they had paid?—A. They said they were called upon for \$100.

Q. When you received these telegrams from Madison did you not go with them to Conklin as soon as you received them?—A. Yes, sir.

Q. And pass telegrams over to him?—A. Yes; I think I left them at his office.

Q. It was mainly on his statement that the case was to be continued that you declined to go to Madison?—A. Yes, sir.

Q. Did you ever hear Paine say that O'Neill had paid him \$100?—A. Yes, sir.

By Mr. KEYES:

Q. Was not O'Neill a candidate for the legislature that fall and was he not elected?—A. Yes, sir.

By Mr. CATE:

Q. What are O'Neill's politics?—A. He is a republican.

By Mr. CASWELL:

Q. O'Neill was running for the legislature when he contributed this money?—A. Yes, sir.

Q. And he was a distiller?—A. Yes, sir.

Q. When you collected from Hovey and Huegin and these others, did you collect from them the same as the other officers?—A. Yes, sir; but Mr. Huegin was off duty and he did not give quite so much on that account. He told me, however, that if it was not enough he would give more, but I never called on him for more.

Q. When you collected money from these officers did you have any idea that they were receiving hush-money from distillers?—A. None whatever.

Q. Your collections had no reference to that fact?—A. Not at all.

By Mr. CATE:

Q. You stated in your direct examination that you were not informed that any of these officers were receiving hush-money.—A. I was not.

Q. Do you think that any of them were?—A. I take their own admission for that.  
 Q. What officers do you think received hush-money from the distillers?—A. Those who have pleaded guilty.

WASHINGTON, June 26, 1876.

J. E. FITZGERALD sworn and examined.

By Mr. CATE:

Question. Where do you reside?—Answer. Milwaukee, Wisconsin.

Q. How long have you resided there?—A. Fifteen years.

Q. What has been your occupation for the last three or four years?—A. From September, 1869, to May, 1875, I was a United States ganger of the first district.

Q. What were your duties as United States ganger?—A. My duties were to visit distilleries periodically to see that their products were properly drawn off and properly stamped and reported to the Department at Washington and the collector of internal revenue at Milwaukee.

Q. Was the whole State of Wisconsin in your agency or only a portion of it?—A. A portion; Milwaukee City and County.

Q. How long did you hold that office?—A. Nearly six years; from September, 1869, to May, 1875.

Q. Did you hold the office the whole six years uninterruptedly?—A. I did not.

Q. What portion of that time were you not in office?—A. I think about two months. In the winter of 1872 and 1873 I was suspended for about two months, I think, for a violation of law in failing to drive the tacks in stamps on two barrels of alcohol.

Q. Who made the charge against you?—A. Some revenue-agent in Iowa where the goods were found.

Q. You were restored?—A. I was re-appointed.

Q. When?—A. About two months after this suspension. I think in the winter of 1873.

Q. And from that time until 1875 you held the office uninterruptedly?—A. I did.

Q. Were you removed in 1875?—A. I was removed in 1875.

Q. On charges made against you?—A. There were no charges made that I know of. They were not brought to my notice. I was "bounced."

Q. Of course there were no reasons for the removal?—A. There were many reasons.

Q. What reasons were given for the removal?—A. The reasons were not given; I knew what they were though.

Q. What were they?—A. I was a party to frauds that were being perpetrated there by the whisky-ring.

Q. In what acts between you and the distillers, storekeepers, and others did those frauds consist?—A. They consisted in our colluding with them to evade payment of tax on high-wines.

Q. Were there any charges as to collusion with distillers?—A. Yes, sir; they were the men that made the high-wines.

Q. Were there any charges of collusion with rectifiers?—A. Yes, sir.

Q. What constituted the crime connected with the rectifiers?—A. It was to help them to put their illicit liquor on the market and make it pass current.

Q. How were you enabled to do that?—A. By making false returns to the Department.

Q. With what particular distillers and rectifiers were you guilty of this collusion?—A. Nunemachers, Wirths, Chanfield, Grau, Bergenthal, O'Neill, Rindskopf, and Speller. They were the distillers.

Q. Was there any other revenue-officer besides yourself that was aware of this collusion or aware of the fact that the distilleries were running in violation of law?—A. Yes, sir. I think that, with the exception of George Erickson, the collector of internal revenue, Stewart, the deputy collector, and a man named Hovey, who was a United States storekeeper, they all knew it.

Q. What benefit did you derive from a collusion of that character?—A. I derived a cash-benefit.

Q. That is, these parties that you have named who were so engaged paid you a consideration for keeping still?—A. Yes, sir.

Q. How much was your pay?—A. I was paid when I was on the distillery "beat," as we call it, \$200 a month by each distiller that I worked with.

Q. What was the aggregate of your receipts as hush-money, to the best of your judgment?—A. I could not come anywhere near that.

Q. Just approximate it.—A. I guess it would be safe to set it down at \$10,000 for the time from which I commenced those operations until I was removed; that was from the fall of 1872 to the 1st of May, 1875.

Q. In that time you received about \$10,000 hush-money?—A. Yes, sir; about that.

Q. What was done with that money?—A. I paid my official bond of \$10,000 to the Government.

Q. Did you have anything left after paying your bond?—A. I don't think I had any of my crooked receipts left.

Q. You just about saved yourself then?—A. I think I did, just about.

Q. While you held this office were you aware of any assessments being made on the storekeepers, gaugers, and that class of persons, by persons outside, for political purposes, or were you assessed for political purposes?—A. Well, I cannot say that I was assessed.

Q. Did you pay any sums?—A. I did.

Q. Do you know of other people paying sums?—A. I do.

Q. Were you instrumental in collecting or assessing those sums?—A. In one single instance I collected of David A. Griffiths and Henry H. Valentine \$50 apiece.

Q. Did you make any other collections at that time of other persons?—A. No, sir; I did not.

Q. How did you happen to make that collection?—A. Because those two men lived in the same ward that I lived in and I wanted to increase our ward-fund a little.

Q. When was that?—A. I don't know the year.

Q. When was it with reference to Mr. Carpenter's defeat for Senator?—A. It was that same fall.

Q. What was the occasion of the use of that money; what was it understood to be for?—A. It was understood to be used in the third-ward fund.

Q. What was that fund raised for or devoted to?—A. To the election of W. J. Kershaw; that is the reason I took an interest in that.

Mr. CASWELL objected to the last question and answer and asked that they be ruled out.

Mr. McCRARY, (in the chair.) He may state what he did with the money.

By Mr. CATE:

Q. What did you do with the money?—A. I handed that to Henry C. Paine.

Q. What office did he hold?—A. None at all.

Q. How happened you to pay it to him?—A. He seemed to be the central figure in our politics there.

Q. What office did he hold in your politics there?—A. He did not hold any.

Q. In your political organization for forwarding anybody's election, did he hold any position? Was he chairman or secretary of any such organization?—A. He was secretary of what was called the Young Men's Republican Club.

Q. Why was this money raised to assist in the election of Kershaw; what did you want him elected for?—A. Because he was a friend of mine.

Q. Was that your only reason that you wanted him elected, simply because he was your friend?—A. No, not entirely.

Q. Was not the money raised to assist in the election of Kershaw because he was known to be a Carpenter man?—A. Well, yes; he was known to be a Carpenter man.

Q. Was not that the reason you wanted him elected?—A. I wanted him elected on that account.

Q. Is that all the money you handled or paid over by you to any person for political purposes and collected from distillers, gaugers, store keepers, or that class of men?—A. That was all I collected.

Q. Was that all that you handled?—A. No, sir.

Q. What other sums of money did you receive from any source for that purpose?—A. I did not receive any for that purpose.

Q. Did you pay any other sums of money?—A. I did.

Q. What sums of money did you pay besides that?—A. Well, in connection with the \$50 apiece that I got from those two men, I contributed \$75 myself. I think there were two other occasions on which I gave \$100. The first one I gave to A. G. Weissert, deputy collector of internal revenue.

Q. When did you give him that money?—A. I gave it to him a little earlier that same fall.

Q. For what use or purpose was that money given to Weissert?—A. It was to be given to Henry Paine for political uses.

Q. Do you know whether it was so given or not?—A. I do not; I suppose it was, however.

Q. Is that all the money that you handled while you were in that business?—A. The \$75 I spoke of first and \$100 at two different times, one that I gave to Weissert for Henry Paine and the other I don't remember clearly to whom I did give it; it was either to Harman Nunnemacher or Leopold Wirth.

Q. Were you acquainted with Henry C. Paine?—A. I was.

Q. Did you know from what source this money was derived?—A. Not that I know of. Q. Did you ever have any conversation with him as to where it came from?—A. I told him that I had got \$50 from Griffiths and Valentine.

Q. Did you give that of your own volition?—A. That was of my own volition.

Q. Did anybody suggest to you the collection of money from any of these persons?—A. No, sir.

Q. Why did not you go to somebody besides Valentine and Griffiths?—A. I went to them because they reside in my ward.

Q. Did not anybody else reside in your ward?—A. Well, none of those fellows. I went to them because they were men that I knew, fellow-officers.

Q. Why were you collecting of a particular class and not of anybody else?—A. Well, I collected of them because I knew they were making money pretty easy and could stand it.

Q. How were they making money?—A. They were making it just as I was getting it, from the distillers.

Q. They were winking at the violation of law and receiving hush-money?—A. Yes, sir.

Q. What was your idea, that by paying these contributions for this purpose they would be protected in it and would receive any favors?—A. No, sir.

Q. Then why did you favor Mr. Carpenter's election?—A. Because, first, Mr. Carpenter got me my appointment; and, secondly, because I thought he was the fittest man in the State of Wisconsin to be Senator.

Q. He had first obtained your appointment?—A. He had.

Q. Did you ever have any conversation with him in regard to standing by you in case of an effort to remove you?—A. No, sir.

Q. Whose influence secured your last appointment?—A. Senator Carpenter's.

Q. Was he aware of the charges that were made against you?—A. I don't know that he was; I think he was, though.

Q. What makes you think so?—A. Because Burpee recommended my re-appointment.

Q. Was Mr. Burpee aware that you were receiving hush-money from the distillers?—A. No, he was not.

Q. Was it not generally understood among all classes of politicians on your side of the question that those distillers were running in violation of law?—A. Not that I know of.

Q. What is your idea as to the reason why that class of persons were assessed for political purposes, whether they were democrats or republicans? Was there not some reason why they were standing those assessments?—A. Well, so far as the officers are concerned, it is, I guess, a universal custom for them to contribute.

Q. But it is not a universal custom for people of opposite politics to contribute. How happens it that you were assessing them of both political parties?

Mr. CASWELL. He never said that he was.

Q. Was not that the fact that democrats were contributing?—A. Yes; they were contributing.

Q. What consideration moved them?—A. The consideration that moved them, I suppose, was because the officers were republicans and these men wanted to keep on good terms with us.

Q. They wanted to continue that class in office a little longer?—A. Certainly; that was the most natural thing in the world.

Q. You stated that all the officers were aware, except those you named, that crooked whisky was being made. You did not mention Burpee; was he aware of it?—A. I think not.

Q. You did not mention him in your list of exceptions?—A. No; he has been out so long that I overlooked him. I don't think he knew.

Q. Were there any charges made against him?—A. None that I know of.

Q. Do you know any reason why he was removed?—A. I do not know of any except from hearsay.

Q. You were indicted?—A. I was.

Q. What was the result?—A. I pleaded guilty.

Q. Have you undergone the sentence?—A. It has not been pronounced yet.

Q. Have you had any immunity from the Government?—A. Not at all, sir.

Q. Who was the United States prosecuting attorney at the time you were indicted?—A. J. C. McKenney was acting in that capacity.

Q. Is he in the city now?—A. He is.

Q. Have you seen him since you came?—A. I have.

Q. Did you go to see him immediately after your arrival?—A. Yes, sir; after I got something to eat.

Q. Have you consulted him on this subject?—A. No, sir.

Q. Did any conversation pass between you and him as to what you were to testify to?

Mr. CASWELL objected to the examiner reflecting upon his own witness.

Mr. CATE. I want to show by this witness that McKenney, and perhaps others, have consulted with the witness with reference to what he should testify to.

Mr. MCCRARY, (in the chair.) If he shows any unwillingness to testify, it may be proper; otherwise not.

Q. Have you had any conversation with Mr. McKenney in regard to your testimony?—A. No, sir; I have not.

Q. Did he make any suggestion in regard to it?—A. Not a syllable.

Q. Was there any conversation between you and him as to the status of your case in the court since you came here?—A. No, sir.

Q. At any time after you were subpoenaed to come here?—A. No, sir.

Q. Or between you and anybody else?—A. No, sir.

Q. Why did you seek McKenney when you came here?—A. Well, the reason I sought him was because, just as I was coming from supper, I saw him going into a room in a building across the street, and I went over to see him.

Q. Do you know of your own knowledge of any other persons collecting money for political purposes?—A. Mr. Weissert collected money, to which I contributed \$100, as I told you.

Q. Is that the only instance that you know of his or any other persons collecting money for such purposes?—A. I think that in some former campaigns I paid \$25 or \$50. I think one time it was at the suggestion of the collector. He stated that they wanted some money for political purposes.

Q. Who said that?—A. The collector, George Erickson.

Q. What did he say?—A. He said that the boys were contributing a little—the boys connected with his office. That was in an earlier campaign, before there was any whisky-ring in Milwaukee.

Q. Were you called upon in the winter just preceding the senatorial election to take any part in raising funds for any purpose?—A. None except what I have stated to you.

Q. You were not at Madison?—A. I was at Madison.

Q. Do you know anything of Nunnemacher and Wirth's having any money out there?—A. I don't know that they brought any money out there.

Q. What do you know about it?—A. I know that in Madison Mr. Nunnemacher said—

Mr. CASWELL objected to the witness stating what Nunnemacher said.

By Mr. CATE:

Q. Who was present at the time of this conversation?—A. No one but Mr. Nunnemacher and myself.

Q. Was that before the money was paid?

(Not answered.)

By Mr. CATE:

Q. What was said between you and Nunnemacher as to the collection of money by distillers, to be used at Madison for electioneering purposes?

Mr. CASWELL objected to the question.

Mr. MCCRARY, (in the chair.) I suppose what the witness said to other parties would not be proper.

By Mr. CATE:

Q. What understanding was had between you and any others at that time?—A. There was an understanding between Nunnemacher and myself that we should come to Milwaukee, that he should collect some from distillers, and I should collect some from the officers, I think he said for Conklin. He either said that Keyes wanted some money or that Conklin wanted some for Keyes. I rather think it was that Conklin wanted it for Keyes.

Q. What do you know about what was done in respect to that?—A. I think it was after we came to Milwaukee, after that interview, that I gave the second \$100 that I spoke of. I don't remember whether I gave that to Nunnemacher or Wirth. I gave it to somebody.

Q. Did you come from Madison with Nunnemacher?—A. No; I did not.

Q. Did you come immediately after this conversation?—A. No.

Q. How long after?—A. I cannot remember exactly, but I know I did not come right away.

Q. Are you willing to say that you contributed \$100 and paid it over to Nunnemacher or Wirth after that conversation?—A. I think I gave \$100 some time after that conversation to Nunnemacher or Wirth at Milwaukee.

Q. Did you have any other conversation with any other person while you were at Madison with reference to this fund?

Mr. CASWELL objected to the question.

A. No, I do not think I ever spoke to anybody else on the subject.

Q. What were you at Madison for?—A. I was there to see the fun.

Q. You were assigned no particular duty in that campaign?—A. No.

Q. Were you in Milwaukee while Wirth and Nunnemacher made these collections?—A. I presume I must have been.

Q. Did you notice that they were making collections?—A. No; I did not notice that. I cannot recall it.

Q. Did you have any conversation with Paine with reference to raising that fund to be sent to Madison?—A. No, sir.

Q. Were you at Madison when Wirth and Nunnemacher were there after that?—A. I do not know.

Q. Were you acquainted with Conklin?—A. Yes, sir.

Q. Was he at Madison when you were there?—A. I think he was.

Q. Did you have any conversation with him?—A. Not a word.

Q. How came you to have a conversation with Nunnemacher?—He came to me and spoke about it.

Q. Did he say he had had any conversation with any other persons about it?—A. He said he had had a conversation with Conklin.

Q. You said before, Keyes or Conklin?—A. Yes, sir; what I said was that he either said, "Conklin wants some money," or that Conklin had said Keyes wanted some money.

Q. Do you think you were one of the first men that received hush-money there in Milwaukee?—A. I think I was in among the first.

Q. Do you claim that you sort of initiated those operations or did somebody else? Were you the father of it?—A. Well, I don't think there was any "father" about it; it was kind of spontaneous.

Q. Do you know whether it was suggested by any outsider that it would be a good plan to inaugurate such proceeding for the purpose of having a fund?—A. No, sir; I do not.

Q. Was there any conversation with you by the politicians in regard to it?—A. No, sir; never.

Q. It was entered into by the officers, then, for their own benefit?—A. Yes, sir.

By Mr. CASWELL:

Q. Did it include any of the prominent politicians of the State of Wisconsin?—A. No, sir.

Q. Have you any reason to believe that Keyes or Carpenter had any knowledge whatever of this crookedness?—A. I have not.

Q. You knew both those men?—A. Yes.

Q. When you spoke with Nunemacher about collecting money he seemed to charge you to collect from the officers, knowing that you were an officer?—A. Yes, sir; but I did not collect any.

Q. Did he say from whom he would collect?—A. He said he would collect from the whisky men or distillers.

Q. Did he mention names or did he speak of them as "whisky men"?—A. He spoke of them as whisky men.

Q. He was himself a distiller, was he not?—A. Yes, sir.

Q. Did he claim at that time to have parted with his interest?—A. I guess, as far as the records of the collector's office are concerned, that he was separated from it. I won't be certain about that, however.

Q. Nunnemacher was a prominent man in Milwaukee?—A. Yes, sir.

Q. He was a great friend of Mr. Carpenter, was he not?—A. He was a great admirer of Mr. Carpenter.

Q. How long had he been such?—A. Well, I don't know. He liked him and always spoke very highly of him. I don't know when their intimacy began.

Q. Was it not a fact that a great many men in Milwaukee would have readily contributed to help Mr. Carpenter's election if they thought it necessary?—A. They certainly would.

Q. And it was nothing surprising and no new feature that men went to Milwaukee to collect money for that purpose?—A. No, I was not surprised at it at all.

Q. Did you understand what the money was to be collected for; anything different from the payment of ordinary hotel-bills and expenses?—A. That is what I thought it meant at that time.

Q. Are you positive that Nunnemacher said Conklin wanted it, or did he say that Keyes wanted it?—A. I cannot say about that.

Q. But you are sure that the request was made to him by Conklin?—A. Yes, sir; that I recollect.

Q. Did you hear of any other money being collected for that purpose except at this one time?—A. No, I did not.

Q. You were not called upon to contribute at any other time than that once for Mr. Carpenter's election before the legislature?—A. No, I was not.

Q. The legislature was then in session?—A. Yes.

Q. Do you know what time it convenes in that State?—A. I think it is the first week in January.

Mr. CASWELL. The first Wednesday after the second Tuesday in January.

Q. This was after the legislature had been in session some time that this money was raised?—A. I think there had been some ballots had on the senatorial question before that.

Q. The contest had progressed somewhat?—A. Yes.

Q. You heard of no money being collected prior to that time for that purpose?—A. No, sir.

Q. Though you were in Milwaukee during the fall, during December and the forepart of January?—A. Yes, sir.

Q. And round among the gaugers, distillers, and other officers, and about the collector's office?—A. Yes, sir.

Q. And you heard of no funds being raised prior to that time for this purpose?—A. No, sir.

Q. You say the money that was paid over to Henry C. Paine was for local election-purposes?—A. Yes, sir.

Q. Kershaw was running for the legislature?—A. Yes.

Q. Was Paine a member of the young men's committee?—A. He was.

Q. Were you a member?—A. No, I think not.

Q. Were you not one of the ward-committee?—A. I was not.

Q. Paine had a prominent place on the committee?—A. Yes; he seemed to have a prominent place. I don't know how he became so, but everybody recognized him as the central figure in Milwaukee republican politics.

Q. And he was aiding in Kershaw's election?—A. Certainly.

Q. And that money was to be used for the ordinary campaign purposes?—A. Yes; in the usual way.

Q. You do not know that Mr. Keyes or Mr. Carpenter had any connection with the fund at all, do you?—A. No.

Q. Do you think that Mr. Carpenter at all knew that these men were running crooked during his campaign?—A. No, sir.

Q. Had they any reason to expect help from him other than that of a mere Senator in Congress?—A. That is all.

Q. They had no expectation that he would countenance anything that was crooked?—A. They did not think so; never said so.

Q. None of them expected that?—A. No, sir.

Q. That was all concealed from him, was it?—A. Yes.

Q. They did not seek to use his official position in any way?—A. No. I want to say this here, in justice to Mr. Carpenter, that the whisky men believed that as long as Mr. Carpenter was in the Senate the same set of revenue-officers would remain in office just as they would under any other Senator.

Q. What reason had they for that; from anything he said or any assurance he gave?—A. No, sir; but from the simple fact that we officers agreed with them and they agreed with us, and we did not want anything to happen that should change it.

Q. Mr. Carpenter was a resident of your own city?—A. Yes, sir.

Q. You took stock in him and believed in him?—A. Yes, sir; most everybody did there.

Q. Business-men of all classes had a like confidence in him?—A. Yes, sir.

Q. Was it not usual for officials there to contribute something toward the expenses?—A. Yes, sir.

Q. This was no new feature then?—A. No.

Q. You have not talked this subject over with any one here?—A. Do you mean as to the character of the examination here?

Q. Yes.—A. No, sir; I have not.

Q. Did you talk it over prior to your coming here?—A. Let me see. Yes, I did; had a conversation prior to my coming here.

Q. Did you have a conversation with Mr. Northrup, the editor of the Milwaukee Times?—A. Yes, sir; I think I had two or three conversations with him, brief ones.

Q. Is he taking a lively interest in this investigation?—A. He certainly is.

Q. Did he give any reason for wanting this prosecution to go on?—A. He told me the reason that it was going on.

Q. What was it?

Mr. CATE objected to the question.

Mr. CASWELL insisted upon the question for the purpose of showing that there was a regular conspiracy in Milwaukee to push this investigation.

Mr. MCCRARY, (in the chair.) If the witness had any conversation with Mr. Northrup in regard to his testimony here, he may state it.

The WITNESS. No; I had no conversation with him in regard to my testimony. Let me see about that.

Mr. CATE. I withdraw the objection.

By Mr. CASWELL:

Q. State whether Mr. Northrup stated to you the object of this investigation.—A. He stated to me what he thought to be the object of this investigation; it was to use it as political capital and to "bounce" Mr. Keyes from the post-office at Madison.

Q. What did he say further?—A. He said further that that was about the interest the committee took in the matter, and seemed to be all they wanted to do.

By Mr. KEYES:

Q. They were driving at Keyes particularly?—A. So I understood; driving at Keyes and the republican party?

By Mr. CASWELL:

Q. You have been in court often at Milwaukee?—A. This last year I have been in court almost all the time.

Q. These facts which you have given here to-day have been proven often in open court there, have they not?—A. I think they have been, pretty generally.

By Mr. KEYES:

Q. Mr. Northrup is one of the editors of the Times.—A. He is.

Q. Did he also say that this investigation was for general smirching purposes?—A. Yes, sir; I think he said that the object of it was to smirch you, and make some political capital, and to throw you out of the Madison post-office.

Q. Did you have any talk with E. H. Broadhead before you left?—A. I did.

Q. What did he have to say?—A. I cannot recollect particularly anything that he said.

By Mr. CATE:

Q. Who is he?—A. President of the First National Bank.

Q. What are his politics?—A. He is a republican.

Q. Did he say that it was for political capital?—A. Mr. Broadhead did not say anything of that kind.

By Mr. KEYES:

Q. Was not Mr. Broadhead one of the bolters of Carpenter's nomination?—A. He was.

Q. He was personally hostile to Carpenter?—A. Yes.

Q. And to me also?—A. Yes, I think he was.

Q. Do you know Finch and Hamilton, of Milwaukee?—A. I do.

Q. And Mr. Thomson?—A. I do.

Q. Those are the principal parties that are interested in this proceeding, are they not?—A. I think so.

Q. They are running a sort of game of their own?—A. They seem to be.

Q. Do you know Griffiths?—A. I do.

Q. Did you ever read his statement which was given out here by Judge Cate or somebody else as having been sworn to?—A. I did.

Q. It was not sworn to at the time?—A. I think it was given before he appeared before the committee—a written statement.

Q. Did you ever have a talk with him about the matters contained in that statement?—A. I did not.

Q. Do you know anything of your own knowledge about the facts or what he claimed to be the facts in that statement?—A. I don't know that I do. Before I would say much about that statement, I would like to read it again. I remember that what struck me as being the pith of it was his visit with Nunnemacher to the Newhall House and his searching him.

Q. Did you ever hear him say that that was not true about his coming up to my room at the Newhall?—A. No; I never heard him say. I never dared to talk to him at all.

Q. Do you know of his testifying in reference to these matters on any occasion and stating that he had then told all he knew about matters pertaining to frauds on the revenue?—A. Yes; I think I was present when he made part, if not the whole, of his confession of his connection with the whisky frauds. That was in the Newhall House, Milwaukee, at General Hedrick's room. He stated his connection with the different distilleries at which he was located, the amounts that he had received, and so on.

Q. Did he claim to have given there at that time all the knowledge he had on the subject?—A. That seemed to be the understanding.

Q. Did he say anything about the Newhall matter at that time?—A. No; I never heard of that until I saw it in the Times.

Q. That was at Hedrick's room that that confession was made?—A. Yes, sir. To expedite matters, this Judge Miller was taking down the testimony.

Q. At that time Griffiths claimed to have imparted to the supervisor all the information that he had on the subject?—A. That is what he claimed to do.

Q. Was his examination pretty extensive?—A. It was, properly speaking, not an examination; it was a confession. He was told to tell everything he knew, and I supposed he did. The chances are that he told more than he knew.

By Mr. CASWELL:

Q. And he made no mention of this Newhall matter at all?—A. I never heard of it.

By Mr. KEYES:

Q. You say you did not hear Griffiths state that all or any part of his recital of the Newhall House transaction was untrue?—A. No; I did not hear that.

Q. Did you ever hear anybody else say that it was untrue?—A. Well, after the statement was published several of the boys talked the matter over among themselves and we all agreed as to the nature of the transactions.

Q. Agreed on what?—A. We agreed that it was a clear case of fool.

Q. You mean that it was untrue?—A. Yes, sir; that there was nothing to it at all.

Q. That it was a put-up case?—A. Yes, sir; that is the way we regarded it; that there was nothing in it.

Q. What kind of a man is this Griffiths?—A. Well, he is a pretty poor sort of a stick, as near as I can find out.

Q. He told different stories at different times, does he not?—A. He is pretty apt to.

By Mr. CATE:

Q. You and the balance of the revenue officers there made up your minds that this story of Griffiths was all false. You had not much confidence in him, had you?—A. No.

Q. A man who would deal with the Government in the way that he said he did you thought was not entitled to much confidence. A man that had received \$10,000 hush-money himself could not believe that Griffiths had received any, I suppose. What part of that statement did "the boys" believe was false?—A. They thought that the idea that Hermann Nunnemacher would take Dave Griffiths with him to the Newhall House and then go from there to a restaurant half a block away and allow Dave Griffiths to examine or search him to see if he hadn't money on his person——

Q. (Interrupting.) But did you doubt the main part of his statement, that he had paid over money that he had collected for electioneering purposes?—A. I had no doubt that he had paid over some money, because I got \$50 myself.

Q. Did you doubt that Nunnemacher and Wirth were around collecting from storekeepers and others for political purposes?—A. I believe that they did collect once.

Q. Then that was not a point that "the boys" doubted at all. Were the boys shocked when they found that there was some implication in that statement that Keyes got the money?—A. It was generally doubted.

Q. What do the boys think becomes of the money that is collected there?—A. Well, I have heard some of the boys say that they thought Conklin gobbled that fund.

Q. You say that Griffiths is rather crooked; tell me one time when you have caught Griffiths in a lie that you can prove, and whom have you heard say that he was not entitled to credit outside of the whisky-ring?—A. I have heard a lady who was intimate with Griffiths's wife and wife's sister say that they said that he was the biggest liar in town.

Q. Is it not a fact that the only point in Griffiths's statement that "the boys" thought incredible was that Wirth and Nunnemacher should have taken him to the Newhall to see the money paid over to Keyes?—A. Well, that was the laughable part of it.

Q. Was that the part you had reference to when you said it was a "fool" statement?—A. Yes, sir.

Q. Didn't you think that that was the unimportant part, and that the really important part of it was that the money had been raised and paid there?—A. There was this statement embodied in it, that it was generally understood that we were paying money for protection. Now that is not true.

Q. Didn't you state a moment ago that you thought that if Carpenter was elected he would continue you in office?—A. Well, my being retained in office was not a protection for me in my crooked transactions.

Q. As long as you were kept in office you would be protected?—A. No, sir.

Q. Did not you know that the boys were paying these assessments with the understanding, on their part at least, that the election of Carpenter would tend to retain them in office?—A. That would be a natural consequence.

Q. Then were they not paying money for protection?—A. No; I do not think so. I know I was not. I speak for myself personally. I knew that no one could protect us in our acts if they were discovered.

Q. But the revenue officers in Milwaukee were all in the whisky-ring, so that there was not a very good chance of this crookedness being discovered, especially if the Senators, and members of Congress, and postmasters were on their side. In that case the chances were in favor of their not being detected?—A. No, sir; the chances were just as great against us. If every man in Wisconsin was on my side I would be detected if they did their duty in the Department.

Q. How did it happen that this business went on for a year without being discovered?—A. Because they didn't attend to their business in Washington.

Q. Nor in Wisconsin?—A. Well, they did——

Q. They were pretty sharp there, you think, but was not the sharpness all directed to preventing the frauds from being discovered?

By Mr. McCRARY:

Q. You say that a number of Government officials besides yourself were implicated

in these frauds; have they all been indicted?—A. They have pretty much all been indicted.

Q. Do you know of any that were implicated that have not been indicted?—A. I presume there are a few little fellows that have been missed; probably the only safe way to catch them all would be to indict everybody that was in the whisky business.

By Mr. CASWELL:

Q. By "little fellows," do you mean small distillers?—A. Yes; little distillers and little rectifiers.

Q. You say that you had a talk among yourselves at Milwaukee in relation to Griffiths's statement, about the time Keyes came to Milwaukee, when, as he says, Wirth and Nunnenmacher carried the money to Keyes at the Newhall House?—A. Yes, sir.

By Mr. CATE:

Q. Was it a talk with Griffiths?—A. No, not with Griffiths.

By Mr. CASWELL:

Q. And you came to the conclusion that that statement was not true?—A. Yes, sir.

Q. You thought it strange that Keyes should be there, and such a sum of money be collected, and none of you be called upon or know anything about it?—A. Yes, sir.

Q. As far as you were able to learn, nobody knew of this transaction that he spoke of about the last of December or the 1st of January?—A. There had not been a word said at that time by anybody about any collection of funds. The collections prior to that time were given to Mr. Paine. There was no money ever spoken of being collected until this trip to Madison that I have mentioned.

Q. That was after the legislature was in session and after some balloting had taken place?—A. Yes.

WASHINGTON, D. C., June 27, 1876.

SYLVESTER J. CONKLIN recalled.

By Mr. CASWELL:

Question. How long have you resided in Wisconsin?—A. From the winter of 1857 down to the time I went away.

Q. You are acquainted with Mr. Burpee?—A. I have known him for the last seven or eight years; since 1868, perhaps.

Q. He was revenue agent of that State up to the time you were appointed?—A. He was.

Q. And had been for many years?—A. Yes.

Q. Do you know how long a time parties (Mr. Keyes) were engaged in trying to procure his removal before they succeeded?—A. I should think it was at least two years; I do not know but it may have been longer.

Q. Was he finally removed some time before you were appointed?—A. Yes, he was removed before I was appointed.

Q. About how long before?—A. I do not know; it was not a great while before.

Q. How many months should you think?—A. He was removed and re-instated on one occasion some years before that.

Q. I refer to the first occasion?—A. It was some time; I do not remember how long.

Q. Some months, was it?—A. Certainly.

Q. Who was appointed in his place that first time?—A. It seems to me it was Calvin Cheney.

Q. Of what county?—A. Jefferson County. I will not say it was for certain Cheney, but I think it was; I think I was away somewhere at that time out of the State.

Q. Burpee was re-instated again, was he?—A. Yes; I understood he was re-appointed or re-instated.

Q. Before his final removal, how long had it been that you were recommended to succeed him?—A. I should think but a short time before his final removal.

Q. Give some idea?—A. I should think it was six weeks, perhaps, or two months.

Q. Do you know what the charges were against him?—A. Yes, sir; I know what some of them were.

Q. State briefly what they were.—A. It was charged against Mr. Burpee that during the time when moietyies were given to officers, in his anxiety to make money he caused cases to be prosecuted that equitably should not have been prosecuted, cases that were hardships to the parties, and the prosecutions of which were very unjust. It was charged that some transactions of that kind had taken place; one of which was in our county of Jefferson, where you and I live. I think some cases of the same kind occurred at La Crosse.

Q. Were there any other charges?—A. Yes; it was charged in some affidavits which

I saw, and which were sent on to Washington, that Mr. Rindskopf, at Milwaukee, said he had "fixed" Mr. Burpee; in other words, had paid him money, and arranged with him so that he could run his institution in Milwaukee as he wanted to, and that if he could not run on out in the country (I forget the name of the place, but somewhere near Fort Washington) he would move it into the city, where he could run it as he wanted to.

Q. Do you know Leopold Wirth, of Milwaukee?—A. Yes.

Q. And Hermann Nunnemacher, of the same place?—A. Yes.

Q. Did either of those parties ever tell you that they paid him or his family money?—A. Mr. Nunnemacher did.

Q. What did he say?—A. He said that the last year, or about the time that Mr. Burpee moved from Milwaukee back to Janesville, the fact was—

Q. They were distillers, were they?—A. Yes.

Q. Did they tell you how they had "fixed" him?—A. That they had paid him money. I asked him how much, and he would not tell me how much. I asked if they paid it to Burpee, and he said no, that they had paid it to his wife.

Q. After affidavits were presented to the Department, setting up some of those facts against him, his removal was accomplished, was it?—A. Yes.

Q. And you succeeded him?—A. I succeeded him.

Q. Did not the democratic press of your county indorse your appointment?—A. I think both the English papers did; I am pretty sure of it.

Q. One was published by Mr. Ballou, of Watertown, and democratic, was it not?—A. Yes.

Q. And the Banner was published by whom?—A. I always understood that George Bird published the other.

Q. George Bird was the private secretary of Governor Taylor, of Wisconsin?—A. Yes.

Q. These papers indorsed your appointment fully?—A. I believe they did except my politics.

Q. In the summer of 1875 you were secretary of the county grange in Jefferson County, were you not?—A. Yes.

Q. And you were also publishing a paper in that county?—A. No, sir; I was not publishing a paper; I was the editor of one; I had no interest in the paper except a political interest. It was published by my son; he was proprietor of the paper entirely.

Q. Were you secretary of the grange as early as 1874?—A. Yes.

Q. The prosecution against Rindskopf was instituted before you were appointed, was it not?—I mean as to the Middleton distillery frauds?—A. Yes; I think the case was commenced before I was appointed.

Q. Did you have any official connection with the prosecution of that case?—A. Well, really no, I should say not. Mr. Munn left the testimony with me that he had taken of the men originally in Madison, Mr. Locker and others, just a few weeks before, or along in the fall, (the suit was tried in December,) that I might know what the testimony was. I think I went out to see Mr. McKinney about it, or the other man in the office there, Mr. Webb, once or twice; I did not have much to do with it, or much to say about it. They were away once when I called to see them.

Q. Your field of operations was at Milwaukee, was it not?—A. I was there more than anywhere else.

Q. Up to this time what had been the practice in Wisconsin with the cases of prosecutions instituted against distillers?—A. Not only in Wisconsin, but, so far as my observation and knowledge went in relation to those cases, there were a large portion of them—perhaps three-fourths of them, and I think even more than that; twenty-five out of thirty—were compromised and settled by money-settlements with the Department. They were seldom prosecuted to a conviction or discharged by the criminal branch of the law. The law provided for compromising such cases of frauds upon the revenue for a money consideration.

Q. What was the object of obtaining a continuance of Rindskopf's case over the full term of the United States court in 1874, as far as you are able to state? You have testified in chief in relation to an effort made to continue that case.—A. As I understood it, Mr. Rindskopf intended to compromise that case, to attempt under a branch of the law to compromise it; and there were reasons, as I stated the other day, why it was not advisable to compromise it or to attempt to compromise at that time.

Q. Did you see Senator Carpenter that fall to converse with him on the subject of the fitness of continuing the case?—A. I think I talked with Senator Carpenter in relation to it just before he went back to the Senate; I will not be positive that I did.

Q. Were you urging that it should be continued, so that a compromise might be made?—A. I was urging that a continuance should be had of it.

Q. Was it contemplated at all, or did Mr. Carpenter or Mr. Keyes ever promise you or give you any information that anything but the ends of justice should be fully accomplished in that case?—A. No, sir. According to a custom which had been pursued theretofore, it was the rule to compromise those cases, and prosecutions were the

exception where parties were willing to compromise and would offer what the Government thought sufficient.

Q. At that time did you know yourself that any of those distilleries in Milwaukee were running "crooked," as we call it?—A. I did not. I may as well right here after that, so far as it is necessary for me to do so, say that I did not suppose either that the distillers were probably all of them running exactly straight; but so far as I was able to ascertain, so far as I *know*, they were. There are ways in which distillers can steal right along, and a revenue officer with whom they are acquainted and whose whereabouts they understand cannot tell anything about it.

Q. Have you knowledge of that fact?—A. No, sir. I supposed they were stealing in a small way; I supposed all distillers were as a general thing whenever they could get a chance. I did not suppose nor believe that they were doing extra mashing in that district; and that is the way the large frauds in distilling were perpetrated.

Q. Did you ever intimate to Mr. Carpenter or to Mr. Keyes during all this time that those distilleries were running "crooked"?—A. The most I said to Mr. Keyes was about what I have said here to you now. When he said, "How are things in Milwaukee?" I have said, "We believe we have got them in good condition; I am willing any officer might come here at any time, night or day, and visit our distilleries. I do not believe they are doing any mashing. If they owned their storekeepers, they could make good a larger yield than the Government supposed them to produce; but so far as I am able to see the distilleries in Milwaukee are running straight." I think I mentioned the same thing to Mr. Carpenter.

Q. When you have mentioned those things to them did they not uniformly caution you to watch them with great diligence?—A. I don't know that they did.

Q. What did they say?—A. I think they were satisfied with what I said; and that they were satisfied things were running satisfactorily.

Q. Did you know that they had any reason to expect that any extra mashers or crooked running was carried on?—A. Not from me.

Q. Was there any way in which they could get that information except from you?—A. Not unless distillers would tell them; and as they would not tell me I suppose they would not tell them.

Q. Do you know whether Mr. Keyes was acquainted with the distillers?—A. I don't think he was until subsequently. With some of them he might have been.

Q. Do you know whether Mr. Carpenter was acquainted with them?—A. I suppose Mr. Carpenter was acquainted with the most of them.

Q. I am speaking of the whole time up to the time of the seizure. You do not know whether Mr. Carpenter had any acquaintance with them?—A. I do not know. I think I have seen him talk with some of them. I think I have seen him talk frequently to O'Neill during the fall.

Q. O'Neill was a prominent man, was not he?—A. A prominent republican and a prominent man; he was a candidate for member of the legislature.

By Mr. CARPENTER:

Q. Did you ever see me speak to him before he was elected at the November election?—A. I cannot say that I did.

Mr. CARPENTER. I never saw the man until after that.

By Mr. CASWELL:

Q. Mr. Keyes lived nearly one hundred miles away?—A. I suppose about one hundred miles.

Q. Do you know of any other revenue officer in Milwaukee that was in correspondence with Mr. Keyes except yourself?—A. No, sir.

Q. And you gave him no information?—A. No further than in a general way as I have told you here now.

Q. When you spoke of these little minor irregularities you at all times informed him that you were using your best endeavors to remedy them?—A. I always gave him to understand that I was doing the best I could to keep the distillers in Milwaukee as straight as I could without being technical with them at all or doing any of those things for which Mr. Burpee was complained of. I was trying not to make the law odious; at the same time I was trying to execute it fairly.

Q. You remember the senatorial campaign that fall—that of 1874?—A. Yes.

Q. In which Senator Carpenter was interested?—A. Yes.

Q. Up to and including that contest, you have no knowledge, have you, that either Mr. Carpenter or Mr. Keyes knew that these men were running at all crooked other than you have spoken of?—A. I have no knowledge that they knew that they were running crooked at any time under heaven any more than as I have told you now.

Q. You said that you had some conversation with Nunnemacher and O'Neill about raising this money?—A. Yes, I did.

Q. Do you know whether Mr. Carpenter or Mr. Keyes was then acquainted with Nunnemacher?—A. I don't know. I do not recollect so that I could say that I know. As

I said before, it is a simple presumption, which is no evidence. I supposed Mr. Carpenter was acquainted with Mr. Nunnemacher.

By Mr. CARPENTER:

Q. Did you ever see me with him?

The WITNESS. Before that time?

Mr. CARPENTER. Yes.

The WITNESS. Yes, sir.

Q. Where?—A. I went with him to your office in July, in the evening.

Q. With Mr. Nunnemacher?—A. With Hermann Nunnemacher—in July, a day or two before the Oshkosh trials.

Mr. CARPENTER. You did not.

The WITNESS. I think I can tell you, Senator, the circumstances so that you will remember it.

Mr. CASWELL. That was the summer following the seizure, was it not?

The WITNESS. O, yes; so it was.

Mr. CARPENTER. I did not even know Nunnemacher by sight at that time.

The WITNESS. I was mistaken as to the time; I beg pardon.

By Mr. CASWELL:

Q. That was after the winter of 1875, when the legislature had been in session?—A. Yes, sir.

Q. I think you said that you went to Nunnemacher to raise money; what did you say to him?—A. I could not give you the words I used.

Q. Give them substantially.—A. I told him that we needed some money; that we had not money enough to run these things as we wanted.

Q. What did you need this money for?—A. The way we came to talk about money was, I was complaining to Mr. Keyes. I thought we ought to have a room of our own from that hotel, (we didn't get one, as it turned out;) I thought we ought to have a club-room and headquarters of our own, and have cigars there and conveniences to make it pleasant and comfortable for our friends, so that we could get away from the hotel, where there were runners and others who would see every man whom we might talk to. Mr. Keyes said that was all right and all first rate, but he said, "Where is the money to come from to pay for these things?" I asked him if he was not well supplied, and he said "No." I then stated that we could get money from those parties, I thought.

Q. Did you name them?—A. Nunnemacher and O'Neill I thought we could get money from.

Q. O'Neill was a member of the legislature?—A. Yes.

Q. And Mr. Nunnemacher was in the city?—Yes; in the city at the time.

Q. Who was he assisting?—A. He was assisting Senator Carpenter. That was what he was there for, I think—assisting our side.

Q. He was an active leading man in Milwaukee?—A. Active as to Mr. Carpenter and Ludington.

Q. When you had a conversation with Mr. Keyes about this money did you tell him who would raise the money?—A. No further than that I would go to those parties.

Q. Did you name the parties to him?—A. I think I did.

Q. And he was acquainted with them when you named them?—A. I could not say. He was not acquainted with them to my knowledge.

Q. Who were the parties you named to him?—A. Nunnemacher and O'Neill.

Q. What did you say to them when you went to them?—A. I said to them that we were short of money to do the thing up as it ought to be done.

Q. What did you mean by the "thing"?—A. Just what I have been stating—contingent expenses.

Q. You meant nothing else?—A. That is what I meant.

Q. You had no idea of raising money for any improper purpose?—A. No, sir.

Q. You had no idea of raising money to affect the minds of the legislature at all?—A. No, sir; whatever they did, if they did anything of that kind, they did it upon their own responsibility.

Q. What did Nunnemacher say?—A. He said yes.

Q. What did he do?—A. He went to Milwaukee and came back with some money.

Q. State what you know of your own knowledge.—A. I do not know anything about where he raised the money. He went to Milwaukee and came back with some money which he handed to me and I gave it to Mr. Keyes.

Q. When you gave it to Mr. Keyes what did you say to him?—A. You asked me that same question the other day; I did not have any distinct recollection; I can only say what I suppose I said to him from the circumstances. I certainly told him who gave me the money, who brought it to me.

Q. Did you name the parties who had contributed?—A. I could not name the parties who had contributed, because up to that time I did not know anything about who contributed.

Q. You did not know yourself?—A. No.

Q. You knew that Mr. Nunnemacher went to Milwaukee and came back with a package of money?—A. Yes.

Q. About how much did he bring?—A. My recollection has been \$600. I think Mr. Keyes's recollection was that it was \$500. I know we did not agree about the amount subsequently. It was \$500 or \$600—the first money that was brought in, and whatever that first money was we counted it to see if it was what they said it was.

Q. You did not even know the names of the contributors yourself?—A. No.

Q. And of course you could not communicate to him anything about it?—A. Nothing further than I knew myself.

Q. Do you know what he did with this money?—A. I suppose he paid it out for hotel bills for parties that were there in our interest, and for cigars. We did not use any whisky, I know. We used none of it in buying whisky that I know of.

Q. You engaged rooms as you have talked of?—A. No, we retained the room that we started with at the hotel.

Q. Did you not engage a large assembly-room in the hotel?—A. I had that at the time we were talking about, but I wanted one away from the hotel.

Q. But you did not get any away from the hotel?—A. No; we continued to keep that one at the hotel.

Q. I think you spoke of another occasion when somebody brought you something?—A. Mr. Wirth brought some more money.

Q. Was it after that that Mr. Wirth brought the package?—A. Yes.

Q. How long after?—A. I cannot tell; it might have been three or four days or a week, though I hardly think as long as a week. I think that Mr. Wirth came in pretty soon after Mr. Nunnemacher came in, two or three days at least, and brought in some more.

Q. Did he bring it that time?—A. I have forgotten how much he said he brought. They used a portion of it themselves before they handed the balance to me, but they claim to have handed me \$700. He said he didn't know exactly himself. He and Nunnemacher had been using it in their own way, and on their own hook, for political purposes, and handed the balance to me. Mr. Keyes would know how much it was, but I do not. I took out \$50 in Mr. Keyes's presence myself to pay for some cigars that I had got the day before.

Q. Mr. Carpenter resided in Milwaukee?—A. That is his home.

Q. Was there not a large class of business men of all descriptions who would readily have contributed to assist his election if necessary?—A. I think so, without a doubt.

Q. What object do you say these men had in contributing to his election; what interested Mr. O'Neill and Mr. Nunnemacher so very much in his behalf?—A. As I stated the other day, I think it is fair for me to state the circumstances and let you and the committee judge for yourselves.

Q. What were the circumstances?—A. I have been stating them. I can tell you more if you ask me further.

Q. You have nothing further to add, then?—A. I am answering your questions.

Q. You have no reason to think that Mr. Carpenter ever gave them any improper assurances?—A. Nothing that I should consider improper.

Q. Nothing by way of procuring them?—A. I don't know that Senator Carpenter ever said a word to them on the subject—to the distillers or any other man connected with the business.

Q. How was it with Mr. Keyes at that time?—A. I don't know that he ever said a word to any of the whisky men about it.

Q. If they had any expectation of assistance from them, do you not think it was wholly gratuitous on their part?—A. You are determined to have my opinion on this matter, I see, anyway. I think any ideas the distillers had upon that subject they had more from me more than anybody else.

Q. None from Mr. Carpenter; you do not know that he ever communicated with them at all?—A. I have no reason to suppose that he ever communicated with them.

Q. Did he ever give you any directions or authority to promise to them assistance in their crooked ways?—A. No, sir.

Q. In any manner whatever?—A. I do not think he ever allowed me, with his knowledge, to say anything to them, or give them any encouragement that I thought was more than I thought they ought to have. I argued with those distillers considerably on that question; that is, the question of going for Mr. Carpenter, in the earlier part of the campaign. They were not all at first disposed, I guess, to go for our ticket in that respect, and some of the arguments I made use of I talked to Mr. Carpenter about it, to see if there was anything wrong about it in his judgment. I used no argument that was in my judgment improper, and none to them that I did not suggest to him and Mr. Keyes. I told them what I was doing.

Q. And you state that you gave no improper assurances whatever?—A. Considering the custom which had theretofore existed, I do not think I did. I considered it was for the interest of those parties there in Milwaukee, any parties there in Milwaukee having great interests to represent, to have a representative from Milwaukee.

Q. The whole city was interested in that bodily, or largely interested in it, were they not?—A. Yes; I believed it was for the interests of these men. I believed Mr. Carpenter could do them the most good here in the way such men had been benefited repeatedly, from New York and New Orleans and Cincinnati and elsewhere throughout the country having revenue suits. I believed Mr. Carpenter could do them more good than any other man could; that he could do more for them than some other men whom they might suppose could be elected.

Q. About what time did seizures of those distilleries take place?—A. The 10th of May, 1875.

Q. How long did you remain in the service after the seizure?—A. Until the 20th day of May.

Q. Were there any charges preferred against you when you were dismissed?—A. I do not know that there was.

Q. You heard of none?—A. I never heard of any.

Q. You remained in Milwaukee or about there how long after?—A. I was there a good deal of the time that summer and fall.

Q. You were subsequently arrested?—A. I was.

Q. At that time?—A. It was somewhere along after the middle of November. I don't remember the date.

Q. Up to the time of your arrest had you not protested your innocence to Mr. Carpenter and Keyes?—A. Yes, sir; I had protested my innocence always to having any money for corrupt purposes from those parties that I was charged with, except as I had it for political or other proper purposes, *purposes* the same as I might get it for anybody else.

Q. You finally concluded after your arrest to go away and not stand trial, did you?—A. At the time I went away I cannot say that I had fully made up my mind that I should not return and stand trial. I said to you the other day that I was not indicted yet, and I went away so that I would have a month, or such a matter, in which I could reflect upon the matter, and my friends too. Still it was rather my opinion when I went away that I should not come back when I was wanted before the grand jury in case they should need me; that I should not come back at that time, but should forfeit my bail.

Q. Why?—A. Because I believed there was a combination there that would convict the angel Gabriel if he had been in the revenue service and they desired to do so, and I did not consider myself any better.

Q. A large number of persons were indicted and convicted, were there not?—A. Not many convicted up to that time.

Q. Up to the time of your arrest?—A. Some had been convicted, but not many. I do not remember that there had been but one or two.

Q. Did you explain the situation to Mr. Carpenter and Mr. Keyes?—A. They understood the situation very fully. Mr. Keyes seemed to understand it quite as well as I did—some parts of it.

Q. Who were the principal men that were conspiring for your conviction?—A. Rinds-kopf—Louis Rindskopf.

Q. Did Sam Rindskopf have anything to do with it?—A. I could not tell at that time whether he had or had not; there were several of the family who were indicted; how many would join in that crusade nobody could tell; it was a simple matter of judgment. It had been my opinion before I got through consulting about it, and the opinion of my friends, that I would not stand much chance with the excitement then existing, and with so many of the family of that—so much interested.

Q. Even though you were innocent?—A. Even though I was entirely innocent. I do not believe either of the men alluded to supposed I was guilty in the sense which was charged at all. I said that the other day, and I wish to repeat on all occasions, and further, that I do not claim that I done no wrong as an officer, or that I was without fault, or what many would consider fault, but I did politically what I considered under the circumstances legitimate for even a person in the revenue service to do in such a campaign, and such as I think if I had not done would have been cause to remove me. I may have a different theory on that subject from what a granger does.

Q. You said something in your direct examination about Mr. Carpenter and Mr. Keyes advising you to go away and not stand trial?—A. Yes.

Q. Were they your counsel?—A. Well, they were more than my counsel. I considered them two of the best friends I had in the world.

Q. Did you consult them in a legal way after you were arrested?—A. Well, I don't know that I went to them; I wanted a lawyer, for I was expecting a lawsuit. But if I had wanted to have employed an attorney I should have employed Mr. Carpenter, if he would be employed.

Q. You said in your direct examination that Mr. Carpenter was Senator at that time. Do you think you were correct about that?—A. I know I was not correct in that, (if I said so,) on reflection. That was in the fall of 1875. He went out in the spring of 1875.

Q. His term expired on the 4th of March preceding that time, did it not?—A. I may have said to them I wanted them to consider themselves of my counsel. I would not say I did not, but I went to them for counsel and advice. They were lawyers, and friends of mine, as I supposed.

Q. The statements going about the country that Mr. Carpenter advised you to run away, while he was Senator of the United States, are not correct, are they?—A. I was not arrested when he was Senator of the United States.

Q. The seizure, arrest, and everything took place long after he ceased to be Senator?—A. Yes.

Q. He was practicing his profession in Milwaukee, was he not?

THE WITNESS. Did I say that he was Senator at the time?

MR. CASWELL. You have said so.

MR. CARPENTER, (reading from page 9 in the witness's first examination.) "Q. What position did Mr. Carpenter hold at that time; that is, the time you were advised to leave and go to Canada?—A. United States Senator."

THE WITNESS. I was mistaken about that.

Q. Before you went away did not Mr. Keyes criticise you somewhat about your remaining there and testifying for the defendants, for those distillers in those whisky prosecutions in some of their trials?—A. Yes, he did; he said he thought I had offended the prosecuting officers there by being round there so much; that they had got an idea (though he did not think so) that I was putting backbone in these distillers all the time, and making it a more serious fight for them than they would otherwise have, and that I had better stay at home and keep out of there.

Q. You have stated something in your direct examination about Mr. Keyes saying to you prior to your appointment that if you obtained that appointment you could make some money out of it; what did he mean?—A. You know just as well as I do that was all that was said. I made no answer to it. There was nothing further said about it. I don't know what he meant.

Q. Where was this conversation?—A. It was in his office. I went out to see him from Waterloo in relation to those matters that were then pending. I don't know but he had just got back from one of his trips.

Q. He never mentioned it again to you after you were appointed?—A. No, sir; I did not know at the time whether he put that question to me to satisfy himself whether I was a man that would go into any speculation, and therefore an improper man to be appointed, or whether he wanted to know if there was a chance to make money if I was appointed. The question seemed queer, and I did not say one word in answer to it.

Q. But after your appointment he never made any such suggestion or intimation to you in any way, did he?—A. No, sir; I think he asked me once in the winter of 1874, or said to me that it was reported that I was making money in there, and asked me about it. I told him I had never had a cent of money from any person there except, said I, "In a way that you know of; that I have had some money occasionally for political purposes, and the like; I have never had any other; have not made anything that I had not ought to make."

Q. When you say, "In a way that he knew of," did you have reference to the collection of money used at Madison?—A. I had reference to that and some other money that I had used, which I think I had told him about. I don't know as I had either. I say that, but I don't know that I had much, but that is what I had reference to; this money had been raised for political purposes.

Q. Do you mean anything beyond what you have explained was collected there by Mr. Nunnemacher and Wirth for political purposes; do you mean that Keyes had any money from those men at any other time?—A. Not that I know of.

Q. Nor Mr. Carpenter?—A. Not that I know of.

Q. You never knew of a cent being traced to him in any shape or manner?—A. Not to my personal knowledge at all.

Q. And when you refer to political purposes, you refer to those collections made by Nunnemacher and Wirth?—A. I refer to them, and I don't know but what I referred further. I used some of the money for political purposes myself; I don't know whether I explained that to him or not; I rather think I did somewhat; I most always talked with him about such things.

Q. Can you swear that you did explain it to him?—A. No, I cannot.

Q. These collections that you speak of as made at other times were made without any knowledge whatever on the part of Mr. Carpenter or Keyes, were they not? If you collected any for yourself at other times when you made the collections, it was without their knowledge, was it not?—A. When I made the collections or received money, of what time I received it I do not think they had any knowledge.

Q. You spoke of once paying Mr. Keyes some expense money in Chicago when he had been to Washington for you?—A. There was nothing further said about where that money came from further than I have told you, by Mr. Keyes, that I think of.

Q. You told him that you collected some money from among the "boys," did you not?—A. I don't think that at the time I paid him the money at Chicago I told

him anything about it; I think it was another time; I don't think there was anything said there at the time I paid him the money in Chicago.

Q. Those moneys that you collected from the distillers, if you did collect them, were collected for your own purposes, were they not; the moneys you paid to him?—A. That money was wholly for political purposes.

Q. How can it be political when you were paying Mr. Keyes's expenses to Washington to get you appointed to the position to which you were appointed; is that the sense in which they were political?—A. I call that very strongly political. Mr. Burpee was not considered worth anything to the party, and it was thought that I would be worth something to it.

By Mr. CARPENTER:

Q. Mr. Burpee did not consider it so, did he?—A. No, I do not think he did, but he lost the party a good many hundred votes by his conduct and inefficiency as a party man.

By Mr. CASWELL:

Q. Can you name any other moneys that were collected of those distillers by you for political purposes except those which you have named now? Let us have it all, if there is anything back.—A. I do not think of anything further than I have named now and on my direct examination.

Q. If there is anything further, I wish to have you cover the whole ground in this cross-examination.—A. I am trying, and I shall have all I can do necessarily to answer your questions. I do not want to expatiate on any subject. I shall answer your questions frankly.

Q. If you received any other money that you style "for political purposes" than that handed you by Mr. Wirth and Nunnemacher, in Madison, in the winter of 1875, in the senatorial contest, a sum of which you afterward used to re-imburse Mr. Keyes for going to Washington to secure your appointment, I want you to state it.—A. Well, I received money from the same source to re-imburse me for expenses on the trip to New Orleans.

Q. From what source?—A. I think I got that money, as I told you the other day, from Rindskopf. I think it was the first money I had of him.

Q. You went to New Orleans?—A. Yes.

Q. How came you to collect this money?—A. Mr. Rindskopf came to me two or three times to let me have some money. He said to me that Hermann Nunnemacher was collecting money for political purposes, but he would not pay anything that went to Mr. Nunnemacher; but that if I wanted anything for any purpose of that kind to come to him; that he was ready to pay.

Q. What did you say to him?—A. At the time he first spoke to me I did not want it, and would not have his money; but at this time I did want the money, and I went to him to tell him that I had been spending money for political purposes, and if he wanted to "come down" it was a good time, or language of that kind. I cannot give the exact words, but I let him know that I wanted some money for political purposes. I may have told him where I had been, but I do not know about that.

Q. Prior to your going to New Orleans he had paid you nothing for political purposes?—A. I think he had not paid me a cent prior to that.

By Mr. CARPENTER:

Q. This was Rindskopf?—A. Yes.

By Mr. CASWELL:

Q. Did any other distiller in Milwaukee give you money for what you call "political purposes"?—A. O, yes; there had. That was in October, and I had had money prior to that time of Mr. Nunnemacher, I think.

Q. What for?—A. For the same purpose; not to go to New Orleans, but for the same general purpose.

Q. Tell us what the money was used for.—A. I think we paid some of the money to Mr. Keyes before October on that matter. I think that money came from Mr. Nunnemacher.

Q. On what matter, the matter of his going to Washington for you?—A. The one hundred and fifty dollar matter.

Q. Those two occasions are the only occasions you refer to as constituting moneys received for political purposes, aside from the one in Madison?—A. They are all the ones I have referred to.

Q. If you have anything else we want to have you state it now.—A. If you will direct my attention to anything else I will answer your questions.

Q. I cannot do it. I do not want any impression left that there were other occasions, but I ask you to state all others.—A. No occasions that those parties, Carpenter and Keyes, know anything about that I can think of, or have any reason to think of; no occasion that either of those parties had any reason to know anything about.

Q. If the political party, or the leaders of the political party, had any money from

you raised through those distillers at any other time, tell us about it now.—A. I do not think they did; I do not now recollect that they did.

Q. I do not know whether you explained what you went to New Orleans for; if not, explain it now.—A. I went to get some letters from some parties there.

Q. You went down there and incurred some expense yourself, and when you returned how came you to get this money of Rindskopf?—A. I have just told you.

Q. I want to have it stated in its connection here. You went to him and explained the situation?—A. I don't know that I explained a thing to him; on reflection, I think very likely I did not; the reason that comes to my mind why I would not have explained to him about it is, because we did not care to have it known at the time that I went down to get these letters.

Q. You went and told him that if he would undertake to pay some money you would take it then?—A. I state that I won't pretend to say what the words were, but he understood that I had been using money for political purposes, because, as I stated, he offered to pay me some before.

Q. At that time you did not use any for political purposes, except to pay to Mr. Keyes, who came to Washington to secure your appointment?—A. I do not remember items; suppose I had, but on my own hook.

Q. That you paid Mr. Keyes was wholly to re-imburse his expenses?—A. That was wholly to re-imburse money which he had either paid out or was responsible for.

Q. What for; in procuring affidavits and the aid of counsel in getting your appointment, or getting Mr. Burpee removed?—A. He was to get the attendance of Judge Friabe.

Q. Nothing was paid Mr. Keyes for his services?—A. Nothing at all.

Q. That is all that you have paid prior to that time?—A. I did not say that. I said I did not pay anything that these parties had any knowledge of at any time that I now think of further than you have been talking about, and the reason of their knowing about that is obvious enough.

Q. Do you swear that I knew nothing about your collecting money from Rindskopf?—A. I do not know that you knew that I collected money from Rindskopf.

Q. Did I know that you got it from any whisky man?—A. I have an idea that you thought so.

Q. Why have you that idea?—A. Because I think I said that some of these parties had offered to let me have money for political purposes.

Q. What parties?—A. The parties whom I, in a measure, reported there.

Q. What did I say to you when you spoke about their paying money? Let me refresh your memory. Did you not say, when I spoke to you about that matter, that you had to go to New Orleans in a short time for yourself, and that you would as soon go that week as a few weeks later, and did I not offer to give you the money to pay your expenses, and did you not say that you would not take it because you were going anyway in two or three weeks?—A. That is partly correct and partly not. I did not have any business to bring me to New Orleans, but I said that I would like very well to go there. You hailed me at the depot and asked me certain questions, and said that you wanted me to go to New Orleans, and we got a hack and went directly to your office. You had just come in on the train that day.

Q. Was that the first time that I had seen you on that subject?—A. Yes, sir.

Q. You did not go to my office after I spoke to you on the subject until after you went to New Orleans?—A. Yes; I went right in a hack to your office. I saw you coming in on the train. You said that you came on to look after this matter and to explain what it was. You asked me about my acquaintance there, and you said that you wanted me to go right down. We took a hack and went right to your office, for you had some writing to do before I went away.

By Mr. CASWELL:

Q. You said that you had business in New Orleans.—A. I had formerly been there, and I said that I would like to make a trip there.

Q. You were supervisor of internal revenue in the city of New Orleans for some years?—A. Yes, sir.

Q. Referring to the collection of money in the senatorial contest before the legislature, is it not a fact that you went to Milwaukee yourself to collect some of that money?—A. No, sir; it is not.

Q. Have you not told various parties that you went on to Milwaukee to collect some money, and that you should not let Keyes or Carpenter know where you got it?—A. I have no recollection of that. I went on there without their knowledge, on another money matter, and I told parties about that, and said that Carpenter and Keyes knew nothing about it, but I told Keyes after I got back what I had undertaken to do on my own responsibility. I think that parties have got the two matters mixed together.

Q. Have you not stated a great many times that neither Keyes nor Carpenter knew where that money from Nunnemacher came from?—A. If I said so, it was untrue. I may have said so for their benefit. I told fibs of that kind to parties when it was none of their business to know anything about it.

Q. If you say that part of it is untrue, what part of it is true?—A. If I said that Keyes did not know that Nunnemacher had anything to do with raising the money, that was not true.

Q. Mr. Wirth was in Madison during the session of the legislature?—A. I think he was not there when Nunnemacher went on.

Q. You informed Keyes that the package came from Nunnemacher?—A. The first package from Nunnemacher, and the next one from Wirth.

Q. Did his knowledge extend beyond Nunnemacher?—A. I have told you over and over again that he did not know where they raised the money.

Q. Then his knowledge did not extend beyond Nunnemacher?—A. Beyond Nunnemacher and beyond Wirth.

Q. You think that you have told parties that neither Keyes nor Carpenter knew where this money came from, (referring to the Milwaukee distillers?)—A. I do not recollect talking with anybody on the subject, but I can imagine circumstances under which, if I be asked, I should have said that I did not know. But there was another matter in which I was raising money to a great deal larger amount of which they had no knowledge whatever until I came back.

Q. Tell us what that matter was.—A. That matter arose in this way: I went to Milwaukee to raise money to take up Mr. Thompson's stock in the Sentinel. A certain party there—I can give his name—

Q. Let us know what it is.—A. I think that the party's name is Thompson. He is a lawyer in Milwaukee. I thought at that time that he was a newspaper man, but I afterward heard that he was a lawyer. I do not mean A. M. Thompson.

Q. Was this party an attorney for A. M. Thompson?—A. I do not know what he was doing at Madison. He came one morning over to the Park Hotel during that senatorial fight and said to me, "Conklin, this matter can be fixed up in twenty minutes so that this dead lock will be broken and that Carpenter will be elected." I said, "That is just what I would like to learn, how to do it." He did not proceed to tell me what his plan was; but he asked where Keyes was. I told him that Keyes was in Carpenter's room. Thompson went in there; and after he had gone out, I went in and found that he had said to them that if they would take Mr. A. M. Thompson's stock in the Sentinel—

By Mr. CARPENTER:

Q. Did you understand from him that he had been talking with me?—A. I told him that Mr. Keyes was in Mr. Carpenter's room, and when Thompson came out I went in. Mr. Carpenter was there and Mr. Keyes, and I think Mr. James Coleman. I alluded to what Thompson had said to me outside, and Keyes explained to me that he had been in there making a proposition and explained what it was. I asked Keyes what he thought about it. He gave two or three ideas on the subject; one was that he thought it was probably a trick, and if it was not he thought that Mr. Thompson could not deliver.

Q. What do you mean by "deliver"?—A. That is, he could not carry out such an arrangement.

By Mr. CASWELL:

Q. Mr. A. M. Thompson was one of the principal opposers of Mr. Carpenter, was he?—A. Yes; I think there was some remark made about money matters, and Keyes perhaps remarked that that was one of the reasons against it, that we could not get the money. Mr. Carpenter remarked that if we could raise the money and could make the arrangement and could carry it out that it was not a proper way to do business, and that he did not want his election in that way.

Q. And he protested against it?—A. He said just what I have stated.

By Mr. CARPENTER:

Q. Did I not say that I would not pay a shilling for that stock in any such connection?—A. I presume you may have said so; I do not recollect. I did not have an idea that it was dead certain that some of the rest of us might not do something. On my own responsibility, on my hearing this conversation, and without saying a word to any of them, believing that it was legitimate and proper to buy Mr. Thompson's stock if he wanted to sell it, and if it was bought without Mr. Carpenter's knowledge, I went to Milwaukee to see if the money could be raised. I did not say a word to Mr. Keyes or Mr. Carpenter or anybody else about it, but I took the very next train to Milwaukee. I there saw Mr. Wirth and Mr. Nunnemacher together. The reason why I went to Nunnemacher was because I had heard him say several times before that that he had a mind to buy out Thompson's stock in the Sentinel, and had asked me what kind of a speculation I thought it would be. I then told him of this proposition, and reminded him that I had heard him say that he had a notion of buying the stock, and said that I thought that perhaps there might be something in it. He said he could not take Thompson's stock unless he could have some more of it; but that if he and Wirth knew that they could have a majority of the stock of the Sentinel they would take it. I told

him that the trouble about that was that Carpenter and his friends would want to control the paper, and would not want to have a democratic paper made of it. He said that they would agree with us as to some party in whose hands the stock should be put, and who should control the paper so long as Senator Carpenter had any interest in controlling it or wanted the control of it. He said that if they could make such an arrangement as that they would take a majority of the stock. After I went back to Madison I reported to Keyes that I had found parties in Milwaukee who would take the stock; but he was still of the same opinion, that it was not best to go any further with the matter.

Q. He disapproved that in substance?—A. He was of the opinion that it was a sell, and that they could not deliver. I do not see that there was anything about it for him to disapprove.

Q. For whom was the Thompson who called upon you operating?—A. I suppose for A. M. Thompson. I do not know any more about it than you do. I have understood since that he is an attorney at law. I had no talk with him except what I have just related to you.

Q. Was there any other party besides Thompson who was urging that sale of Sentinel stock?—A. I do not know anything more about it but what I have told you. I know what Keyes said when I went into his room that morning; but that trip of mine to Milwaukee was at my own suggestion, and he did not know anything about it until I got back. I did tell about it to several parties afterward, saying that I went to Milwaukee and had perfected such an arrangement. I did not agree with the parties at the time, for I believed that there was something in it, and I believe so to-day.

By Mr. CARPENTER:

Q. What do you believe was in it?—A. I believe we could have made the deal and won the election.

Q. Did you not understand at that time that Mr. Brodhead and Mr. Finch and Mr. Thompson would discontinue their opposition to me and go home if I bought this stock?—A. I understood that was the purpose.

Q. And that I said I would not pay a shilling for it?—A. I understood in that conversation that that was so, but I thought that we could have done it without your having any connection with it.

Q. Did I not say that if I were elected by such means, and if it were found out, I would not dare to take my seat? Did I not tell you so?—A. I do not know whether you did or not, but if you had told me so I would have said that you were a damned fool.

Q. Mr. Brodhead and Mr. Finch and Mr. A. M. Thompson were at Madison, were they not?—A. Yes, sir.

Q. Leading the bolt of republicans?—A. Yes.

Q. Refresh your recollection a moment, and think whether you ever spoke to me about that matter at all—about this stock in the Sentinel—until after you returned to Milwaukee. I want you to be particular on that point, and to say whether I did or not. Did you ever speak to me a word about that Sentinel stock until after you had come from Milwaukee and had come back and said that you had perfected arrangements for raising the money? Was not that the first time you spoke to me about it?—A. That may have been the time.

Q. Do you not recollect coming in the forenoon, or perhaps about noon, and calling Mr. Keyes and myself out and telling us that you had perfected an arrangement with a couple of Milwaukee men who would advance the money to buy Thompson's stock—twenty-five thousand dollars' worth at par—and that that would stop the opposition of Brodhead and Finch and all that crew?—A. I told you when I came back what I had done.

Q. Do you not recollect that this conversation was in the front parlor of the Park Hotel, and that we had walked right in there?—A. I cannot locate the time and place.

Q. Was not that the time when you first mentioned the matter to me?—A. That may be so.

Q. Did I not tell you that I would not pay one shilling for that stock in any such connection, that I could afford to be defeated by democrats and bolters, but that I could not afford to be elected in that way and have a Kansas investigation after me? Do you not recollect that expression?—A. It seems to me that I do recollect the last remark.

Q. Did I not say in that connection that it was just as bad to do that as for Caldwell to pay \$10,000 to get his rival candidate out of the way, and that Caldwell would have been expelled from the Senate if he had not resigned, and that this would be no better than that?—A. You had some talk of that kind. I know that you thought differently about it from me. I did not think it necessary for you to know anything about it. My idea was to buy this stock without your knowledge absolutely and *bona fide*, and to let you help yourself if you could. That was my idea. Mr. Keyes never had any faith in it.

Q. You never had any approval from me of that scheme, had you?—A. I do not think I had.

Q. You had a positive disapproval?—A. I do not think that I ever said that I had your approval.

Q. But I want you to say whether you had or not.—A. I said that before you commenced to cross-examine me. I have not said that it ever had your approval. I do not understand that I ever said so to anybody.

Q. Did it not have my positive disapproval?—A. I think it did.

Q. Do you not recollect after this raid commenced and after these seizures were made in May, 1875, a conversation in my office, in which I told you that they had applied to me to be retained, and that I had not decided upon it but was considering it, and that I asked you whether there was anything in this rumpus, as reported, about corruption, &c., among distillers; do you not recollect that conversation?—A. Yes, sir.

Q. And do you not recollect that you told me at that time that all the stories about any general system of corruption and bribery of officers were wholly untrue; that there might be irregularities or technical violations of the statute here and there on which seizures might be supported, but that there was no general corruption as was reported; do you recollect telling me that?—A. I have not the least doubt but that I told you so, and I think I recollect telling you so. I think I told you that if I had any amount of money I would be willing to bet that it would never be found out that the distillers had been making extra mashes in that district, and I believed what I told you.

Q. Did you not tell me in that same conversation that you had been as vigilant in that district in the discharge of your duties as anybody could be?—A. I said that I had been as vigilant as anybody, under the circumstances, could be.

Q. And did you not say that you would have seized these distilleries at any moment, if you had discovered the slightest crookedness?—A. Yes, sir.

Q. And you told me of it after the seizures in May, 1875?—A. Yes, I told you just what I thought.

Q. Did you ever intimate to me that there was any illegal distillation or any violation of the revenue laws going on in Milwaukee, to your knowledge?—A. No, sir. If I said anything to you on that subject, I said just what I remarked to Keyes. My remark was that there was always more or less stealing going on, from my general knowledge of what distillers would do, and of what their opportunities were. I may have qualified my conversation by that remark in talking with you.

Q. Do you recollect late in the fall, in my office, my talking with you and Mr. George Q. Erskine about these matters, and that you both said that the machinery for collecting the internal revenue in that district had never been in such perfect order as it was then?—A. That is my judgment about the matter.

Q. And that the taxes were never better collected?—A. That was my judgment, and it concurred with his.

Q. You believed it at the time?—A. I did.

Q. You were the revenue agent there?—A. Yes.

Q. And it was your business to know what was going on?—A. It was my business to know what was going on as far as I could ascertain it.

Q. You were tolerably lively among these fellows and watched them pretty closely?—A. I did part of the time, but there were five or six months, from August 1 to January 31, that I had much other business on hand, but I still looked after them quite often.

Q. What I mean is that it was your duty to oversee that business, and that you meant to do it?—A. I meant to keep these distillers from making extra mashes, and I believed that I had done it, with the help of Mr. Weissert and other officers.

Q. Did you ever know or hear of my receiving a dollar from any distiller or rectifier in Milwaukee?—A. I never knew of any such thing.

Q. Did you ever know of my authorizing any person to go and assess them, as it is called, or to apply to them to pay any money for my benefit?—A. I do not know of any occasion or any time that you had reason to suppose that money was being raised for that purpose from such men as Nunnemacher or Wirth except the time when I was at Madison there after the first money was raised. When that money was paid in you knew nothing about it, but when the second money was paid in I told you about it.

Q. Did you tell me of it until after you returned from Milwaukee?—A. I think I told you at Madison.

Q. At what place there?—A. I cannot say distinctly; but I think it was in your room.

Q. Did you tell me that you had collected the money from whisky men?—A. I think that I told you simply this, that we had got short of money; that I had ascertained from Keyes that we were short, and that I had undertaken to raise some and got some from Hermann Nunnemacher.

Q. Did you mention Nunnemacher's name?—A. Perhaps not.

Q. I want you to be very positive about that; whether you ever mentioned Nunnemacher's name to me in that connection. Cannot you say that you did?—A. From the

remark which you made at the time I think that I must have mentioned his name or that you must have had some idea about it.

Q. What was the remark?—A. The remark was that you did not want to know anything about money coming from such a source.

Q. Where was that remark made?—A. I cannot tell you.

Q. Be as definite about it as you can.—A. I cannot tell you. I was talking with you every day and several times a day.

Q. But you were not talking with me about Nunnemacher every day?—A. I do not know that I mentioned Nunnemacher's name then.

Mr. CARPENTER. You never mentioned Nunnemacher's name to me.

The WITNESS. I will tell you the balance of it, and perhaps you can recollect something about it. I was undertaking to tell you at one time what Hermann Nunnemacher and Wirth said they did with a portion of the money that Wirth brought on.

Q. Do you swear to this?—A. I do.

Mr. CARPENTER. Go on.

The WITNESS. I was telling you what they said they had done with a portion of the money.

Q. Where was this conversation?—A. My idea is that I generally conversed with you in your own room.

Mr. CARPENTER. I do not ask you for any idea of yours. If you do not recollect where it was, say so.

The WITNESS. You said to me that you wanted nothing of that kind done which I said they had been doing. You said that you did not want your election in that way, and that, if they were doing that, they were no friends of yours.

Mr. CARPENTER. You are confusing two conversations. That conversation which you are now alluding to took place in Milwaukee after we had returned from Madison. I never heard anything about this money until after we got back to Milwaukee, and then you told me. That is the mistake which you make about it.

The WITNESS. Did I not talk with you in Madison in regard to Nunnemacher and Wirth claiming that they had fixed one of the democratic members up there?

Mr. CARPENTER. No, sir.

The WITNESS. I certainly did, and you condemned the matter and said that they were no friends of yours to work in that way.

Mr. CARPENTER. I never heard of that thing until within the last ten days.

The WITNESS. I think you are mistaken. That is my recollection of it.

Q. When you went to New Orleans and I offered you money for your expenses, did you not say to me that you had business there and wanted to go there any way, and that you ought not to have any money for your expenses?—A. I do not think that I said it in that way.

Q. Do you believe, from what you know of me and of that canvass, that, if I had known that you were going to collect or receive that money from Nunnemacher or Rindskopf, I would have permitted you to do so, but would have paid it out of my own pocket? Give me your honest opinion about that.—A. In the way I viewed the thing, I could not see that there was anything wrong about it or in the way that I view it now.

Q. I ask you whether you believe that I would let you collect money from Rindskopf or Nunnemacher to pay expenses in my own interest?—A. If I had said that it came from Rindskopf or Nunnemacher, I do not know what you would have said. I gave you to understand that I could get re-imbursed for that money from money that was raised for political purposes; and I supposed you knew, as everybody around there did, that some of the most ardent supporters you had were some of these whisky men, who did not care a cent about money, if that could be of help to you.

Q. Do you know of any whisky men in Milwaukee paying a dollar for my campaign previous to the November election?—A. I only know what they said.

Q. What who said?—A. What whisky men said about paying money. I understood them to be contributing amply to the general fund.

Q. Do you not know that, after Rindskopf was talked of as a democratic candidate for the house of representatives, Nunnemacher wanted to defeat him; and do you not know that the talk was to run Ludington as an independent candidate; and do you not know that all the money which the whisky men raised was paid into the Ludington fund?—A. I do not know that. I supposed that the money which they paid in went to the general fund for the election of members of the legislature. I know that Nunnemacher expended money specially in the Rindskopf matter to beat Rindskopf. He made a special point on that.

Q. Was not Nunnemacher chairman of the finance committee in the Ludington campaign?—A. I do not know whether he was or not.

Q. Do you not know that none of them paid a shilling into the campaign-fund for the legislature in Milwaukee County?—A. I do not know of my own personal knowledge where the money went to. I supposed that it was made for general purposes. I had information of that kind from O'Neill and Nunnemacher.

Q. You never heard from any of them that they ever paid anything for me personally?—A. I did not understand who the treasurer of the organization was.

Q. Do you not know that Henry C. Paine ran that campaign entirely for me, and that I was out of town almost the whole fall?—A. I know that he was one of your most active men. I could not have stated that he collected the money from any knowledge that I have, except that these same parties said that they paid him money. I was never in the campaign-room but once, when I made a subscription myself.

Q. I want to call your attention now to the circumstance of your going to Canada. I understood you to say (although you did not state what I said) that you think I was in favor of your going to Canada?—A. Yes, sir.

Q. Do you not recollect that I argued with you against it from first to last? Do you not recollect my saying this to you, that where a man had lost his character that was the only place that he could gain it again, and that if things went to the very worst and they had to go to the penitentiary you would still come out among your old friends, and that many of them would take you by the hand; whereas if you went to Canada the thing would be sure to follow you there and you would be worse off than at home?—A. I remember saying those things myself to you.

Q. Did I not say them?—A. You and Mr. Keyes, I think, were together. I think I had two conversations in your office with you while Keyes was present. I made use of almost the very words that you have been now making use of to me, and one or the other of you made this remark: "Do you not suppose that some enemy of yours in Jefferson County will get up and move that you be expelled from the bar because you have been convicted of a criminal offense?" I had made the argument that you speak of and had said: "When I get back my friends in Jefferson County will see that I have not got rich out of this thing, and they who know me best will never believe it; and when I come out I will go to the practice of my profession again; but if I go to Canada I cannot practice law there, and there is nothing that I can do." It was in reply to that that one of you made this suggestion to me about my enemies in Jefferson County moving my expulsion from the bar. I said: "I have some enemies in Jefferson County, but I do not believe I have an enemy there who would do that." I think Mr. Carpenter was the man who said: "Do you not think, Conklin, that the bar itself will feel called upon for its own credit, if you should be convicted, to expel you?" Instead of your saying all that to me, I think I said it to you and drew forth these suggestions.

Q. My question was whether I did not say that to you.—A. I think I said it to you, instead of your saying it to me.

Q. Did I not say it to you?—A. It does not seem to me that you could have done so, from the answer which you gave to what I said.

Q. The question is whether I did say so.—A. It does not seem in the nature of things that you could have said so.

Q. The question is, Did I not say so to you in substance?

The WITNESS. What conversation do you allude to? for we had two or three conversations on the subject.

Mr. CARPENTER. I am alluding to the conversation when you, Keyes, and myself sat at my table. Did you not say that you would not be in existence the next morning?

The WITNESS. No, I did not.

Q. That you would go off one of the bridges?—A. No; I did not say so.

Q. Did you not say, "What will be the condition of my family then?" and did I not say "Nonsense"?—A. I said that I never would go inside the penitentiary.

Q. Did you not say that you would go off one of the bridges first or go under the locomotive first?—A. No, sir; I should not have thought of either of those ways; but I told you that I would never go inside of the penitentiary.

Q. That you would commit suicide first?—A. You can put your own construction upon it?

Q. What was your construction?—A. That I never would go inside the penitentiary.

Q. Did you not mean that you would commit suicide first?—A. I meant it; and that you condemned most emphatically.

Q. And when you talked of going away, did I not in the same conversation use the argument with you that you had better stay, even if you entered the penitentiary; and you said, "Well, I do not know; I could edit my paper there, and I could have my law-books, and brush up."

The WITNESS. If you were on the stand I would ask you a question on that point. It was you or Mr. Keyes who said that to me.

Mr. CARPENTER. No, sir.

Mr. KEYES. No, sir.

The WITNESS. One or the other of you most assuredly did so.

Mr. CARPENTER. Did Mr. Keyes say it?

The WITNESS. I do not know which of you said it.

Q. Did I say it?—A. I think that you were the one who made the suggestion.

Q. You have said repeatedly that you do not believe that either Mr. Keyes or myself

had any knowledge of any frauds in the whisky business in Milwaukee.—A. I do not believe you had.

Q. You have said so and you swear so?—A. No doubt I said so, and should say so if anybody asked me.

Q. What do you say now?—A. I do not believe you had any knowledge of them.

Q. If you do not believe that I knew there was any fraud being committed in the distilling business in Milwaukee, you do not believe that I ever levied any contribution on fraud?—A. I never said that I did before you did so.

Q. Or that I asked the distillers to contribute on any understanding that I was to protect them in violating the law?—A. I can tell you what I supposed on that subject. Whatever idea they had on the subject, they got more from me than from anybody else.

Q. You had no authority from me to tell them that they might violate the law and that I would stand by them?—A. No, sir.

Q. Nobody dreamed at that time that they were violating the law?—A. Nobody; at least I did not in the way and to any such an extent as it turns out they were.

Q. Neither officers nor men?—A. Neither officers nor men. I know that I did not have any knowledge of it, but it appears that other officers have sworn that they did have; I can only speak for myself.

Q. Have you ever written from Canada to anybody that you were staying in Canada for the benefit of Carpenter or Keyes; to protect them, or either of them?—A. I do not think I have; I do not recollect ever writing in that way to any one.

By Mr. KEYES:

Q. Have you ever stated to any one that you went to Canada on purpose to protect Carpenter or Keyes?—A. I do not believe that I have stated that to anybody in the language in which you have stated it; if you can mention the names of parties and ask me what I said to them, I will tell you.

Mr. KEYES. I want you to answer one way or the other; I do not want a stump-speech injected into your answers.

The WITNESS. Then ask your question legally.

Q. Have you not stated to anybody that you went to Canada for the purpose of protecting Carpenter and myself?

The WITNESS. I submit to the committee whether that is a proper question.

Mr. McCRARY, (in the chair.) I think it is.

The WITNESS. I do not have any recollection of stating so in any conversation of that kind; I do not know that anybody ever asked me about it in that way; some one may have done so; I do not know what the circumstances might be; circumstances alter cases.

Mr. KEYES. I do not want your pettifoggery. Answer the question directly.

The WITNESS. I do not recollect ever saying to anybody that I went to Canada on purpose to protect Mr. Keyes and Mr. Carpenter.

Q. Have you not stated that that was partly your purpose?—A. I do not recollect conversing on that subject with anybody, one way or the other.

Mr. McCRARY. If Mr. Keyes wants to go any further in that line of inquiry, he must name the persons, times, and places.

By Mr. KEYES:

Q. Have you not written to parties in Wisconsin?—A. I have written to a number of persons in Wisconsin.

Q. That you went to Canada for that purpose, or partly for that purpose?—A. I do not believe I have. If you ask me whether I have written on that subject, bearing in that way, I will say that I may perhaps have written some things which you might construe in that way.

Q. What have you written?

The WITNESS. To whom?

Mr. KEYES. To anybody.

A. I have written to you about the strongest letter that I have written to anybody on that subject, and I have got a copy of my letter, which you can have.

Q. Did you say that you went to Canada to protect me?—A. That is not the language, but some parties might construe it in that way.

Mr. KEYES. If you have got a copy of your letter, and if you wish to introduce it, bring it along.

The WITNESS. I do not want particularly to introduce it.

Q. Did you not state to C. S. Hamilton that you were in Canada on purpose to protect Keyes and Carpenter?—A. I did not.

Q. Did you not state or write to Mr. McKinney that you were there for that purpose?—A. I have copies of all the letters which I wrote to McKinney.

Mr. KEYES. Answer the question.

The WITNESS. I do not think I did.

Q. Did you not give him to understand that that was why you left Wisconsin?—A.

I do not think that by any fair construction of my letter to Mr. McKinney it will appear so.

By Mr. CARPENTER:

Q. Did you ever mean in any of your letters to anybody to represent that you were in Canada to protect either Mr. Keyes or myself?—A. No; I did not mean that, but I have written a letter to Mr. Keyes.

Mr. KEYES. Never mind that until you get to it; answer the question.

The WITNESS. If you will not let me tell it, all right. I will say to the chairman that the only trouble about this examination is this: I understand what they are driving at, but if Mr. Cate was here he would see that as a witness I was protected.

Mr. MCCRARY. The committee wishes to protect you in all your rights.

The WITNESS. I cannot recollect my testimony in this class of cross-examination. I have no attorney here to ask me to explain what I wrote to Mr. McKinney and what I wrote to Mr. Keyes, but I am willing that all I have written or said shall come squarely out.

Mr. MCCRARY. If you want to make any explanation in answer to Mr. Keyes's questions, you may do so.

The WITNESS. I will make the explanation now. I have carried the idea in my letter to Keyes, and in my letters to one or two other parties, that I thought Mr. Keyes did not want me to go back, but that he was interested in my staying there. All the way that I considered that he was interested was in regard to the manner in which that campaign was run; which, in my judgment, was legal, but which the grangers would not think so, and that it would smirch Mr. Keyes and smirch some of the rest of us, and that Mr. Keyes would rather I would not come back, but that I would stay in Canada. I came to that conclusion myself, that Mr. Keyes did not want me to come back.

By Mr. CARPENTER:

Q. You say that you think that everything that was done in that campaign was legitimate?—A. I have said so; I mean what was done by Keyes, myself, and you. I do not think that there was anything done that was not legitimate.

Q. You were a granger at that time, were you not?—A. Yes, sir.

Q. Then that is the opinion of a granger?—A. Yes, of such a granger as myself. The grangers will never win until they do business in the same way.

Q. What was done to induce you to come back here and testify?

The WITNESS. By whom?

Mr. CARPENTER. By anybody and everybody.

The WITNESS. I have been all through with that in my direct examination.

Mr. CARPENTER. I had the misfortune not to be here on that occasion, and I am very anxious to know how that thing was done. What induced you to come here and swear?

The WITNESS. I do not understand your question now as I did before; I understood you to ask me what was done to induce me to come back here and testify.

Mr. CARPENTER. That is about the same thing.

A. Several officers of the Government came to see me at different times after I went to Canada.

Q. Begin with the first one, and tell all that took place between you and him.—A. The first that came was Mr. Simpson, of Milwaukee, deputy United States marshal.

Q. What took place between you and Mr. Simpson?—A. Mr. Simpson said he wanted to have a talk with me; and we went into a room in the hotel where I was stopping. He asked me what I knew about Mr. Munn, the supervisor. I told him I knew whether Mr. Munn was an honest man or not. That was all I told him on that subject, and all that I would tell him. He then asked me about Mr. Erskine. I told him about him. To make a long story short, I gave him no information. He intimated to me, although not very strongly, that he thought it would be an object for me to tell what I knew. The next officer who came was, I think, Mr. Miller, the revenue agent under Mr. Hedrick, of Iowa.

Q. Fix the time of these visits.—A. That is what I cannot do. Simpson came on there, I think, in January; but I am not positive as to the dates.

Q. When did Miller come?—A. I think that Mr. Miller came in February. He asked me about the same questions or perhaps some more. But he got no information from me. He thought it was an object for me to talk, and he advised me to write to Mr. Hedrick or to Mr. Mathews, as they had full power to deal with such men as me. I did not write to them.

Q. Who else visited you there?—A. The next officer who came was Mr. C. S. Hamilton, of Milwaukee.

Q. When was that?—A. I think that was on the 10th or 12th of March, 1876.

Q. Did he see you there more than once?—A. No, sir.

Q. What took place there between you and Hamilton; give the entire conversation?—A. Hamilton said that he had been East and was on his way back, and thought

that he would stop and make me a visit and have a talk with me. We went into my parlor, built up a fire, and sat down to have a chat. He said to me that he would like to have a talk with me about revenue-matters; that if I felt disposed he would like to have me answer some questions that he would put to me. I told Hamilton that there had been a couple of officers there to see me, and that I had refused to talk with them or tell them anything about matters in Milwaukee. But I told him that I was pleased he had come there to see me.

MR. CARPENTER. I want to get at something which touches this matter.

THE WITNESS. After a general conversation in which I got considerably good natured with Mr. Hamilton, I told him that I would answer any questions he would ask me. He first asked me to go on and tell him all that I knew. I said that I could not do that, but that I would give him direct answers to any questions he would put to me, with the understanding that he would not mention what I told him except I gave him liberty.

Q. What were the questions he put to you and what were the answers that you gave him?—A. He first asked me about Mr. Munn; whether I knew anything against Mr. Munn.

Q. What did you say?—A. I told him I did.

Q. What was it you told him?

THE WITNESS. Shall I detail it all over again?

MR. CARPENTER. Detail it all right here.

A. I told him how Mr. Munn came to Milwaukee on the 26th of April, and how on the 27th he and I went out to a distillery. I told him that the night before Mr. Munn said that in the morning he wanted to go to a distillery, that I asked him what distillery, and that he said he had not made up his mind but would make up his mind in the morning. In the morning we hired a buggy and started to go out to Killiknick distillery; that on the way out Mr. Munn had this conversation with me. He said to me in substance, "Conklin, I want to have a plain talk with you this morning." I said that that was all right. Some more conversation of that kind took place about his knowing me some time, &c. But the first question that he put to me was, "Conklin, don't you think that these distillers would like to bleed?" I told him I presumed they would if they could see how they could make anything out of it; that they were generally willing to do so, in my judgment. He said, "To be plain with you, I think that you and Weissert have got a good thing here. I do not find any fault with that, but I think it is time that I came in or that I had a share." I replied to Mr. Munn that, so far as Mr. Weissert was concerned, he was an honest, upright officer, who never had had anything more than had belonged to him so far as I knew, and that, as far as I myself was concerned, I knew that I had not had anything which I ought not to have. Mr. Munn said, "That is all very well, Conklin; you would say just that exactly if you had." I said, "Yes, I think I would." He said, "Well, that is all right; I think you would too." He said, "I think I understand you and I think you understand me. Now these distillers have been wanting to pay me some money for some time past, and I have got a mortgage on my house." I think that before he said that he made this remark, "I do not want you to misunderstand me. You claim that you have not allowed these distillers to make extra mashes, that you and Weissert have watched all you could. I believe that you have, and you must not understand that I want you to let up on them, but you know that when you have done all you can do or I either, there are a great many ways in which the distillers can steal, and that they do steal all the time, and that we cannot help it. Under these circumstances, if they want to divide, I think it right enough that we should take some of it." Then he said to me that some of these distillers had been at him for some time to pay him money. I asked him who they were, and he said Nunnemacher and Wirth had been both talking around him wanting to pay him money. He said he had a mortgage on his place which was due or about due, and that he wanted to raise some money, and would like to have some of this money. We talked along in that way for some time. I thought I understood what Mr. Munn was wanting to get at, but he did not suggest it himself. I did, however. I said, "Munn, there is no use in beating about the bush; what are you driving at? Do you want me to take that money and give it to you?" Said he, "That is what I want you to do." Said I, "If you tell me where the money is, I will take it and give it to you." He said that that was all right, that one or the other of these men would have it, and I think he said that one of them would be at the distillery. At all events, when we got there, Hermann Nunnemacher was there. We went through the distillery first, and then we went to the house of old man Nunnemacher where we sat in the little room of the old man a short time and perhaps had a drink together.

Q. All this is your answer to Mr. Hamilton?—A. I told him the whole story just as I have told you here.

Q. What did Hamilton say?—A. I have not got through with the story, but I have got through with as much as I want to tell unless you want the rest of it.

MR. CARPENTER. If there is any more, tell it.

THE WITNESS. All that there was of it is in substance that I got \$3,000 from Nunnemacher which I gave to Munn in the city of Milwaukee.

Q. That is what you told Hamilton?—A. I told him about this transaction of Mr. Munn's.

Q. What did Hamilton say to that?—A. I do not know that he stopped right there and replied to it.

Q. What took place next?—A. He asked me if I knew anything against Mr. Erskine. I told him that I believed Erskine to be an honest man. He wanted to know if I knew no instance in which Erskine fell short of his duty. I told him I knew of only one instance where I thought he had not done his duty, and I told him what that instance was.

Q. What was it?—A. I explained to him that I went to Racine to visit some cigar factories there and that I found them in very bad condition as to their books. Weissert was with me. That was the place where Erskine lived. I said that I thought that one of them ought to have been seized. I reported the case to the Department, and to Mr. Erskine, but none of these factories were seized.

Q. That is what you told Hamilton in the conversation between you and him?—A. Yes. On reflection, I think I wrote this to him subsequently, and did not mention it in Canada.

Q. What did Hamilton say?—A. As I told you, I was answering his questions.

Q. He asked you if you knew anything about Munn, and you made him this long answer. What else did he ask you?—A. He asked me about Weissert. I told him that I did not know anything myself against Mr. Weissert.

By Mr. CASWELL:

Q. Is that true?—A. That is true. I have no knowledge of the truth of any of those charges against Mr. Weissert.

Mr. CARPENTER. Go on with your story.

The WITNESS. Then he asked me about raising money in Milwaukee during that political campaign.

Q. What did you tell him about that?—A. Substantially what I have related here.

Q. What else?—A. He asked me if I did not raise \$40,000 in money. I told him what I supposed that that came from, and I related this other matter about the Sentinel newspaper and told him that that was all there was about it, and that you or your parties did not know that I had gone to Milwaukee for that purpose until after I got back to Madison.

Q. What else did he ask?—A. He asked me if I did not go to Louis Rindskopf at one time and say that I wanted \$1,000 for Mr. Keyes; that Mr. Keyes was at the Plankington House and wanted \$1,000 and must have it, and whether Louis Rindskopf did not go with me to the Plankington House and give money to me right there, and whether I did not open the door and give it to Mr. Keyes, and whether Rindskopf did not see me give it to him. I said that no such thing ever took place. He asked me to refresh my memory. I told him that it was not possible for such a thing to take place without my recollecting it. He said that Louis Rindskopf said that was a fact. It seems to me that he stated that Rindskopf had so testified before the grand jury, and he pressed me to try and remember it; but I told him that I could not.

Q. What else did he ask you?—A. He asked me a great many things.

Mr. CARPENTER. That is what I want to get at.

The WITNESS. He asked me what I knew about Henry Paine raising money.

Q. What did you tell him on the subject?—A. I told him at that time that I did not know anything about Henry Paine raising money.

Q. What else did he ask you?—A. I was thinking about this matter of Keyes. I found the entry which I spoke about the other day about our meeting Nunnemacher and O'Neill, and about their saying that Henry Paine had collected \$100 apiece from them. I do not know whether I struck that that day when Hamilton was there or not.

Q. What other biographies did Hamilton call for; did he not ask you whether you could swear to something against me?—A. Yes, sir.

Q. What did you tell him on that subject?—A. The reporter need not put that down. I want to state what he did say. I do not know that he asked me whether I could not swear to something against you. He did not ask me any such question in that way. I think I can tell you what he did say. He asked me if I did not know something about distillers raising money for you (before you went to the Senate that fall) for your personal use; that Matt was hard up, and they raised a fund for you.

Q. What did you tell him about that?—A. I told him I did not know it. He wanted to know if I did not hear about anything of the kind. I told him that I thought that I had heard Nunnemacher say something at one time about their raising some money for you, but that my idea was that it was in connection with your retainer for them.

Mr. CARPENTER. That was after the seizure of the distilleries?

A. If you were retained by them, it was after the seizure. I told him I recollected something about Hermann Nunnemacher saying something about raising some money for Carpenter, and that it must have been in that connection. He wanted to know if I did not know that you were hard up, and that they had raised you the sum of \$20,000, or some other large amount. I asked him what made him say so, and he said

that Louis Rindskopf had testified before the grand jury as to their raising money for you.

Q. To go to Washington?—A. That you were hard up, and that they raised you some money.

Mr. CARPENTER. My being hard up does not fix the time at all, for I am always hard up. At what particular time was it?

A. Just before you went to the Senate.

Q. In 1874?—A. It seems to me that he said that Mr. Rindskopf had testified so before the grand jury, but I am not sure whether he did not only say that Rindskopf had said so.

Q. What did you say to that?—A. I said I did not know of any money being raised for you.

Q. Did you tell him that you had or that you had not heard so?—A. I told him just what I have stated, that I had a recollection of Hermann Nunnemacher talking about raising some money for Matt.

Q. Was that after the seizure of the distilleries when they were raising money to pay me \$2,500 as a retaining fee to defend them in court—four months after I was out of the Senate?—A. I tried to recollect this, and the recollection of Hermann Nunnemacher saying anything about this is not clear in my mind. Several other parties asked me the same question.

Q. Who were they?—A. I think I told Mr. McKinney about it after I got back to Milwaukee. He put some very close questions to me on these same points.

Q. Who else did you talk with in Milwaukee; did you talk with Mr. Brodhead?—A. No, I think not.

Q. With Mr. Asahel L. Finch?—A. I cannot swear that he asked me.

Q. With A. M. Thompson?—A. I did not talk much with Mr. Thompson.

Q. Go on with your conversation with Hamilton.—A. You have got me so far from where I started that I can hardly remember where I left off.

Mr. CARPENTER. You said that Hamilton asked you what you knew about raising money for me when I was hard up. What was your answer to his question whether you had ever heard of such a thing?—A. I have answered that to you two or three times. I said that I had no knowledge on the subject, and that I had never heard anything about it except that it seemed to me that I once heard Hermann Nunnemacher say something about raising some money for you; but not to so large an amount as that. But it was not clear in my mind whether it was before you went down or whether it was after the seizures. I could not fix it. I could not give any valuable information on that point.

Q. You told Hamilton so at that time, that you could not fix it?—A. I think so.

Q. What else did he ask you about me in connection with this whisky business?—A. I am still thinking of that first question. I think I answered it correctly. I would not be positive whether I qualified it so fully to him at that time—as to my lack of recollection—as I now say, or not; but I should think I did.

Q. You think that you made the same statement to him about your uncertainty as to the date?—A. I think so.

Q. Do I understand you to swear that you have that uncertainty?—A. I have.

Q. Can you not by a little reflection clear it up and recollect that it was after those seizures?—A. The witness-stand is a poor place for a man to refresh his recollection, at least it is for me.

Q. You know that when the seizures were made there in May, 1875, Mr. Nunnemacher went around among these whisky men to raise \$2,500 as a retaining fee for me?—A. No, sir; I do not know that.

Mr. CARPENTER. Well, he did.

The WITNESS. That may have been in my mind. I may have heard of it.

Mr. CARPENTER. He got my receipt for it, and I earned the money and spent it faithfully. You cannot state positively whether it was at that time or at some other time?—A. No, I cannot locate the time.

Q. Go on with the conversation between you and Hamilton.—A. I suspect he asked perhaps a number of other questions which I do not now think of.

Q. Have you told all that you recollect of the conversation?—A. O no, I could tell more conversation. I was thinking of the questions he asked me. After answering me all of these questions he said to me, "Now, Mr. Conklin, if you are willing to go back and testify to what you have stated to me now, you can have immunity, I think, from prosecution."

Q. Prosecution for what?—A. Immunity from prosecutions that were pending against me.

Q. What did you say to that?—A. He took from his pocket a letter from Mr. McKinney to me.

Q. Have you got that letter?—A. Yes, sir.

(The witness produces and reads the letter, as follows:)

"OFFICE OF UNITED STATES MARSHAL,  
"EASTERN DISTRICT OF WISCONSIN,  
"Milwaukee, March 6, 1876.

"SIR: Gen. C. S. Hamilton will call on you, and talk over the matter of the whisky frauds. He is authorized to act for the prosecuting attorney; and anything he may say or promise or undertake will be faithfully carried out.

"Do not make a fatal mistake; and remember what I wrote you, and talk to General Hamilton freely.

"I am, &c.,

"J. C. MCKINNEY,  
"Assistant United States Attorney.

"Mr. S. J. CONKLIN,  
"Windsor, Canada.

"P. S.—There is no time to lose, and you must act promptly and firmly." J. C. M.

*Continuation of testimony of S. J. Conklin.*

Q. Have you got the prior letter to which that refers?—A. I cannot tell without looking. I will look and see.

(After a search the witness produces the letter, which he reads, as follows:)

"WASHINGTON, D. C., December 28, 1875.

"SIR: I received your letter, and was sorry to see it dated across the border. You are a great fool to go to Canada by the advice of Keyes or Carpenter. What do you expect to gain by it? You have put yourself in a position where every man big and little lays all the blame on you, and says your running away proves it. You are right when you say that many would like you to "skip." The truth is there are a great many men who fear the truth just now, and, with you in Canada, they have an easy way of saying "There is a great rascal; he is the fellow who did all the stealing," &c., and you have inadvertently fallen into the trap set for you. I do not believe you are the man who organized the frauds or who profited most by them, but such is claimed to be the fact by men who have a purpose in keeping you away. If you should stay away you can never step foot on American soil, for the charge will not outlaw, but will hang over you so long as you are above the ground, and grow stronger as the days of your banishment increase. You had best come back. Go for advice to men who are not more anxious to save themselves than they are to be just to you, and let the truth strike down whom it may. It is better to be the head mourner at a baked funeral at home than as a vagabond on the face of the earth to be an animated burial-case for the putrid rottenness of would-be mighty men. Cheer up. Come back, and let no guilty man escape.

"I am, &c.,

"J. C. MCKINNEY.

"S. J. CONKLIN,  
"Windsor, Canada."

Q. Have you got your letter to which that is a reply?—A. I think I have.

Mr. CARPENTER. Please read that.

The WITNESS. I do not know that I have it here, but if I have not I have got it in my trunk. I will say as to that letter, however, that it may not be literally an exact copy, for the reason that I did not then have any letter-book, but I designed that it should be. I drew a draught and then copied it.

Q. It is substantially a copy of it?—A. I think it is perhaps *exactly*. If I have not it, perhaps there is a gentleman in the room to whom I sent a copy of it. At the time I wrote it I sent a copy of it to a friend of mine in Wisconsin. (After a search the witness finds the letter, or copy and remarks:)

The WITNESS, (reading.) "Windsor, December 12, 1872." There is a bad mistake in the date; this is dated 1872, but it should be 1875. These gentlemen have asked me, Mr. Chairman, to read this letter. I have no objection to reading it; but if I read it, then I shall ask at some time to explain some things that are in it.

Mr. CARPENTER. Read the letter, and make any explanation of it you please.

The WITNESS. I want to make my explanation after you get through with what you want of it. (Continues reading.)

"J. C. MCKINNEY, Esq.:

"DEAR SIR: A few days since while East I received a dispatch to return here at once

for advices. The source from which it come was such that I obeyed the direction, and here I am. The advice in substance is that if I return I will be re-arrested and put under bonds I cannot give, &c., &c.; that the general impression is I have run away. I think you fully understand from the conversation we had and the advice given me by our mutual friend what I have kept away for. I have been reading over Chicago papers sent here to me, or rather extracts cut from them, until I am almost convinced I am the vilest man in the world, and that I have skipped, and you are greatly to blame for my bail being fixed so low. I have no doubt some would like me to do so, but I have not, and shall be on hand for trial if I live and am able to get there; and I am all right so far. I see by the papers that you are not going to try any more of those cases after the 20th. If that is so I want to return and get back to Wisconsin; but if I supposed I was to be re-arrested, as stated, I should not return until I was required to do so by my bond. I don't believe the story, and I have this day written to a party that ought to be able to judge about it and to be at liberty to say what he thinks. As the only object of bonds is to secure attendance at trial, surely if I return when court adjourns, knowing as you do what my avowed object was in going away, and that in going away I did but just what I assured you I should do, there would be no reason for further arrest, unless it be to satisfy the clamor of the lying rascals who have been reporting for the Chicago papers, in whose reports about me there are lies enough to send a brigade of men to hell, if there is any hell for such cases. If there ain't there ought to be."

Mr. CARPENTER. I indorse every word of that.

The WITNESS continues reading:

"Now, Mac, this is not for reporters' ears; neither is it necessary that they should know a word of my whereabouts. I have been very careful not to say a word in this that would be improper under the circumstances to say to you as a prosecuting officer. I expect you to do your duty; but that does not prevent you from considering a communication of this kind confidential, even from a man you are prosecuting. I should not have written you at all but for the efforts"—

There is a word or two out here; it should probably read:

"But for the efforts of the newspapers to blame the commissioner, and finally you, for placing my bail no higher. I shall return east, and will be in Wisconsin soon, and will report to you in person.

"S. J. CONKLIN."

Mr. CARPENTER. Now we will go back to the point of your narrative where you said that General Hamilton handed you McKinney's letter.

The WITNESS. He said he had not only come authorized by that letter to confer with me fully, but before leaving Washington he had seen Mr. Pierrepont—

Q. The Attorney-General?—A. The Attorney-General. That he had had a conversation with him, and that he was fully authorized from him as well to confer with me; and that whatever he, Hamilton, promised me, or whatever arrangements he made with me, that was indorsed by McKinney and Dixon and would be carried out. I do not know that I determined fully, it seems to me that I did not that day; it was the first time, I think I may say, that I had seriously considered the proposition; but I won't say that I fully determined that day that I would accept immunity and go back, though I was of that opinion strongly. I wrote him the same night after he left.

Q. Have you got that letter here?—A. I do not think I have. I do not think that I have got with me what there is of the correspondence between him and I.

Q. You do not think you have it in Washington?—A. I think I have it in Washington. I don't find all his letters here. I have some here. I may have determined fully that day; at all events that was the result of it. I determined I would go back if proper arrangements could be made. There was some further conversation. I remember now that he told me what terms had been made with other parties, not naming them, but speaking as to the *custom*; he spoke of parties pleading guilty to one count of an indictment. I told him I would not do that. I told him that I would not plead guilty to the indictment under any circumstances, and I told him, too, that I would not agree by myself or others or to point out or suggest anything that would convict anybody else; that I would not go back under any immunity that required either of these of me; that if they would let me go back and let me testify to what I would have testified if I had not gone away, I would do it honestly and fairly and fully; and the next thing in the regular order was that I got a letter from Mr. McKinney in which he asked me to make a written statement.

Q. Did you make any written statement while Hamilton was there?—A. No, sir.

Q. McKinney's letter subsequent to that wanted you to make a written statement?—A. Some time after.

By Mr. CASWELL:

Q. Hamilton did what?—A. I noticed he had a pencil and some paper, and he made some trifling memorandums.

By Mr. CARPENTER :

Q. Of what you told him ?—A. I presume some of the items I told him of. I don't think he wrote them out at all fully, but he made some slight memorandums.

Q. What next occurred ?—A. I got a letter from Dixon and McKinney asking me to make a written statement, which I made.

Q. What did you do with that ?—A. I sent it to Dixon and McKinney through General Hamilton.

Q. To whom was the letter addressed ?—A. I think it was addressed to Dixon and McKinney, and I think put into an envelope and addressed on the outside "Dixon and McKinney," and then put into another envelope addressed to Mr. Hamilton.

Q. Was the inside envelope sealed ?—A. I could not swear whether it was or not. I was going to explain that all the correspondence, I think, after he was there, was in pursuance of this authority which he came to me with. I corresponded with him, and I think this letter from McKinney asking me to make this statement was sent to me by General Hamilton in the same way, that is, sealed and addressed to me, but inclosed to me by General Hamilton with a line.

Q. Fix as nearly as you can the date of your sending that written statement ?—A. It was the 24th of April, 1876; this year, I am quite sure. I saw that the newspapers that pretended to publish my statement had it the 24th of December; it was the 24th of April, after Mr. Hamilton was there in March. It certainly was in April, and I think the 24th day; but I could tell absolutely if necessary.

Q. What next took place after you sent the statement ?—A. The next thing that took place was that I received from Mr. Asahel Finch, of Milwaukee, a copy of what is termed my "immunity." I would like to say in this connection, as you did not ask to have the letter read, that in this request from McKinney for me to make a statement, he stated to me that whatever statement I did make would be held by them and kept strictly confidential.

Q. That is McKinney's statement to you ?—A. Yes.

Q. In the letter calling for your written statement ?—A. Yes. This copy of the immunity I received from Mr. Finch, with this letter from him.

Mr CARPENTER. Read the letter and the inclosure.

The WITNESS, (reading :)

"MILWAUKEE, May 9, 1876.

"S. J. CONKLIN, Esq.

"DEAR SIR: Herewith you will find copy of immunity to you, which sufficiently explains itself without comments, save only that, in my judgment, it is full and ample indemnity from prosecution by the Government in case you return to your country for the purposes proposed and faithfully redeem your pledges. Dixon and McKinney at first declined to give immunity against acts in Louisiana, and I declined to advise you without it. They thereupon obtained authority from Washington that I regarded as ample. The agreement was dictated by me, and they made no objections to it, which I construed to mean that they are acting in the utmost good faith. I send you copy, fearing that if I sent the original it might get lost, which might prove a misfortune to you, as it not only enables you to return to your country but restores you to citizenship provided you keep your agreement with the attorneys of the Government. Messrs. Dixon and McKinney instruct me to say to you that they are not prepared to fix the day when they want you here, but wish you to hold yourself in readiness to respond in person on short notice. Allow me to add that all I undertook to do for you was to see that the agreement for immunity was complete. This I have done with the strictest fidelity to your interests, and of course my services to you are ended, unless questions should arise under the agreement, which is not probable or hardly possible. In conclusion, I beg to add, as in my last, that I have had no part or lot in securing your return for the objects contemplated. My duties to the public and to individuals ended with my hand-to-hand fight at Madison in the winter of 1875.

"Respectfully, yours,

"A. FINCH."

Q. Read the inclosure now and also turn to that former letter from Mr. Finch and read that.—A. I have to say that that is in my trunk in Washington, and I think I can produce it.

Q. Well, read the inclosure.—A. (Reading :)

"MILWAUKEE, May 8, 1876.

"Whereas Sylvester J. Conklin is now within the Dominion of Canada and beyond the jurisdiction of the United States;

"And whereas it is believed by us that the said Conklin is a necessary and material witness for the said United States in certain prosecutions for offenses against the revenue-laws of the United States now pending, and which may hereafter be commenced in this district;

"And whereas we believe that the ends of public justice will be best subserved by

granting immunity to said Conklin, to the end that he may return to this district and give testimony on behalf of the United States in the matter of said prosecutions;

"Now, therefore, we hereby promise on behalf of the Government of the said United States full immunity to said Sylvester J. Conklin from any and all prosecutions for any offenses which he may have committed against the United States while he, the said Conklin, was holding any office under the United States, provided that the said Conklin shall return to this district when notified and called upon by us to do so, and shall give testimony truthfully, fully, and fairly upon all examinations and trials in all courts and cases, when called upon so to do, of all circumstances within his knowledge relating to any and all offenses against the United States.

"C. J. MCKINNEY,

"L. S. DIXON,

*"Special Assistant United States Attorneys."*

By Mr. CARPENTER:

Q. How many letters did you receive from Mr. Finch while you were in Canada?—A. I think only two.

Q. The other you will bring in the morning?—A. The other was in reply to my asking him if he would attend to this matter, and had nothing in it except this clause, almost word for word—

Mr. CARPENTER. Bring the letter with you in the morning. You think you had only two letters in all from Mr. Finch?—A. I think I had only one besides this one.

Q. While you were in Canada did you receive any communication from E. H. Brodhead, of Milwaukee?—A. No.

Q. Did you receive any from A. M. Thompson?—A. No.

Q. Did Mr. Brodhead make any movement whatever toward getting you back to this country?—A. I do not know whether he did or not.

Q. None to your knowledge?—A. I never knew anything about his having anything to do with my return, until my return at least.

Q. Very well. Did you have any conversation with him after your return?—A. I had one very short conversation with him. I think I did not have but one, though maybe I had two—no general conversation with him; and what I know of it is only what I have inferred or heard said. Before I came home I had no idea about Mr. Brodhead's having anything to do with it.

Q. You have since your return heard some intimations of that sort?—A. I infer from some things that I heard that he has been interested in my return.

Q. Had you and Mr. Brodhead ever particularly been friends before you went to Canada?—A. No, sir. I hardly knew him; just knew him. I did not know him until that senatorial fight.

Q. Do not you think his interest in you grew after that senatorial fight?—A. I said in the commencement of this examination that I would rather refrain from giving opinions.

Mr. CARPENTER. I would like your opinion on that; I have great confidence in it.

The WITNESS. I am obliged to you for your compliment.

Mr. CARPENTER. Because I know you know all the facts upon which an opinion should rest. Do you not understand that Mr. Brodhead's interest to get you back grows out of his malice toward me?

The WITNESS. As far as that is concerned, I never had any information that he was connected with it; and the information I have got of it is not such as would justify me really in basing an opinion upon it.

Q. Give us the information then.—A. I have heard parties say—a good deal of talk in Milwaukee—it is not evidence, as you know as well as I do; I have not got it from him.

Mr. CARPENTER. I know, but it is the basis of investigation.

The WITNESS. I have heard the remark made—I do not know whether I could name the parties—I have heard the remark made by your friends that this matter was hatched up by Brodhead, Finch, and Hamilton, &c., and of course I know that they were opposed to you, to us, in that senatorial fight.

Q. And you know, do you not, that they are all my bitter personal enemies and have been so ever since?—A. Their course ever since has been—

Q. I am not talking about their course; but do you not know that that is their feeling? You could not talk with Mr. Brodhead five minutes without finding that out.—A. I never talked with him five minutes about that senatorial fight, nor until my return.

Q. I am speaking about the time since.—A. From what I know of the circumstances I judge that they do not feel well toward you, and Mr. Keyes either.

Q. Do you not think that their anxiety to get you back to your country was really their malice against me?—A. I do not think it is fair to force an opinion out of me on that subject.

Q. You got immunity because you were speaking the truth, and want you to answer it on your honor and on your conscience and the truth.—A. I could not know exactly.

Q. I did not ask what you knew, but I asked you what you believed.—A. I think it would be much fairer, as I am situated, to ask me what they said.

Q. You declined to give opinions and I therefore ask you that question.—A. I cannot base any opinion—

Q. I have not asked your opinion.—A. Yes; a part of the question asks me for my opinion.

Q. I ask you if you do not believe it?

Mr. CATE. I object to the question; it is not proper.

Q. When did you retain Mr. Finch?—A. I cannot tell without looking at my letter-books; it was after Mr. Hamilton was there, and I made up my mind from what I learned that I was probably going to get this immunity. Then I wrote to Mr. Finch.

Q. Had you and Finch been on friendly terms before that?—A. We had not been on intimate terms.

Q. He had never been your counsel before?—A. He had never been my counsel before.

Q. Did you send him any retaining fee?—A. No, sir.

Q. Have you had any conversation with Mr. Hamilton since your return?—A. O, very little.

Q. Have you had any?—A. Yes; I talked with him on the Sunday night that I came into Milwaukee.

Q. Where did you see him on that Sunday night?—A. I saw him at his own house, in the front yard.

Q. Did you dine with him there?—A. No. I only saw him for a few moments. I was on my way to see Judge Dixon and I took in both, I think.

Q. Did you have any conversation with him as to who had contributed or aided in getting you back, or why you were desired to be back particularly?—A. Mr. Hamilton has always been very cautious not to commit himself in the direction here inquired of me about. He was particular in that respect in his conversation both in Canada and in Wisconsin.

Q. Had not almost all these men pleaded guilty before that immunity was given?

The WITNESS. Almost all the men in Milwaukee?

Mr. CARPENTER. Yes.

A. I think so; I think a large portion of them had.

Q. Did nothing ever take place; any conversation between you and Hamilton as to why they were so anxious to have you come back?—A. I told Mr. Hamilton that I said to him in Canada when he asked me those questions about our election, &c., that I was a good deal of the opinion that he did not feel very well toward those parties.

Q. What parties?—A. Yourself [Mr. Carpenter] and Mr. Keyes more particularly. He disclaimed having any purpose of punishing any such men.

Q. It struck you that way, did it?—A. Well, I said to him what I have told you.

Q. Have you ever paid Mr. Finch any fees in this matter at all?—A. No, sir; I have not so far.

Q. Do you intend to or expect to?—A. Well, no, I do not expect to.

Q. It is a labor of love on his part, as you understand, is it not?—A. I will tell you all about that. There was something said about fees. I think I wrote to Mr. Hamilton at the same time that I wrote Mr. Finch, (though as to this I may be mistaken,) and I stated to Mr. Hamilton, I think, that I ought to have an attorney there; but that I could not go into any expenses, such as paying an attorney anything like what a Milwaukee lawyer would expect as a fee; that my circumstances were such that I couldn't do it. I stated that all I wanted an attorney for was to simply look after this matter of immunity, and I think I asked him to suggest some party there who would look after that for me. I think he suggested Mr. Finch, and then quit.

Q. You think Hamilton suggested Finch?—A. I think so; and then I wrote Mr. Finch, stating what I wanted him to do. I don't know but that I stated I could pay some little sum as a fee, but that I couldn't pay much.

Q. The long and short of it is that you have not paid Mr. Finch anything and do not mean to?—A. No; I don't think he expects me to pay him anything. In the reply—that first letter he wrote me—he said that as the duties were not arduous, (or something to that effect,) he wouldn't require any retaining fee.

Q. Is that the letter which you will bring in the morning?—A. That is the letter that I will try to find for you. I think that is what he said to me substantially.

Q. Had you and General Hamilton been on friendly terms before you went to Canada?—A. Not on what I should deem friendly terms, but neither were we unfriendly.

Q. Of course you did not quarrel, that is, you did not fight?—A. No.

Q. Were you and A. M. Thompson on friendly terms before you went to Canada?—A. More so than I was with General Hamilton.

Q. Were you on confidential terms?—A. No.

Q. Did you not know that Mr. Finch, and Mr. Brodhead, and General Hamilton were all active in that senatorial fight of 1874?—A. Yes.

Q. And very bitterly opposed to me?—A. Yes.

Q. Do you not know that they organized a bolt among the republicans which resulted in my defeat?—A. Yes.

Q. And that they were the principal men in that bolt?—A. Yes.

Q. You knew that they had organized it and ran it?—A. Yes.

Q. With the aid of General C. C. Watts?—A. Yes.

Q. Don't you know that these men have for years constituted a little "close corporation" in all political matters in our State?—A. Up to the time I went to Milwaukee I didn't know these men.

Q. They were all bitter enemies of the class of republicans with whom you associated?—A. Yes. I don't know that the word enemies would be just the word to apply to them. They were opposed to us just as men could be.

Q. Does not that get up enmity at last?—A. Sometimes it does.

Q. Was it not so in their case; were there not evidences of it everywhere?—A. Mr. Hamilton and I boarded at the same house—the Newhall—and I saw him every day. He used to speak to me when I met him, but never seemed to desire to have any further conversation with me; and I thought he didn't like me on account of my political associations. A. M. Thompson was always sociable with me whenever I met him. Mr. Finch and I boarded at the same hotel, and we conversed about as little as General Hamilton and I did.

Q. It seems to result from that that their particular friendship for you had a very sudden start?—A. I was very much surprised to meet General Hamilton in Canada when he came there.

Q. You never saw any indication of their friendly regard until after the senatorial fight?—A. No, sir; up to that fight I hardly knew these men, except Thompson.

Q. Do you know anything about the reference that Hamilton made to Dixon and McKinney about your statements in Canada?—A. I don't know anything except what they told me.

Q. What did they tell you?—A. I can only in this case as in others tell you the substance. I cannot pretend to give the words. Mr. McKinney called me into his (and Mr. Dixon's) office shortly after my return from Chicago to Milwaukee, or from Windsor to Milwaukee, and he asked me questions covering the ground of the questions you have been asking me as to what I knew about yourself and Mr. Keyes particularly. While the conversation was going on Mr. Dixon went out and left us.

Q. Mr. Dixon and Mr. McKinney were present during the conversation?—A. Yes; but Mr. Dixon went out. I do not think he heard very much of it. Mr. McKinney and I carried on the conversation until he got everything he could. He pressed me very hard on some points and I told him I couldn't answer him any further than my statement in that direction. He said to me, "This statement does not make out anything particular against those parties." "Well," said I, "who ever said it did." He said, "Didn't you?" I said: "No; I never pretended that I could say anything against these parties upon which you could base a criminal prosecution."

Q. What parties?—A. You and Mr. Keyes. He says: "Didn't you tell Mr. Hamilton in Canada—didn't you give it as your opinion that you could state facts that would justify such a prosecution?" I said, "No, sir. On the contrary, I told Mr. Hamilton that my judgment as a lawyer was that it would not amount to anything in that direction, and further that there was nothing that I knew of about these parties that would justify the United States Government in making any contract of immunity with me, but that I could tell them enough about other subjects if they wanted me to return."

Q. This is what you told McKinney. You told Hamilton?—A. Yes.

Q. Had you in fact told Hamilton that?—A. Yes. Mr. McKinney says, "Mr. Hamilton assured us that you could go away beyond your statement." The next thing in that line was that my attorney came to me, Mr. Finch, and said to me, "Mr. McKinney says you are wiggling." I says, "How so?" He says, "Well, you don't stand up to your statement." "Well," said I, "Mr. McKinney had no occasion to say anything of the kind, in my judgment." Mr. Finch said, "He tells Hamilton that your statement does not amount to anything, and that you told Mr. Hamilton in Canada that in your judgment what you could state against these parties would justify a criminal prosecution." I said, "I did tell Mr. Hamilton so." He says, "McKinney is intimating that he is either going to notify you to go back to Canada or have you arrested."

Q. Or that you should swear those parties into criminality?—A. I told him that I couldn't go any further than I had gone on that subject; that I had been to Canada once, and that I shouldn't go back to Canada again to stay. I told him there was not military enough in the United States to drive me back to Canada to make it my permanent home; that if he wanted to arrest me that was another consideration of which he had control. I then went to Mr. Hamilton myself at the first opportunity I had, and told him what I understood, that he had said I could go away beyond my statement; and I reminded him of what I had said in Canada. I told him I should be very unfortunate, after getting back, if those who had got me back were going to differ so much about what I had said.

Q. What did he say to that?—A. He didn't make any reply to it.

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Q. Did he say anything? Did he contradict what you had said?—A. Not at all.  
 Q. He did not pretend that you had told him in Canada that you could swear to anything that would establish criminality?—A. No.

By Mr. KEYES:

Q. Did not pretend that you had?—A. No. Mr. Dixon had a conversation with me also on the subject.

By Mr. CARPENTER:

Q. Let us have that conversation.—A. He hinted to me substantially the same thing that Mr. McKinney had hinted; said he felt disappointed. Said he: "I have no fault to find with you at all. I have looked over your statement and heard what you told Mr. McKinney, and have no fault to find with you at all; but," he said, "Mr. Hamilton assured us you could go away beyond the statement as to Keyes and Carpenter, and that on that they had granted me this immunity." I told him that as far as that was concerned I did not expect it would influence their granting me the immunity much, if at all.

Q. How did that statement of yours get into the public prints?—A. That is what I should like to know. It didn't get there from me.

Q. Did you ever see it after you sent it to Mr. Hamilton, addressed inside to Dixon & McKinney?—A. I believe I never saw it afterward.

Q. Was there a copy of it?—A. There was never a copy made of it until I made one, and that has been since I came here.

Q. Then the only copy was one in your letter-book, copied from the one you sent to General Hamilton?—A. Yes.

Q. And you do not know how it got into print?—A. I do not, sir.

Q. Have you ever been told in Milwaukee how it got there?—A. No, sir. It has got into the press since I came here.

Q. You have not been back since it got into print?—A. No. That statement, I might as well say, I never even read fully to any party except the revenue-agent who came up there at the time.

Q. That is Mr. Miller?—A. Yes; I read the entire statement to him. He was considering these matters in connection with Mr. McKinney. I have done everything I could to keep that statement from getting into the press. It was pledged to me that the document should be confidential, and I sent it on those terms.

Q. Did you see Mr. Miller, the revenue-agent, in Milwaukee, while you were home?—A. Yes. That is the time I spoke of as having read this paper to him.

Q. Do you know what he came there for?—A. Yes.

Q. What?—A. He came there to have parties arrested if there was sufficient grounds for so doing.

Q. What parties?—A. Mr. Keyes and Mr. Carpenter. That is what I understood to be his object.

Q. When was this, as near as you can fix the date?—A. It was about a week after I went up from Chicago, or about four or five days. It was just after Mr. Munn's trial. It must have been about the 20th of May, I think, or along there.

Q. Where is Mr. Miller's location; is it Chicago or Milwaukee?—A. He is under Mr. Hedrick. I think he is more at Chicago and northwest from there. I don't think he stays much in Milwaukee, but I could not say.

Q. Did not you understand that the supervisor was to come up there to make my arrest?—A. I understood that the supervisor was to come.

Q. But he arranged with Mr. Miller?—A. Mr. Miller came.

Q. For that purpose?—A. For that purpose.

Q. Whom did you and Mr. Miller see together?—A. I don't know.

Q. Did you see Mr. Dixon and Mr. McKinney?—A. Well, he was there. I was in the presence of Dixon, McKinney, and himself at one time, and of McKinney and himself at another time.

Q. I understand you to say that while you were there in the first place they pressed you hard on the points against Keyes and myself to make them stronger than your statement?—A. W. McKinney seemed to want to get it out strong. We didn't have the statement before us. We did not see it at the time at all.

Q. After you had stated to Judge Dixon that you had told Mr. Hamilton that you could make it no stronger and that in your belief there was no criminality in it, did not Judge Dixon try to get Mr. Hamilton into your presence to have a talk about it, and did he succeed?—A. I do not know about that. I know I said to Mr. Dixon and to Mr. McKinney that I wanted them to get all these parties together, that that was the way to do those things, and that by that means there would be no misunderstanding.

Q. But you and General Hamilton never came together, did you?—A. The last day I was there I think we met up in his room—the last time we met.

Q. Who was there?—A. Mr. McKinney, and part of the time (possibly all) Mr. Miller; Mr. Dixon a portion of the time; Mr. Hamilton, and, a portion of the time, Mr. Finch.

Q. At that time the effort was to squeeze you up to the point of getting something criminal against Keyes and myself?—A. I can't exactly make up my mind what that meeting was for.

Q. Did they not put any questions to Mr. Hamilton in your presence for you to assent to?—A. I think not.

Q. Do you not recollect that Dixon sent his boy out while you were up there with him at one time to find General Hamilton and get you and Hamilton face to face?—A. I do not know. He may have done it, but I do not think I knew it. I know I told him that that was what I wanted. I wanted no misunderstanding, but wanted that we should be got right together.

Q. What did Mr. Finch say about it at that interview?—A. He said he did not care about Carpenter or Keyes, that he had no axes to grind for or against them, that he did not care whether they were prosecuted or not; all that he cared for was his client. He said they had got up different statements, and he wanted to know whether I had gone back on my statement or not.

Q. He was retained then to defend your immunity?—A. He claimed to them that he did not care anything about it, that he would just as soon they would not give immunity as that they would, that he had no interest in it at all.

Q. Do you know H. T. Town, of Ripon?—A. I know him by reputation very well. I do not know whether he is in the city now or not.

Q. You recollect that he was postmaster at Ripon?—A. I recollect him very well.

Q. Do you know Dana C. Lamb?—A. I know him pretty well by reputation, but not well enough to pick him out in a crowd. Mr. Coleman introduced him to me, I think, at one interview.

Q. Is that the gentleman sitting there, (pointing to Mr. Lamb.)—A. Yes, sir.

Q. Before passing from this matter I wish to ask whether you know the fact (or did you hear of it in that interview) that Mr. Hamilton was greatly outraged against Keyes, who had circulated a petition and had got the republican members of the legislature to sign it, asking his removal as United States marshal?—A. I think I learned that before I left Canada, but I do not think I learned it from Mr. Hamilton; I think I learned the particulars from Keyes.

Q. Hamilton may have spoken of it. In your intercourse with Mr. Hamilton what was his animus toward Mr. Keyes?

The WITNESS. Do you mean in Canada?

Mr. CARPENTER. Yes, or after you were over in Milwaukee?—A. As I told you he has all the time disclaimed having any.

Q. The question is after all, Did he or did he not?—A. I remember speaking to him at some time. I cannot locate it now, but I spoke to him at Madison about this matter. It must have been after my coming back to Milwaukee.

Q. Do you recollect some time ago that growing out of political matters Mr. Keyes and Mr. Hamilton had had a knockdown?—A. I knew that General Hamilton and Mr. Keyes had bad feeling, or I supposed so, and I suppose so still.

Q. Do you not remember Mr. Dana C. Lamb and Mr. Town, of Ripon, coming up to me while you and I were sitting there, and perhaps Mr. Coleman, and informing me that I could have eight democratic votes for \$1,500 and that I told them to stop the matter right there; that I would not pay one shilling to be Senator of the United States; that I would not allow any friend to pay a shilling, and that if I found subsequent to the election that I had been elected in that way, I would publish the affair to the world and would not take my seat?—A. There was talk of that kind while we were there.

Q. You remember it, do you?—A. Yes; I remember conversation to that effect, but I cannot remember about Mr. Lamb; I recollect Mr. Coleman very well. There were two occasions when there was talk there about getting men for money. I do not know that I can locate them nor the men who talked about it.

Q. Were you there the night before the election?—A. I think I was.

Q. Were you up in the Park Hotel where my rooms were?—A. I was.

Q. Do you not recollect that late at night and before we heard of the conspiracy between the democrats and the bolters, a proposition was sent over to us that we should have six democratic votes for \$3,000, and need not pay anything until July when the excitement would be all over, and that they would trust my word for it; did you not hear that proposition made?—A. It seems to me I did.

Mr. CARPENTER. I know you did.

The WITNESS. When I am called suddenly to a thing of that kind my memory is not first rate.

Q. Do you know Mr. Angus Smith and Mr. Sanderson.—A. I know them very well.

Q. Were they not there each evening?—A. They were there all the time.

Q. Do you not remember that that proposition was sent over as a proposition which meant business?—A. It seems to me that I do have some recollection about it.

Q. What did I say to that proposition?—A. I know that on all occasions whenever anything was said about buying votes you would not hear of it. I can say that better

than I can remember the particular occasions; but I remember that there were two occasions, and this very likely was one of them.

Q. I had recommended you to be the supervisor in Louisiana?—A. Yes, sir.

Q. I recommended you to be appointed an agent in this business in Wisconsin?—A. Yes.

Q. Our relations had always been very friendly, had they not?—A. Very.

Q. Do you think there was anybody who would know anything more about my secret purposes as to that campaign than you?—A. I don't believe there was.

Q. Then I ask you if you ever heard me say a word or saw me do anything that indicated that I would consent to be elected by the bribe of a single vote?—A. No, sir; I can say that without hesitation. Before I leave the subject, I desire to make one explanation. I stated to you what I thought Mr. Hamilton's feelings were to you and to Mr. Keyes. I do not wish to correct what I have said at all; that was my judgment of his feelings toward you and Mr. Keyes and of his feelings toward you still; but I wish to add that from my conversation with him since my return I would not understand that he had anything against either of you.

WASHINGTON, June 28, 1876.

After recess.

SYLVESTER J. CONKLIN recalled.

The WITNESS. There are one or two explanations which I would like to make now, because I was not at liberty to answer the questions as I wanted to. I was asked if I had stated to parties since I went to Canada, or while there, that I was there to protect Mr. Carpenter and Mr. Keyes. I wish to say on that subject that repeatedly since I went to Canada parties who have come over there have told me what they saw in the newspapers intimating that I was there for such a purpose; I can call to mind one or two instances as to which, if I did not deny it, perhaps I should be considered on some accounts as admitting it. Persons might say that I said so. On some occasions I did perhaps make some remark in reply, but not in my judgment to the extent implied in the question put to me. I remember that in one instance William Welsh, of Madison, was saying something of that kind; that he thought I was there for that purpose. Before we got through with the conversation I think I admitted to him that I knew a great deal about the campaign, and how it was conducted that fall, but I did not admit what it is said I admitted. I do not know what careless remark I may have dropped now and then, situated as I was at a public hotel for months, and having these things frequently, by newspaper reports, called to my attention.

By Mr. CARPENTER :

Q. Let me ask whether, as a matter of fact, you were there to protect me?—A. No, sir; I was not.

Q. Were you there to protect Mr. Keyes?—A. Not in any proper sense of the word.

Q. Were you in any improper sense of the word? In other words, do you mean to say that you were there because you knew facts that would fix criminality upon Mr. Keyes?—A. Nothing to fix criminality on you or Mr. Keyes. I want to do justice to the worst enemy I have in the world.

Q. Who is he?—A. Mr. Burpee. With regard to my testimony as to him, I wish to say that my own knowledge and experience of distillers is that when they are trying to deal with a party they will uniformly claim that they have "owned" everybody with whom they have had dealings. In other words, I do not consider it evident at all that they had bought Mr. Burpee because Nunnemacher said so. There were circumstances connected with the matter that did look as though it was so, and I was given some reason to believe it was so; but as far as distillers' statements of such a fact is concerned, I would not take any stock in them, because I think they would uniformly make such statements. He also spoke of other parties he had purchased as paid ones, whom he "owned," and had "fixed" theretofore. I state truthfully, I think, that Mr. Burpee is probably the worst enemy I have in the world; but I do not want to do him any injustice. I wish to say, in relation to that letter which I read here from myself to Mr. McKinney, that that letter may convey impressions which are not true.

Q. Which letter is that?—A. The letter which I wrote to Mr. McKinney, and in which I stated to him that I was in Canada, and that I was not going to Canistota, New York, and which I wrote to him apparently as a friend—one whom I might consider friendly to me outside of his official duties. That letter was written as it might be by any man situated as I was. I did not consider him my friend, but at that time my enemy; one who would do me harm if he had the opportunity to do so. I did not know but that I should return. I did not know but that if they found an indictment against me I should go to trial, and I wrote that letter in order that he might not

have the idea that I was at that time in Canada with any intention to stay, and so that if I should return he might suppose I had gone over there for the mere purpose of keeping away through these trials. I had told him the day I left Milwaukee, and gave bonds, that I was going to keep away from those trials and from Milwaukee, but that I should be back whenever called for. Of that letter I sent a copy to Mr. Moke, explaining to him my object and asking him to explain to a friend of mine whom I mentioned. I have also been asked in relation to putting that statement in the newspapers. I do not wish to amend or correct my evidence as to that, which was to the effect that I did not know anything at all about how it got to the newspapers, but I will state this: that I never read that statement in full to any one except Mr. Miller, the revenue-agent who was there officially connected with Mr. McKinney at that time, and who had a right to see it. I read extracts from it, as I have stated; but it has always been to personal friends or in a confidential manner. No copy or memorandum of it has ever gone out through me. I wish also to explain my conversation with Mr. Coleman, as I understand it. I do not have a distinct recollection at all of referring in that conversation to Mr. Carpenter and Mr. Keyes. I know it was my purpose not to refer to it for anybody to give any opinions about it. I wish to say that I did not intend to do so, and it is my impression that I did not give any opinion in relation to them. Whenever I did give an opinion it was that there was nothing in this statement of mine (which they were alluding to) that would in my judgment criminate Mr. Keyes or Mr. Carpenter. If I made any statement, (which, however, I do not remember,) that was the language of it; it was my distinct purpose not to express any opinion to Mr. Coleman in relation to Mr. Carpenter. As to Mr. Munn, I cannot say that I remember distinctly that conversation as fully as the question was put to me. I have said that if I stated anything to them I am sure that I told them this, that I had said in Chicago that in my judgment Mr. Munn would not be convicted. The reason I gave was that there was no evidence to connect him with those transactions there, (the receiving of money, &c.) except the testimony of Mr. Rheems, of whom it had been proved by some seven or eight members of the grand jury theretofore and the ex-district attorney that he had stated on oath that he had never had any knowledge of "crooked" business and had never paid money to anybody. I said that under such circumstances, if I were a jurymen, I should blot his testimony all out and not consider it, although he might perhaps have told the whole truth. I said further that a man who would accept immunity for himself upon the condition that he should convict somebody, or that otherwise he should be tried himself, was unworthy of belief and that I would not credit any such testimony as that. In relation to my own testimony, I stated that I gave no testimony there of any importance; that what they wanted to prove by me was held by the judge to be improper; and that in my judgment, as a lawyer, the ruling of the court was good. The question was raised there upon my testimony, and ably argued by Mr. Ingersoll, and it was ruled out, and in my opinion properly ruled out.

By Mr. CARPENTER:

Q. Let me inquire if you did not say to Mr. Coleman and Mr. Lamb that if you were a jurymen you would not convict any man upon the testimony given by men situated as you and Rheems were?

The WITNESS. I do not think I could have told them that because I did not consider my situation the same as Rheems's.

Mr. CARPENTER. I do not want any reason.

The WITNESS. Well, I think that would be a good reason why I should not have said so.

Mr. CARPENTER. I did not call for your reason, but whether you did or did not say so.

The WITNESS. I did not occupy the position of either of the parties.

Q. You do not tell us why you said so, if you did, nor why you did not say so, if you did not, but you give us reason why you argue yourself into the conclusion that you could not have said so.—A. I think they are mistaken, if they say I did say so, because I think I know what I said on that point, if I said anything.

WASHINGTON, June 28, 1876.

J. E. FITZGERALD recalled.

By Mr. CARPENTER:

Question. You were recommended for appointment as what by me?—Answer. As internal-revenue gauger.

Q. By whom were you introduced to me?—A. H. L. Page.

Q. He was then interested in the "Brodhead" bank, as it was called?—A. Yes.

Q. He brought you to me and gave you a very full and handsome recommendation, did he not?—A. Yes, sir.

Q. And asked me to see to having you appointed?—A. Yes.

Q. Do you know a philosopher and moralist in Milwaukee by the name of J. B. Shaw?  
—A. Yes.

Q. What is his principal business?—A. I have forgotten now.

Q. How long have you known him?—A. I have known him four or five years, I guess.

Q. Did you ever know him to do anything?—A. I think at one time he or his brother was in the salt-business.

Q. That gave him the *sobriquet* of "Salt Shaw," did it not?—A. I believe it did. He is pretty salty, anyway.

Q. Do you know what connection he has had with this investigation? Was he not down here for some days for the purpose of taking charge of it?—A. I do not know about that.

Q. What did he say about it?—A. He told me, or led me to believe, the other day that he had something to do with it; that the committee wanted me last Saturday, and that if I did not get round here and attend to my "business" they would cut off my pay. I hope they won't do that.

Q. Do you know of Mr. Shaw's levying or collecting from the revenue-officers money for campaign-purposes in the campaign of 1874?—A. I only know of this: that at the Ludington headquarters Mr. Shaw figured around pretty prominently, and whenever any of our third-ward "beats" came to him for any money he always sent them to me. I inferred from that that he thought I was the whisky ring and could afford to pay out.

Q. Another inference from that would be that he meant to share as far as he could?—A. I don't know about that.

Q. Have you had any conversation recently with Mr. Hamilton with regard to this investigation and with regard to coming down here as a witness?—A. I don't know that there was anything said about my coming here as a witness in any interview I had with him; but the question of this investigation and the subject of it were discussed more or less.

Q. Give the conversation.—A. The conversation that I now recall was as to an effort on the part of Mr. Keyes and Mr. Ludington to remove him from the office of marshal.

Q. It related to that, you say?—A. It related to that. I think he said in that conversation that Mr. Keyes and Mr. Ludington had circulated a petition in the legislature asking for his removal; and I inferred from his conduct and conversation, which I cannot now remember, that he felt pretty bitterly toward Mr. Keyes and Mr. Ludington.

Q. For having gotten up that petition for his removal from the office of United States marshal?—A. Yes.

Q. Is that the only conversation you had with him about it?—A. That is the only conversation that I can recall now. I have got the impression pretty strongly fixed in my mind from other conversations, more words now and again, that there was a good deal of enmity.

Q. Have you had any conversation with Mr. Brodhead on the same subject? If so, state how it was brought about and what it was.—A. I had one conversation with Mr. Brodhead. I met John Orton on the street, and he wanted to know if I had seen Mr. Brodhead. I told him *no*. At that time I was not personally acquainted with Mr. Brodhead. He said he had heard a good deal about you and would like to see you.

Q. Do you know what Mr. Orton's personal feelings are toward me?—A. I think they are bad.

Q. You think they are very bitter?—A. I think they are pretty bad. Anything that he takes is bitter.

Q. He does not take anything mildly?—A. No.

Q. Do you not know, (to make a long story short,) that in the canvass of 1874 he was very bitterly my enemy and was sustaining the bolters?—A. Yes.

Q. And has been my enemy ever since?—A. Yes, I think he is; and I think he will be mine after this.

Q. Go on.—A. He took me over to the First National Bank; Mr. Brodhead was out. I waited a few moments, and said I would come in the next day. They said his office hours were between nine and ten o'clock. I went around there about eleven o'clock, but Mr. Brodhead was still out. I think the next day I saw him. Mr. Weissert and myself went to the bank, and he introduced the subject of whisky matters in connection with politics. He did not say anything that was very remarkable about it. I judged from his manner that he intended to let me do the bulk of the talking; so that he [might] catch what he could.

Q. He thought he would act the father confessor?—A. I had confessed a good deal in other places and got pretty tired of it, and did not say very much there; but shortly after that I was subpoenaed to come to Washington.

Q. That was the only conversation you had with Mr. Brodhead?—A. I think so.

Q. I have not read your examination, but I hear you have testified in regard to raising some money and paying it over to Mr. Paine; did you?—A. I did.

Q. I want to know if Mr. Paine, so far as you understood it at that time, had charge in Milwaukee of my campaign for the Senatorship?—A. Yes, he was the central figure in that sort of business.

Q. Did you raise some money from the Government officers for campaign purposes that fall?—A. I did, from two of them.

Q. To whom did you pay it?—A. Henry C. Paine.

Q. Do you know of anybody except Mr. Paine having any management of funds raised for that purpose in my interest?—A. I think, as I testified here the other day, that there was another fund raised in your interest.

Q. I am speaking now of the time before the November election?—A. No, I do not.

Q. When I say the campaign of 1874, I mean the general State campaign for the members of the legislature. Did you hear or know of any other men collecting or disbursing any money in that campaign for the election of the members of the legislature except Mr. Paine?—A. Yes.

Q. Who?—A. Mr. Weissert collected some from the officers, as I understood.

Q. Did he not pay it to Mr. Paine?—A. Certainly.

Q. Mr. Paine, then, had charge of the thing, received the funds that were raised, and disbursed them?—A. Yes.

Q. You understood that what Mr. Weissert raised was paid over to Mr. Paine just as what you had raised was paid over to Mr. Paine?—A. Yes.

Q. How long have you lived in Milwaukee?—A. I lived there fifteen or sixteen years ago.

Q. You have been a pretty active boy round town?—A. I think so.

Q. You know the people there pretty well?—A. Yes.

Q. What was the reputation of the Nunnemachers, and of Wirth, and that class of men that are now denominated the "whisky-ring," among the business men of Milwaukee in the fall of 1874, during that campaign?—A. It seemed to be good.

Mr. CATE, (to Mr. Carpenter.) Do you mean for truth and veracity?

Mr. CARPENTER. No; I mean their general business standing and as gentlemen.

The WITNESS. That is the way I take it.

Q. Mr. Nunnemacher was a man of wealth?—A. Yes.

Q. Mr. Wirth was also a man of wealth?—A. Yes.

Q. And they stood as well as the other wealthy business-men of Milwaukee?—A. They did, sir.

Q. Mr. Rindskopf had been prosecuted for a violation of the internal-revenue laws before that time, had he not?—A. Sam had.

Q. He was nominated by the democratic convention as a member of Congress, was he not?—A. He was.

Q. Did not Mr. Samuel Rindskopf during that fall, notwithstanding that prosecution, stand well among the business-men of that city; I speak now as to the general sentiment?—A. He certainly did.

Q. Notwithstanding that prosecution, did not the people generally believe that he had had injustice done him?—A. I think they did. Sam had lost no prestige by that prosecution at that time.

Q. And he was received in society; that is, where men congregated, just like any other gentleman?—A. Yes.

Q. And as cordially as any other gentleman?—A. He seemed to be.

Q. And so of Nunnemacher, and Wirth, and all those men called the whisky-ring?—A. Yes; they could go anywhere.

Q. Referring to the money which you raised, how did you happen to raise it?—A. The third ward, in which I lived, is a pretty bad territory to absorb funds during a campaign. They all like to get some of the funds, and if everybody is going to get something, somebody must give something. I understood that very well; and I met two young fellows who were residents of that ward, and stated to them that perhaps it would be well for us to give a little toward the third-ward fund. I told them I would give \$75 if they would give \$50 apiece, and that I would hand it to Mr. Paine to be used for that ward in which we lived. They each gave \$50. I put \$75 with it, and handed the whole amount to Mr. Paine.

Q. Had Mr. Paine previous to that time made a request of you on the subject?—A. Not at all.

Q. You did it as your own voluntary act?—A. Yes, sir.

Q. You wanted Mr. Kershaw elected?—A. I wanted Mr. Kershaw elected.

Q. Mr. Kershaw was a young Irish lawyer in the third ward?—A. Yes, and he would vote for Mr. Carpenter.

Q. And he did?—A. Yes.

Q. Were you ever requested by me to raise any money from any human being for any purpose whatever?—A. No.

Q. Do you know of any distiller or rectifier ever paying or contributing one cent to

my individual benefit?—A. I never knew of a distiller that knew you personally until after the raid.

Q. Do you not know that after the raid they were all introduced to me, and that before the raid they were strangers to me, except Sam Rindskopf?—A. Yes.

Q. Sam had been a politician for years in Milwaukee, had he not, and did not everybody know him?—A. Yes.

Q. But all the other distillers, so far as you know, were strangers to me at the time of the raid?—A. Yes.

Q. Did Mr. Paine ever intimate to you that it would be well for you, and for the other officers there, to raise some money to be put into that campaign?—A. No, sir.

Q. Was there ever any intimation made to you, or to any of the Government officers, so far as you know, that it was important for them, or that they had better do it to save themselves or to keep themselves in office, or anything of that kind?—A. No, sir.

Q. The word "assessment" is very common nowadays; do you know anything about assessments having been made upon any public officer or anybody else for that campaign?—A. No, sir.

Q. What was contributed was contributed voluntarily, as each man chose to do so?—A. It seemed so to me.

Q. How long were you in that office?—A. I was in the office nearly six years.

Q. You never saw me in a distillery, nor in a rectifying-house, nor in the office of any one of these men?—A. No.

Q. Did you ever see one of them in my office?—A. Not until after the raid.

Q. I mean after the seizure of 1875?—A. No.

By Mr. PAINE:

Q. Did I say a word to you, either directly or indirectly, in regard to paying a single cent of money for campaign purposes or any other purpose until the time you brought me the money?—A. No.

By Mr. CATE:

Q. This was apparently a spontaneous movement to raise money to use in that election; nobody seems to have made any suggestion about it, but everybody came and helped, so that you got \$800 and paid it to Mr. Paine?—A. Mr. Weissert got it.

Q. You paid him quite a sum of money?—A. I paid him some money.

Q. These were all voluntary payments, were they?—A. They certainly were. These assessments that I have referred to here were the assessments by the officers; not properly "assessments," but the amounts contributed by the officers.

Q. You say Mr. Paine never suggested to you collecting any money?—A. No.

Q. Nor Mr. Carpenter?—A. He never did.

Q. Nor anybody else?—A. No.

Q. Did anybody suggest to anybody, so far as you know, the payment of any money, or suggest that they had better pay it?—A. No.

Q. How do you account for the fact that so many of these whisky-men and officers paid money, and that so large an amount of money was raised? Is it your idea that that was a simple spontaneous movement, that each person thought he had better pay something, and about the same time, and to the same man in order to raise a fund? Have you no idea that there was any head to the management of it? You surely do not wish us to understand that all of these payments were made without any suggestion from anybody else?—A. The remarkable fact to you is, that we all agreed about the same time to pay some money. That is eminently fit and proper, because a campaign only comes at a certain time. We were all officers there and we all liked Matt.

Q. Whom do you mean by "all"?—A. I mean the officers and all the people of Milwaukee, except Mr. Shaw, Mr. Brodhead, Mr. Hamilton, and perhaps one or two others.

Q. You were personally acquainted with Mr. Carpenter?—A. Yes.

Q. Do you know that all these other contributors were?—A. No; I do not think they were all personally acquainted with him.

Q. Did you take occasion to ask them to contribute, or speak to them in regard to their contributions?—A. I don't think I did, except in regard to this contribution that I collected myself.

Q. What do you mean by saying "all of us liked Matt." Whom do you mean besides yourself?—A. I mean all the officers in the service and the people of Milwaukee.

Q. How do you know that they did, if you never talked with them about it?—A. I did talk with them about it.

Q. Did you ever talk with those persons that you say expressed a friendship for "Matt." with regard to Mr. Carpenter's election and their contributions of funds to aid in the election?—A. I do not think "Matt." did do anything of that kind. I don't think those two subjects were treated together generally.

Q. Were they treated together especially? Do you mean to say that you ever talked to those persons with reference to Mr. Carpenter and their assessments at any time?—A. I don't think I did.

Q. Then what do you mean by saying that you do not think it was generally talked

of in that way?—A. You asked me a question in relation to those which embodied two propositions.

Q. I asked you if you ever talked with those persons that you say paid money and expressed their friendship for "Matt." with regard to their contributing money; did you ever discuss with them these two subjects at the same time?—A. I was not in the habit of discussing these two subjects at the same time.

Q. I asked you first if you had ever talked with those persons with reference to their friendship for "Matt." and their payment of money at the same time, and you said "not generally." Then I asked you if you did so especially, and you answered that you never did. How do you reconcile those answers?—A. Those two subjects would come up for consideration at the same time occasionally, certainly..

Q. Whom with?—A. The officers.

Q. Name them.—A. Mr. Weissert and others.

Q. You talked with him of his paying money and his friendship for Mr. Carpenter?—

A. When Mr. Weissert came to me for this money the subject was discussed.

Q. You mean while this money was being paid?—A. It was understood that it was being paid for campaign purposes.

Q. General campaign purposes?—A. Yes.

Q. Not assessed specially for Mr. Carpenter?—A. No.

Q. Was that the time that you and he spoke about your friendship for Mr. Carpenter?—A. We may have spoken about it.

Q. Do you know whether you did or not?—A. I do not.

Q. To whom did you speak in regard to their friendship for Mr. Carpenter or as an excuse for paying money?—A. I never gave any excuse for paying money.

Q. But you said a moment ago as a reason why this money was paid that you all liked "Matt." and that you talked about that, and gave a reason why this money was paid over.—A. We paid the money to conduct the campaign.

Q. I know that; but with whom did you talk about the payment of money and their friendship for Mr. Carpenter as a reason why the money should be paid? You said a little while ago that they did pay it for that reason.—A. We talked it among ourselves.

Q. Who are "ourselves"?—A. Mr. Weissert and myself.

Q. That the reason why he was paying the money was that he was friendly to Mr. Carpenter?—A. I have told you repeatedly that I have talked with my brother officers, Mr. Weissert and Moeler.

Q. What did you say to Mr. Weissert?—A. I said we wanted to elect Matt., of course.

Q. What did Mr. Weissert say about it?—A. He said "ditto."

Q. He said he also wanted to elect Matt.?—A. Yes. It was a clear case.

Q. The money was being contributed for Mr. Carpenter?—A. This money was to be contributed to elect assemblymen in Milwaukee who would vote for Mr. Carpenter.

Q. The prime object was to elect Mr. Carpenter?—A. Certainly.

Q. Whenever these assessments were made, it was with the intention and expectation that they would assist in Mr. Carpenter's election?—A. That was the election of which Mr. Carpenter's election would be the result.

Q. I understand that; but the prime object was the election of Mr. Carpenter as a reason for these contributions?—A. That was what we intended to do; and I am sorry that we did not do it.

Q. And for that purpose you contributed to the election of Mr. Kershaw?—A. For that purpose.

Q. You say that nobody suggested this to you; that is, that neither Mr. Paine nor Mr. Carpenter did. Did anybody else?—A. Nobody did.

Q. You say that Mr. Paine had charge of the campaign for Mr. Carpenter's election?

—A. He was the central figure in the campaign in Milwaukee.

Q. When you paid the money to Mr. Paine did he express surprise?—A. Not at all. I explained what it was for.

By Mr. CARPENTER :

Q. Has not that always been done?—A. Yes.

By Mr. CATE :

Q. Has it always been done with that class of people?—A. Yes. I paid money for political purposes before I became identified with the whisky-ring.

Q. Had it not been the general impression among the whisky-men engaged in the continual violation of law themselves, and all the revenue officers who received money from those distillers as hush-money, that it would be better for that class of men that Mr. Carpenter should be elected than anybody else?—A. I must say that we did not want any changes.

Q. You thought changes dangerous, did you?—A. We thought that even the falling of a chimney might hurt us as a ring, and did not wish any changes particularly.

Q. What was the conversation that you had with Mr. Brodhead in the interview which you have testified you had with him?—A. I think that in the course of that conversation I mentioned the payment of this money to Mr. Paine and Mr. Weissert, and

at the same interview mentioned the payment of this \$800 to Mr. Paine. That, I think, was the substance of the conversation. He probably referred to the senatorial fight in Madison in a general way.

Q. Do you remember his language?—A. I remember this much of it: "I think that the Carpenter support in Madison underrate the strength of the bolters, so much so, that their weakness proved to be their strength."

Q. Who is Mr. Brodhead?—A. He is president of the First National Bank.

Q. How long has he resided in Milwaukee?—A. Longer than I have.

Q. Is he a respected citizen, or otherwise?—A. I should think he was a respected citizen; certainly he is.

Q. To what party does he belong?—A. The republican party, I guess, in a modified form.

By Mr. CARPENTER:

Q. Did he not sign the call of John Gary to run for the legislature against John Scott?—A. Yes.

By Mr. CATE:

Q. Has not all the opposition to Mr. Carpenter in Milwaukee arisen out of and been confined to the republican party?—A. Not altogether.

Q. To what party do you attribute this opposition to Mr. Carpenter and the crimination and recrimination that have arisen from that opposition?—A. To both parties really.

Q. Mr. Carpenter mentioned yesterday a "conspiracy" in which, he said, Asahel Finch, Mr. Hamilton, Mr. Brodhead, and some others were engaged; are those parties republicans or democrats?—A. That question is a "teaser." I have said before that as far as Mr. Brodhead was concerned, he was a republican in a "modified" form.

Q. What does that mean; that he is not in favor of stealing or having rogues in office?—A. By a republican in a modified form, I mean a man who will vote for a republican sometimes and sometimes for a democrat. The bolters in Madison who combined with the democrats to beat Matt. Carpenter are republicans in a modified form.

Q. You consider that a republican who will not support every nominee of his own party is a republican in a modified form?—A. I think a man who bolts his own party and votes with democrats deserves even a worse name than "republican in a modified form." I think I put that rather too nice.

Q. Is not this a scheme (if it be a scheme to injure Mr. Carpenter) having its origination in the republican party?—A. I could not say where it did originate exactly.

Q. Do you not think it arose out of the contest for the Senatorship in Milwaukee?—A. There was some opposition shown by some of these parties before the senatorial contest.

Q. Opposition to Mr. Carpenter?—A. Yes.

Q. Of course the democrats were opposed to his election?—A. Not all of them.

Q. What I want to get at is whether the prosecution of Mr. Carpenter and Mr. Keyes, if it be a prosecution, originated in the republican party, and whether it is carried on by republicans or by democrats?—A. I could not say as to that.

Q. Tell me what democrats in Milwaukee or elsewhere are interested in, or are furthering, or countenancing, or assisting in this prosecution.—A. I cannot say that I know of any.

Q. Who is this Mr. Shaw that Mr. Carpenter speaks of? Is he a democrat or a republican?—A. I don't really know whether he is a republican or a democrat. I think he favored the election of Mr. Ludington.

Q. Sam Rindskopf, you say, stood well in Milwaukee during his campaign or after he was nominated for Congress?—A. He seems to have.

Q. Do you mean by that that his reputation was good after these whisky-frauds had been discovered? Is that the point?

Mr. CARPENTER. That is not the point. There was one suit brought against him, and the sentiment of Milwaukee was that he suffered an outrage in that suit.

Q. The people of Milwaukee wished his success in that suit?—A. That I could not say.

Q. Did you not say that substantially in your answer to Mr. Carpenter?—A. No; I said substantially that he, as a business-man, stood as well after that trial in Madison as before, so far as I know.

Q. Did Rindskopf withdraw from the campaign by the action of the democrats themselves?—A. He withdrew.

Q. Was he not compelled to withdraw wholly on account of the developments in the whisky matters?—A. I think that after that had been generally aired, the democrats thought that they could hardly carry Sam.

Q. You think that they believed the load too heavy?—A. I think there was a little doubt about it. Sam is a good fellow, but he would not make a good Congressman, and a great many people thought that way.

Q. You had very little to say about his running, one way or the other?—A. No.

Q. You would not have supported him in any event?—A. No; I am not “a modified republican.”

Q. Then it was wholly the action of the democratic party in taking him off the course after those developments that resulted in his withdrawal?—A. Yes.

By Mr. CARPENTER:

Q. Do you understand that Rindskopf finally withdrew because Mr. Ludington was too strong for him?—A. I think so.

Q. Had not the German papers of the town, at least one or two of them, come out in support of Ludington?—A. Yes.

Q. You say you have lived fifteen or sixteen years in Milwaukee and been around as much as most boys of your age?—A. Yes.

Q. You had started to say when Mr. Cate spoke to you that the people of Milwaukee, so far as you knew, except Mr. Finch, Mr. Brodhead, and the other men named, were on the other side of the question; that is, so far as personal grounds went, not political grounds of course?—A. I supposed it was on personal grounds from the fact of Mr. Brodhead signing the call for Gary in the first ward to run against Van Schaick.

Q. Name those men in Milwaukee who were active and malignant against me.—A. I think Brodhead was, and Finch, Hamilton, Charles F. Hillsley, and John Orton. There are a few others, but I do not remember who they are. Those were recognized as the head of it.

Q. They were the men that went to Madison to organize the bolt in the republican party?—A. Yes.

Q. A. M. Thompson was in it, was he not?—A. Yes.

Q. Was Shaw pretty active, too?—A. He was.

Q. So far as you know was the friendship to my person or the favor to my election in the city of Milwaukee confined at all to Government officers and whisky men?—A. No, sir.

Q. Did you ever hear of any friend of mine that did not make whisky in Milwaukee?—A. I have, sir.

Q. Did you know Angus Smith?—A. Yes.

Q. Did he ever have any connection with whisky?—A. No.

Q. Was he one of my strongest friends?—A. He was.

Q. To make a long story short and without going into detail, that feeling was not, as I understand you, related at all to whisky?—A. No.

Q. You do not know, to the best of your knowledge and belief, that I was personally acquainted with any one of those whisky men?—A. I do not know; and I think you were not.

By Mr. CATE:

Q. Mr. Carpenter has made you say that these men were active and malignant in their opposition to him; let me ask you what you have ever heard Mr. Finch say in regard to Mr. Carpenter as showing any malignity toward him?

The WITNESS. Did I say “malignity?”

Q. What did you say about Mr. Finch in connection with it? What did you ever hear him say about it?—A. I only know of the opposition of these people to Mr. Carpenter. It is a notorious fact in Milwaukee that they were present in Madison during the senatorial fight.

Q. Did you simply mean to say that these men opposed Mr. Carpenter, without meaning to say that they were malignant toward him?—A. I cannot say as to the malignity, so far as some of them are concerned.

Q. Or any active, personal ill-feeling toward him?—A. No.

By Mr. CARPENTER:

Q. They were pretty active, were they not?—A. Yes.

Q. And restless?—A. Yes.

Q. And social and conversational and noisy at Madison, were they not?—A. Yes.

By Mr. CATE:

Q. When did you ever know Mr. Finch or Mr. Hillsley to be noisy about it? Do you not know that these are respectable gentlemen? I am willing that it shall be said that they were acting in their opposition to Mr. Carpenter, but it ought not to be said that they were malignant in their opposition.—A. I cannot say about the malignity.

By Mr. CARPENTER:

Q. They talked a good deal at Madison with everybody who was opposed to me and seemed to be very much interested in something?—A. Yes; they were busy there to defeat you; that was evident to everybody.

Q. And yet they all claimed to be republicans, did not they?—A. Yes.

Q. Although Brodhead had signed a letter requesting John Gary, a democrat, to run against the regular republican nominee in that district?—A. Yes.

Q. But still he was a republican, although in a modified form, you say?—A. Yes.

WASHINGTON, June 22, 1876.

AUGUSTUS WEISSERT recalled and further examined.

By Mr. CARPENTER:

Question. Will you state all that there is about raising funds and paying them over to Mr. Paine for the campaign of 1874, as far as you had any connection with it?—Answer. I was deputy collector of internal revenue, and that brought me in frequent contact with my associates and brother officers. The party who had collected the fund of the year previous was not in the service.

Q. Who was that?—A. Mr. Burpee. I will not say with certainty that it was the year previous, but Mr. Burpee was the last party who had collected from the officers.

Q. Mr. Burpee was Mr. Conklin's predecessor?—A. Yes. Mr. Roddis came to me and told me that he was designated to collect funds for the young men's club.

Q. The republican club?—A. Yes, for the campaign, but that he could not attend to it and asked me if I would do it. I think that is the substance of what he told me. I told him I could not do it, but he thought that I could on account of my seeing these parties oftener than he did, and I could take my time to it. He asked me to see Mr. Paine, and I did so, and was duly delegated to collect funds from these parties, and I so collected and paid over to him.

Q. Then you understood that to be a selection made by the young men's republican club to collect campaign funds?—A. Of course I did.

Q. In the usual and ordinary way?—A. Of course.

Q. Had that not always been done so far as you know in Milwaukee?—A. Always.

Q. Will it be done next fall?—A. It will.

Q. And as long as politics run?—A. I suppose so.

Q. I desire to ask you whether I ever requested you to collect any money of anybody for any purpose whatever?—A. No; I do not know that you ever spoke to me.

Q. Did I, in fact, know you, or, at least, did I ever speak to you or have any acquaintance with you whatever until after the seizures in May, 1875?—A. I do not think you did, only passably.

Q. Were you not after that introduced to me in my office—a stranger?—A. I think I was.

Q. Did you ever see me in my distillery?—A. No.

Q. Or in any rectifying-house?—A. No.

Q. Or in the office of any man engaged in that line of business?—A. No.

Q. Did you ever see me in an internal-revenue office?—A. I think I saw you come to the door one day and ask for Mr. Erskine.

Q. You never saw me inside the office?—A. No; you only came to the door.

Q. Did you ever know me to interfere in any way about the discharge of duties of any of the internal-revenue officers?—A. Not to my knowledge.

Q. Or to give any advice, instruction, or request at all?—A. No, sir.

Q. Did you ever know Mr. Paine either for himself or on my behalf to request you to collect money from anybody for my benefit?—A. No.

Q. Who had general charge of the campaign of 1874 in Milwaukee on the republican side?—A. As I understood it, Mr. Paine had.

Q. Do you not know that the campaign of Mr. Ludington for Congress was run in parallel lines with mine, but separate from it?—A. I do.

Q. Was there not a separate fund raised for that campaign?—A. I believe there was.

Q. How long have you lived in Milwaukee?—A. Something like ten or eleven or twelve years.

By Mr. PAYNE:

Q. You mean that those campaigns were run separate to a certain extent?—A. Yes. I mean the fund.

By Mr. CARPENTER:

Q. Did you contribute to the fund raised for the Ludington campaign?—A. I did.

Q. And also to the other fund—to Mr. Paine?—A. I did.

Q. At whose request did you make that contribution?

The WITNESS. This last?

Mr. CARPENTER. Yes.

A. Mr. Shaw's.

Q. The "philosopher" and "salt" Shaw?—A. Yes.

Q. Do you know whether Shaw was authorized by Mr. Ludington to make any such collection?—A. I could not say as to that.

Q. His demanding it did not prove satisfactory assurance to you that he had authority to get it?—A. I was in the club-room one evening with Mr. Conklin and quite a number of others discussing campaign matters and he came to me and told me he would like to get some funds for the campaign.

Q. Shaw did?—A. Yes, and asked me to contribute. I told him I would as soon as

I could draw my pay; and then he asked me where Mr. Taft was, and said that he would get some from him.

Q. Was Mr. Taft another revenue-officer?—A. Yes.

Q. Do you know whether Mr. Shaw was on any committee whatever in the Ludington campaign, or had any authority whatever to make those collections?—A. I do not know; not that I know of.

Q. You do not know whether he paid the money over or not?—A. No, sir.

Q. Was Mr. Shaw at Madison during the senatorial contest?—A. I could not say as to that. I was absent. I came to Madison on my way home from California after the campaign closed.

Q. Have you had any conversation with Gen. C. S. Hamilton about this investigation?—A. Not to my knowledge. I may have had conversation with him, but none that I remember.

Q. Have you had any with Mr. Brodhead on the same subject?—A. Yes.

Q. Will not you tell when, and where, and how it was brought about?—A. Two or three weeks ago, as I think it was, Mr. Fitzgerald told me that John Orton would like to see me.

Q. Tell us who John Orton is.—A. He is a citizen of Milwaukee.

Q. What else?—A. A lawyer.

Q. What else—a personal enemy of mine as everybody knows, is he not?—A. So I understand.

Q. And that is the general understanding?—A. Yes. I visited Mr. Orton and he asked me—

Mr. CATE objected to this testimony as tending to open the door to wider investigation than that already entered upon.

Mr. CARPENTER desired to prove a conversation between this witness and Mr. Brodhead.

Mr. McCRARY stated that he believed a conversation with Mr. Brodhead in relation to the subject-matter before the committee was proper to be put in evidence as showing the animus of the parties in connection with the investigation.

By Mr. CARPENTER:

Q. Tell what took place between you and Brodhead on that occasion, and what he said.—A. Mr. Fitzgerald and I on the day following my call on Mr. Orton visited Mr. Brodhead at the bank, and the conversation that followed was exactly as Mr. Fitzgerald has stated it.

Q. Repeat the conversation.—A. He commenced talking about investigations of various kinds and finally touched on this and asked what we knew about it, &c., and we gave him our answers.

Q. Did he not say to you that he had been principally instrumental in getting Mr. Conklin back?—A. He said *that* on the following day. His words were similar to these: "I have done a good deal to get Mr. Conklin back, and as you can consistently I would like to have you think and corroborate any such statement as you remember."

Q. As far as you could consistently he wanted you to corroborate Conklin's statement?—A. As far as truth would permit.

Q. How long after that were you subpoenaed here?—A. I think about a week after, possibly two weeks.

Q. What public office does Mr. Brodhead hold—is he an officer of any government that you ever heard of?—A. I think he is an officer of the city government or a member of the board of commissioners.

Mr. CARPENTER. No.

The WITNESS. Then I do not know that he is in any government position.

Q. He is not district attorney of the United States or of the State, is he?—A. No, not to my knowledge.

Q. Nor United States marshal?—A. No.

Q. Nor revenue agent?—A. No.

Q. He has no special duty to impel him to exert himself to get Mr. Conklin home from Canada to swear against me, has he?—A. Not to my knowledge.

Q. Nothing but a sense of public justice would actuate him in that?—A. That is what he says.

Q. How much money did you in that campaign pay to Mr. Payne?—A. Eight hundred dollars, more or less; it might have been more.

Q. Was that contributed by the internal-revenue officers?—A. Yes, sir.

Q. And no distiller or rectifier ever contributed anything?—A. Not at all.

Q. Have you any knowledge that any distiller or rectifier in Milwaukee ever contributed one cent to my personal advantage?—A. Not to my knowledge.

Q. Mr. O'Neill was a candidate for the legislature, was he not?—A. Yes.

Q. You understood he contributed \$500?—A. He said to me that he contributed \$500, and Mr. Paine said so to me.

Q. Did you apply to any distiller for money?—A. Never, in my life.

Q. Or to any rectifier?—A. No.

Q. You say you never spoke to me until the raid in May, 1875?—A. Not to my knowledge.

By Mr. CATE:

Q. Did any other officers except revenue officers contribute to this fund that you collected?—A. No.

Q. You went to no other person?—A. No, sir; that was simply my field.

Q. Who suggested the propriety of going around and getting money?—A. It was done each year. Mr. Roddis, who is at present in the room, came to me and spoke about it.

Q. He was a Government officer, was he not?—A. Yes.

Q. What reason did he assign for it?—A. We had always contributed for this purpose.

Q. I know it; and we always have a reason for it. Did you have any particular reason for it this time?—A. We were all republicans and we contributed to the republican fund.

Q. Simply because you were republicans?—A. Yes.

Q. Did this go to the Carpenter fund or to the general fund?—A. To the campaign fund.

Q. Did not the general fund include the Ludington fund also?—A. I cannot say as to that.

Q. You said there were two funds, one of which was the Paine fund, and that Mr. Paine had not control of the Ludington fund, I believe?

Mr. CARPENTER. That is so.

Q. To which did this go?—A. I could not say; I never bothered myself about it after I paid over the money.

WASHINGTON, June 28, 1876.

SYLVESTER J. CONKLIN, recalled.

By Mr. KEYES:

Question. Do you know of a single cent of money having ever been paid to me, as a campaign fund, from the distillers of Milwaukee?—Answer. I do not know of any money being paid to you except what I have testified to.

Q. Answer the question. Do you know of a single cent ever having been paid to me as a campaign fund?—A. What do you call a campaign fund, Mr. Keyes?

Q. What do you understand by a campaign fund? A fund for conducting an election campaign?—A. I would understand it as for conducting a *general* election.

Q. Very well, then, answer the question.—A. I don't know of any money ever having been paid to you, from distillers, to conduct a campaign at that time.

Q. Do you say you do not know of any money having been paid to me as a campaign fund?—A. No, sir; with that qualification of a campaign fund.

Q. Did you not first propose to collect some money of parties in Milwaukee to which you have alluded?—A. I did.

Q. Did you not state to Mr. Hamilton that you would not be entitled to immunity for anything you could swear against Mr. Keyes and Mr. Carpenter?—A. That was my judgment.

Q. Did you not so state to him?—A. I did not tell him I would not be; I said it was my judgment as a lawyer, from my knowledge of such things, that what I had stated to him, or what I knew in relation to it, would not—

Q. Have you stated to any others, if so, to whom, that you knew of nothing against Mr. Keyes and Mr. Carpenter?

The WITNESS. That is a very unfair question—to ask me whom I talked with on this subject.

Mr. KEYES. If you do not or cannot remember, state it. Have you stated to others besides Mr. Hamilton that you knew of nothing against Mr. Keyes and Mr. Carpenter?—A. I did not state to him that I knew nothing against Mr. Keyes and Mr. Carpenter. That was not my language. I stated to him what I stated to you yesterday, and what I state to you now.

Mr. CARPENTER. Repeat what you did state to him.

The WITNESS. Ask me those questions which I answered yesterday.

By Mr. KEYES:

Q. Did you not state that to Mr. Lamb, Mr. Coleman, and Mr. Moke?—A. Not in the language in which you put it.

Q. What did you state to them, if anything?—A. I don't know that I ever stated anything to Mr. Lamb and Mr. Coleman at all. I remember very distinctly that Mr. Coleman (I would not be sure that Mr. Lamb did) said something to me in Milwaukee that would

rather call for an answer, and I said to him that I was situated peculiarly and I could not prudently talk about those subjects at all; but I do not remember now of having given any inference to him, nor do I remember having given any inference to anybody since it was determined that I should come back, further than this: I think I volunteered to say to Mr. Hobart and to Mr. Dow (who is now present) something on the subject. Mr. Dow questioned me in Chicago, and Mr. Hobart in Milwaukee, in relation to Mr. Carpenter, and as to whether it covered both of you, and if I had made any answer at all I would have made the same answer. I understood both of them to be asking me if there were any things I could say that would criminate (that was the word) Mr. Carpenter; and I said that, as I understood it, there was not; that that was my judgment. I said others might think differently, but that was my judgment. I think that I said the same in substance to Mr. Dow as to Mr. Hobart, but not until he (Hobart) pressed me quite hard. I think that to either Mr. Coleman and Mr. Dow I did not express any opinion on the subject. I said I could not very prudently do so.

Q. You do not remember, then, of stating it in the manner in which I put the question?—A. I have forgotten now what the question was.

Q. Did you not state to Mr. Lamb, Mr. Coleman, Mr. Moke, or either of them, that you knew nothing against Mr. Carpenter?—A. Not in that language; Mr. Moke and I talked this matter over generally and fully before I was granted immunity, and before I left Canada I told him what I thought there was of it.

Q. You say you do not remember talking to Mr. Lamb at all?—A. Mr. Lamb and Mr. Coleman were together, and whatever I said I said to both of them. I recollect it distinctly, because I know just what I thought on the occasion, and what I thought was best under the circumstances. I remember very distinctly what my course with them was. I do not call to mind any other parties who asked me questions about it but those three. Mr. Dow asked me nothing about you, Mr. Keyes, at all, but spoke of Mr. Carpenter.

Q. Did you state in substance to Mr. Coleman and Mr. Lamb, at the Newhall House, in Milwaukee, during the Munn trial in Chicago, that Mr. Munn would not be convicted; that the only evidence against him was yours and Mr. Rhem's, and that the jury would not believe such evidence, because "we had too much at stake;" that such testimony should not be believed by any jury, and that if you were on the jury you would not believe it?—A. Part of that I said to him; but he is mistaken as to the interpretation of it. I said that I had stated in Chicago to Mr. Matthews, and to all others, that Mr. Munn would not be convicted—that there was no testimony to connect him with those transactions, except the testimony of Mr. Rhem.

Q. I want you to answer the question as well as you can.—A. I am telling directly what I told about it. I am stating the facts.

Q. Then you say you did not say that?—A. Not just as he has got it there. I said the judge ruled against my testimony—all that would be of any effect whatever. I told him the testimony I gave amounted to nothing—that the judge ruled out what they wanted to prove.

Q. The question is, did you or did you not say that?—A. I have answered the question in the affirmative, except that I had no idea I stood in the same category as Mr. Rhem, or that the jury would not believe me. I said that the court ruled out that portion of the testimony that I considered essential.

Q. How many copies did you have of your statement?—A. I made a statement, and I have a copy in my letter-book.

Q. You had, then, but two, the original and the letter-press copy?—A. That was at the start. When I sent off the original, I took a copy of it.

Q. Do you know who gave a copy of it to the Commercial Times?—A. I do not.

Q. Did Mr. Hamilton have the original and give it out?—A. I don't know who gave it out; I did not give it to the Commercial Times.

Q. Did Mr. Hamilton have the original?—A. I only know what I hear about it.

Q. Did you send it to him?—A. I sent it to him in the first instance. The request from Mr. McKenney for me to make it came with Mr. Hamilton's letter. I was to return it to Mr. Dixon through Mr. Hamilton.

Q. You say you did not give it out?—A. I did not give it out.

Q. Was not the last time you saw me, before you left for Canada, an occasion when we met in Mr. Carpenter's office, yourself, Mr. Carpenter, and myself only being present?—A. I think I went out of Mr. Carpenter's office with you the day you went to Madison.

(Question repeated.) A. I would not swear I saw you after that; I think we went out of the office together.

Q. You say, then, it was not the last time?—A. I will not say that, because very likely I may have seen you again, or I may not. My recollection is that we went out of the office together. I know I called back and saw Mr. Carpenter after that.

Q. What is your conclusion—that you saw me after that?—A. I do not know; it seems to me we went out of the office together and I called up to the room.

Q. Was not the occasion alluded to in the question the last time that you and I had any conversation before you went to Canada?—A. If it was the last time I saw you, it was; if it was not, then very likely it was not. I remember your talking to me about writing to you, and it seems to me we talked on the sidewalk about it after we went out of the office.

Q. I wish you would answer the question.—A. These are questions that no man can answer.

Q. If you have no recollection on the subject, why don't you say so?—A. I have given you my recollection on the subject; I may be wrong.

Q. Do you remember anything about that interview; do you remember that there was such an interview?—A. I know we had two interviews when only you and I and Mr. Carpenter were present.

Q. Will you swear there was more than one interview when we were present?—A. I think there were two—one on each of two days; on the second day some other parties came in while we were talking.

Mr. KEYES. I came up from Chicago in the evening, and went home, if you remember, at 1 o'clock the next day. I did not see Mr. Carpenter that evening. If you refresh your memory, you will find we did not have two interviews with Mr. Carpenter.

The WITNESS. I think you went back on Wednesday.

Mr. KEYES. I think I went back the next day.

The WITNESS. You ought to know better than I about it.

Mr. KEYES. On Tuesday afternoon I saw you at Mr. Carpenter's office, did I not?

The WITNESS. Yes; and my recollection is that we had a talk again on Wednesday morning.

Mr. KEYES. If that is your recollection, let it pass; but it is not the truth.

The WITNESS. I think I could refresh your memory so that you would remember as I do.

Q. Did I not state to you that I would not advise you to go away, and in that interview did you not protest your innocence?—A. I protested my innocence always.

Q. Please answer the other part of the question; did I not state to you that I would not advise you to go away?—A. You may have some time stated it.

Q. Did I not state it right in that interview?—A. I don't remember that you did. I don't remember that after you came back—

Q. Don't scatter; keep right down to the point; if you do not remember it, say so.—A. I recollect two interviews.

Q. I am not talking about two interviews; I am talking about this one interview—the only interview at which I talked with you.—A. Well, you may call it the only one, but I will call it the last one. At the last one I understood you very distinctly that I had better go away.

Q. Do you not remember my stating to you, when you asked me the question in that respect and in that connection, that I would not advise you to go away?—A. I don't remember, sir; I don't think there is any question about what your judgment was as to what I should do.

Q. You seem to be speaking about a "last" interview; will you tell me where it was?—A. I said that, in my judgment, there were two interviews in Mr. Carpenter's office. I think you did not go away until Wednesday. I have offered to tell you, if you want to know, why I think so.

Q. Where was the last interview?—A. My recollection is that we had our last interview with Mr. Carpenter in his office; and my recollection is that we went out of the office together, because I remember what you told me when we got out. That might have been the first interview, though you say there was but one. I told Mr. Carpenter afterward what you told me, and said I did not think it was sense at all.

Q. Did you not then and there, at this interview, (or at either of those interviews, if you say there were two,) deny having received a dollar from Louis Rindskopf or any other person in the ring?—A. I denied ever having received any money from them for any corrupt consideration—for doing them any favor, or for forbearing anything in any improper way.

Q. I ask you whether you did not deny having received money from the ring?—A. I have always denied having received money from them in any improper way, and I do so now.

Q. You do not say that you did not receive some money?—A. I received some. I gave you some, at Madison.

Q. I say as far as you were concerned yourself?—A. I have told you I had some money from them in the way I have explained to you.

Q. Did you not at this interview deny ever having received a dollar from Louis Rindskopf or any other persons in the ring? I have no reference now to what you have already testified to here.—A. I do not think I denied at that interview having received any money from Rindskopf "for any purpose whatever." I know I did not deny it.

Q. You knew that you had been arrested then, and Mr. Rindskopf was supposed to be a witness against you; and in talking this matter over, did you not say that you never received any money from him?—A. No, sir.

By Mr. CASWELL:

Q. Did you tell them that you had?—A. I have said two or three times yes.

Q. At this interview I mean.—A. When it comes down to "this interview," as I said, I think there were two, for if there was but one—

Mr. KEYES. Admit there were two for the sake of the argument.

Q. Did you inform them at either of the interviews (if there were two) that you had received money from Louis Rindskopf?—A. I cannot pin it down so fine as to say that I informed them at that interview, but I know that I informed them somewhere that I had received money from Louis Rindskopf for political purposes.

By Mr. KEYES:

Q. I am speaking about what was said at this time, not what happened elsewhere or on other occasions.—A. While you were at Milwaukee, you know we talked on the street, and at the Newhall House.

Q. I am talking about this interview at Mr. Carpenter's office. Try and concentrate your thoughts a little. The question is whether there was one interview or two. I have said that there was one; you have said there were two; now make it two if you wish, and I put you the question, did you not then and there deny that you ever received any money from Louis Rindskopf, or the ring?—A. I denied ever having received any money from him for improper purposes.

(Question repeated.)—A. I denied ever having received any money from him improperly.

Q. You supposed he was a witness against you?—A. Yes.

Q. Then did you not state there that you never received any money from him?—A. I said that I never received any money from Louis Rindskopf improperly, and I think I stated that I had never received any from him but twice, or perhaps three times, in my life.

Q. Will you answer the question one way or the other?—A. I have answered it as fairly as I can.

Q. You have not answered it at all. If you don't understand the question, say so.—A. I understand the question, but it is an unfair one, and put for unfair purposes. That is my judgment. I do not wish to be unfair about it. I cannot answer the question by yes or no.

By Mr. CATE:

Q. Do you say you do not remember any conversation at that place?—A. I remember talking about whether I had money or not, and I remember I insisted that I never had a dollar improperly. All the advice I got at that time was based upon the theory that I was innocent, but was liable to be convicted.

By Mr. KEYES:

Q. Did you not have an interview with Mr. Carpenter very soon after I left the city, and have you not got the two confounded?—A. It seems to me there were two conversations.

Q. Will you not answer the question? Did you not have another interview with Mr. Carpenter after I left?—A. Yes.

Q. You are under the impression that I was present at both the second and first, while the fact is I was absent from the city on the second occasion. Have you not got the two occasions confounded?—A. I do not think so, and I can give you my reasons for not thinking so if you want them. If you don't want them, it is all right.

Q. Might it not be possible that you are mistaken in stating in your direct examination that you thought that Mr. Keyes advised you to go away?—A. I do not think I could possibly be mistaken.

Q. Do you swear positively that Mr. Keyes advised you to go away?—A. I will swear positively that that was my understanding.

Q. Will you swear that Mr. Keyes advised you to go away?—A. I would not swear to the language which you used.

Q. Will you swear positively that I advised you to go away?—A. I will swear that that was my understanding of your conversation with me—a clear and well-defined understanding—that that was your best judgment as to what I should do.

By Mr. McCRARY:

Q. State whether you can say positively that that was his advice to you?—A. I cannot say that he used just the particular words that he has put to me.

Q. Then what is your answer?—A. I state that it was clearly my understanding that it was his best judgment that I had better go. My other answer was that I cannot state the language which he made use of.

By Mr. KEYES:

Q. If you cannot swear positively, you can say so,—A. I am just as positive that that was the idea as I am that I am talking to you now.

Q. Will you swear positively that I advised you to go away?—A. That was my understanding of our conversation, that you thought it was better for me to go away.

By Mr. McCRARY:

Q. Can you not answer the question any more positively?—A. I do not know how any man can expect me to answer yes or no to such a question.

By Mr. KEYES :

Q. Do you make that your answer?—A. I think that a fair answer ; I cannot give the language which you used at all except some of it. If you are asking me to state the conversation I had, I can recollect some of it.

By Mr. CASWELL :

Q. At either of those interviews do you recollect anything that Mr. Keyes said which warranted you in putting that construction on his language?—A. That would require the relating of all that took place in the first and second conversations.

Q. Do you now remember anything he said?—A. I stated in my testimony yesterday that there was more conversation to that purpose.

Q. Can you recollect any language which he used on either of those occasions that warranted that construction?—A. I think of some conversation ; but if I undertook to relate it without giving the context used, it would not mean anything. I can state substantially the conversation which took place between us—all that, if you want it.

Q. Just as you stated yesterday?—A. I can state other things which I did not state yesterday.

Mr. CATE. Go right on and state it.

Mr. CASWELL. I do not want the language of yesterday if we have already got the same history down. Is there anything which you have not stated that warranted you in putting that construction on Mr. Keyes's language?—A. Yes ; for I have not stated the whole conversation which took place, or anything like it, and nobody has ever asked me to.

Q. If there is anything additional which took place at either of these interviews, go on and state it.—A. The reasons which Mr. Keyes gave why he thought I would be unjustly convicted were reasons why I should go away.

Q. I want you to state what he said.—A. I can state what he said on that point. If Mr. Keyes had on some particular occasion turned around and said to me, " Conklin, there is no use in talking, but you must go to Canada," then I could tell you that.

Q. Can you recollect any language in addition to that already related which warranted you in putting that construction on it?—A. Yes, sir.

Q. Give us that language.—A. I can give my construction ; but it might not be yours.

Q. Can you now remember any language which Keyes used at either of those interviews which you have already given in your examination that would warrant such a construction ? If so, state it.—A. Mr. Keyes said to me that he believed there was a put-up job on me in that matter to let these Rindskopfs off ; and he gave at length some reasons why he thought so : that there were several of that family ; that from their situation and the circumstances he believed they would swear the thing right straight through.

Mr. CASWELL. That you have already stated.

The WITNESS. I did not think I had stated that.

By Mr. KEYES :

Q. Do you think that Keyes would have befriended you in the least before you left if he thought you guilty?—A. I do not know that you would, and I do not know but what you might. I considered you a pretty warm friend. I do not think that you would try to cover up iniquity if you thought I was guilty of it ; but I thought you a pretty warm friend.

Q. After you left, did I write to you from Wisconsin?—A. No, sir.

Q. Did you not complain because I did not write to you?—A. Yes ; I think you might call it that.

Q. You complained in one of those letters which you introduced in evidence the other day?—A. I would like to answer Mr. Carpenter about that letter which he spoke of. I have looked over all my letters, and do not find it. My explanation of it is that I did not expect to leave Windsor so soon as I did, and, leaving in a hurry, I got up such letters as I could. I have looked over my letters from time to time, and have not been able to find this one ; but I can state its contents.

Mr. CARPENTER. What were its contents ?

A. The letter from Finch had reference to his former letter. In that letter he stated that he was willing to become my attorney to the extent of looking after any contract which might be made between me and the Government, but he took special pains to inform me that he had taken no interest, part, or lot in obtaining my return, and that he would have nothing to do with it, except as to that particular branch of it.

Mr. CARPENTER. That is not the only letter. I mean the letter in which you were told what kind of a statement they wanted you to make.

The WITNESS. I had that letter here yesterday. I have it not here this morning. I wondered yesterday that none of you asked for it. I spoke of it, and had it ready on my file.

Mr. CARPENTER. There was one other letter in which McKenney wrote the statement which he wanted you to make.

The WITNESS. That is the one I refer to. He requested me to make a statement, and indicated in a general way what he wanted me to state.

Mr. CARPENTER. Whom he wanted hit?

The WITNESS. It did not state that.

Q. Was my name among them?—A. Yes.

Q. Was Keyes's name?—A. Yes.

Mr. CARPENTER. I want that letter.

The WITNESS. I will produce it.

By Mr. KEYES:

Q. In reference to this letter of mine, dated December 20, 1874, you have attempted to explain what it meant. May you not be mistaken? On its face it had no connection whatever with any suit or with any revenue matter, but you testified in your direct examination that that letter had reference to the Rindskopf case?—A. I said that that was my understanding of it.

Q. You stated that it was your understanding that it had reference to the Rindskopf case?—A. Yes.

Q. Is it not possible that you are mistaken about that?—A. If you can suggest any light to change my views about it, I am ready to hear it.

Q. Do you recollect the first words of the letter, where I go on to state that the convention dodge is too thin?—A. Yes; I know what that refers to.

Q. Did that have reference to revenue matters?—A. No, sir.

Q. Did not the whole letter have reference to a rumor that a convention or gathering would be held in Milwaukee or Madison in regard to political matters—a gathering of men hostile to Senator Carpenter—and do you not recollect rumors of that kind about the time of the date of that letter?—A. I recollect the rumors about the convention. I knew all about it.

Q. You recollect that you talked with me about it, and that I wrote you that letter in reference to something which you had said or written to me?—A. I had been talking to you about it once or twice before.

Q. Is it not probable that that letter of the 20th of December had reference to that subject entirely, and had no reference whatever to the Rindskopf case or to any revenue matter?—A. I did not think that last part of the letter had reference to a political matter. I thought it had reference to what I said.

Q. Try to refresh your mind, and see whether you are not mistaken.—A. As I said then I say now, that I cannot swear positively that that was what you refer to.

Q. Do you swear that that letter had any reference to revenue matters at all?—A. I explained the other day what I thought it had reference to. I cannot give any additional reasons more than I gave then.

By Mr. CASWELL:

Q. The first part of that letter evidently relates to a convention?—A. Yes.

Q. Do you recollect what that convention was?—A. I do.

Q. What was it?—A. Some suggestions had been made to hold a convention of our wing of the party under certain circumstances and contingencies if they should happen.

Q. The letter speaks of an opposition convention, and says, "the convention dodge is too thin."—A. You are right about that; it was a convention dodge.

Q. Was it not contemplated to hold a convention of parties in opposition to Mr. Carpenter, with the view of bolting his nomination, if he should be finally nominated?—A. That is another idea which I had not thought of. I do recollect it now.

Q. Let me read the letter in connection with that theory, taking that view of it, and also the view that if they bolted it will be regarded as a howl. Let me read the letter on that theory. "Dear Conklin: The convention dodge is too thin; it won't work. I will attend to every part of the programme, and be responsible for the result. Things are working well and will come out O. K.; but if the wolf howls, hell will be to pay." Does not that indicate that the whole letter treats of one subject?—A. I am trying to call to mind the fact that they were talking of holding a convention, but it seems to me that it was earlier than that.

By Mr. CARPENTER:

Q. Do you not recollect that the newspapers, the Eagle or the News, announced that Washburn's friends from all parts of the State were to hold a convention at the Newhall House, in Milwaukee, for the purpose of bolting my nomination if I should be nominated at the caucus?—A. Yes; I think I remember that.

Q. That was some time in November?—A. I do not know.

By Mr. CASWELL:

Q. Did the wolf howl?—A. The wolf howled when we got to Madison.

Q. And Mr. Carpenter was defeated?—A. He was defeated.

Q. Take that view of the letter. Does it not all come fresh to your mind now?—A. I had the idea when I received that letter that it must have reference to some things I had been talking about. It may not have referred to them at all, and I cannot swear positively that it did; but I took that view of it on account of some conversation that we had a short time previously.

Q. Do you not see that the word "but" before "if the wolf howls" unnecessarily connects it with the first part of the letter?—A. It does not seem to me that it would have fitted the circumstance quite as well in that way as in the other way; but it may be that that was just it. I always took the other view of it.

By Mr. KEYES:

Q. Have you been thinking it over and revolving it in your mind ever since 1874?—A. No; but I mean that I took that view of it when I got the letter, and that I took that view of it when my attention was called to it since, and I still continue to take that view of it; but, as I said the other day, I may be mistaken.

Mr. KEYES. About the view you took when you first got it?

Mr. CATE. He does not say that. He says that Mr. Keyes may have taken a different view of it.

Mr. CASWELL. I ask you if you may not be mistaken about what view you did take of it?—A. I may be mistaken as to what I thought Mr. Keyes meant by it. It might have reference to some other matters.

Mr. CARPENTER. The question is whether you may not now be mistaken, and have understood it differently when the facts were fresh before you from what you did on looking at it afterward?

The WITNESS. These questions are so mixed up that I cannot understand it.

By Mr. CARPENTER:

Q. Are you positive to-day that your understanding of that letter is the same as it was when you received it? These facts having passed out of your mind about the Washburn convention, may you not have supposed now, or when you looked at the letter at a subsequent date, that it referred to the other thing?—A. Such a thing is possible, of course. I understand your question to be whether or not I may not have entertained a different idea as to what that letter meant at the time I received it than I do now—that letter having been laid away and I having forgotten all the circumstances about it, when I came across it and took the view that I now take—whether I may not have taken a different view the first day.

Mr. CASWELL. Having found it now, after so long a time, may you not have taken another view of it when you first received it?

The WITNESS. I say that such a thing is possible, but my impression is that I took the same view of it when I received it as I do now.

By Mr. KEYES:

Q. Is it not an unreasonable construction to put on that letter to construe it differently from the terms expressed in it?—A. I think that it would be a very unreasonable construction to anybody in the world, except he knew what I knew at the time.

Q. Did you and I have any dubious or doubtful correspondence which did not express itself clearly on its face? Whenever we corresponded did we not always state just exactly the ideas which we wished to convey?—A. I think that you generally made yourself pretty plain, and I did the same. There are a great many things, however, which are not put in letters. I do not know any letter of yours of a doubtful construction except this one; but this would puzzle almost any one to know what you meant by it.

Q. Then your conclusion is that you are not positive, but that you may be mistaken as to the impression which it made on you at the time?—A. I may be mistaken as to what you meant by it. This other matter which you now speak of is also new to me. I mean I had not thought of it since. When you referred to that convention I did not think, and I would not think now, that you referred to a convention of bolters. I thought that you referred to a convention which I was talking about holding in case we were cleaned out by any fraudulent means in the convention.

Q. Is it not a fact that you had communicated to me an idea or a suggestion or a recommendation that there would be a gathering of Mr. Carpenter's friends on the subject, before the convening of the legislature?—A. My convention was to be a wheel within a wheel when the convention met.

Q. Had not this letter reference to the convention which you stated?—A. I suppose it had—that you thought it was too thin.

Q. That I condemned the suggestion?—A. Yes.

Q. Is not that what the letter referred to, and nothing else?—A. I think it refers to the convention of bolters, and that was my idea at the time.

Q. These suggestions have been thrown out to you to try to get your attention in regard to the letter, and to show you that you are mistaken in the construction you put upon it. Do you not recollect that you communicated to me the idea that Carpenter's friends had better have a gathering?—A. I made a suggestion in regard to our having a subconvention.

Q. You made that suggestion to me?—A. I first made it to some other parties, and then to you. I talked to you about it. I made it to some parties in Milwaukee first.

Q. Does not this sufficiently refresh your mind that you had talked with me about the gathering of the friends of Senator Carpenter, and that I communicated to you through that letter my dissent; is not that a fact, and is not that just exactly what the letter refers

to, and to nothing else?—A. That is what I understood the fore part of the letter to have reference to. I did not so understand the latter part.

Q. Does it not properly go all together in that connection?—A. I cannot see how it would.

Q. You looked over my letters to see what you could find having reference to this case?

—A. Yes.

Q. And when you found this letter you thought it had reference to the case?—A. Yes, sir.

Q. In reference to the letter of May 18, 1875, and of November 19, 1875, is it not true that up to those times you had claimed to me your entire innocence?—A. I always claimed that to you. That covers the ground.

Q. Do you not think that at the time of my writing those letters, I thought you innocent?

—A. I think you thought so, and I expect you think so still. I do not know any reason why you should not think me innocent now, any more than you did then.

Q. Notwithstanding your claims of innocence, were you not apprehensive of some proceedings against you, and did you not say to me repeatedly to say to McKenney and Hazleton that you were innocent, and expressed the hope that no hasty action would be taken against you?—A. I stated all about that the other day. I said that I asked you to see them and to explain the matter so far as you know.

Q. Is not the substance of that occasion correct?—A. Yes, the substance of it is.

Q. Did I not say to you from time to time that I was informed before your arrest that nothing had appeared against you?—A. You said so to me one time, at least, and perhaps oftener.

Q. Did I not say so to you from time to time before your arrest?—A. You said so to me several times, I presume.

Q. Did you not understand, from the expressions in the letter of May 18, 1875, in view of conversation before with me, that the idea thought to be contained was that you would not be proceeded against or recommended for removal unless on good cause?—A. That is what I was trying to get at the other day. I do not suppose that you were making arrangements to have me taken care of if I ought not to be.

Mr. CASWELL. It had reference to your innocence.

The WITNESS. I was not charged with anything.

By Mr. KEYES:

Q. The letter was written on the theory of your innocence and of your not being proceeded against except on cause. Were you removed at the time that letter was written?—A. I was not removed when that letter was written, but I was removed the next day. I think. I got notice on the afternoon of the 19th to discontinue my services after the 20th.

Q. You assisted in the seizures?—A. Yes; I helped all I could every day until I was removed.

Q. Did you not understand that letter to mean that you were to assist McKenney in the prosecution, to report to him, to aid him, and that it might be all right?—A. I understood the letter to be that McKenney was friendly, and that he would do me no injustice.

Q. And that you were to assist him in aiding in the prosecution?—A. I expected to do that, certainly.

Q. Was not that the idea, to stimulate you to assist him and to be generally useful?—A. My idea was that the letter was to inform me that McKenney was not unfriendly toward me, as I thought he was—that you had seen him, and that he was all right.

Q. I told you to assist him, to work with him, to aid him. Was not that the idea which I sought to convey in that letter?—A. That I would do any way. I did not think anything about my working with him. That followed as a matter of course.

Mr. KEYES. It might be a difference whether you were acting energetically.

The WITNESS. It did not occur to me in that connection, and it never did until this moment, when you call my attention to it.

Q. Was not the letter of November 19, 1875, wherein reference is made to Hazleton, written before that arrest?—A. Yes.

Q. Up to that time was it not the general remark and opinion, so far as you know, that your skirts were clear of the frauds?—A. I presume it was. I would not be so likely to hear remarks one way or the other as other folks would be.

Q. Did you not at that time claim to me that there was not and could not be any truthful evidence against you implicating you in fraud?—A. I have answered that question already many times.

Q. Did you not understand the letter to mean simply a word in your behalf only on the theory that you were innocent and ought not to be prosecuted except on strong showing against you?—A. We were all out of office at that time. I had gone out some months before. Almost all the original officers were out at that time.

Q. What is your answer to my question? [Repeating it.]—A. I certainly understood everything you said to be on the theory that I was innocent, but still I was apprehensive that we might have trouble there, as I stated the other day.

Q. Do you believe that I would at that time have said a word in your behalf if I had believed you guilty?—A. I do not know what you would have done.

Q. Do you think I would have written that letter to you on any other theory?—A. No; I do not think you would.

By Mr. CARPENTER :

Q. Read this letter, [handing it to witness,] which was referred to yesterday, and which you have handed to me this morning.

The witness read as follows :

"MILWAUKEE, WIS., April 20, 1876.

"SIR : It is deemed important by all parties connected with the prosecution of the whisky-fraud cases here that we should have at once from you, if you should feel disposed to send it, a statement over your signature of all the facts within your knowledge relating to these frauds to which you can testify.

"We wish to arrive at a speedy determination of the question as to whether or not immunity can be granted you in return for such evidence.

"Please state the facts in the nature of a communication to Judge Dixon and myself, which we will treat as confidential.

"State fully your knowledge of payments of money to any person or persons by or for the whisky-men, giving amounts and dates as near as may be, and for what purpose paid.

"State all facts showing, or tending to show, that any person not indicted knew of the frauds, participated in them, connived at them, or encouraged them.

"I desire to call your particular attention to Keyes, Carpenter, Payne, and Munn, of whose connection with these frauds so much has been said.

"Who, if any one, of these parties aided Sam Rindskopf in his defense of the Madison indictment, and how ?

"Give time and place, as far as possible.

"In the end, should your testimony be used, it will be necessary to search for such corroboration as may be found, and any witnesses or testimony you may point out will be of advantage.

"Give us the whole unvarnished tale, and let it hit whom it will.

"I am, &c.,

"J. C. MCKENNEY,  
"Special United States Attorney

"S. J. CONKLIN,  
"Windsor, Canada."

Q. I understand that it was in answer to that letter that you made out the statement which you did make out to Mr. Dixon and McKenney ?—A. Yes, sir.

By Mr. CASWELL :

Q. Prior to Rindskopf's trial in Madison, in the fall of 1874, did you make any promise to him that if he would support Mr. Carpenter for the Senate his case would be continued and compromised ?—A. If you ask me whether I used just those words at any one specified time, I should have to say no. Whatever there was between me and him, of which I have testified, grew gradually into shape.

Q. Did you state to him anything that would be construed into an agreement or promise or understanding that the case should be continued and compromised on those terms ?—A. Yes, substantially that.

Q. What did you say to him which amounted to a promise of that kind ?—A. The encouragement I gave him from time to time was that if he would offer a reasonable compromise I had no doubt it could be got through.

Q. Did you tell him that it would be or that it should be ?—A. I do not think I ever said that it should be, because I could not promise it.

Q. You had no authority to make any such promise ?—A. My idea was to assist him in trying to get a compromise. I could not promise him what the Commissioner of Internal Revenue would do, for that belonged to the Commissioner.

Q. But you told him that you would assist him ?—A. I told him not only that I would assist him, but that we would assist him.

Q. But you never promised him that his case would be compromised ?—A. I never could promise him that, because that could only be done by the Commissioner of Internal Revenue.

Q. Did you promise him, and did the leading politicians of the State promise him, that in that case his case would be continued and finally compromised ?—A. I assured him that he would be assisted by us in that matter.

Q. That they would assist him, or that you would assist him ?—A. Myself and those whom I represented. Your question spoke of the leading politicians of the State. I do not mean that I considered myself one of them, but I was connected with them. But it was not first said in that way. This thing grew along gradually.

Q. You told him that they would do it ?—A. So far as I talked with him, I led him to consider and believe that we would assist him in that matter.

Q. It was merely argumentative on your part that that would be the result ?—A. I

told him that I had some conversation with parties about it, from which I had reason to think that we would be inclined to assist him, and it was for that purpose that the case was continued, I think. It was partly, at least, with that end in view, that if he saw fit to offer such a compromise as would be acceptable, it might be accepted. But these compromises are not under the control of politicians. The law provides how they shall be made. They must come through the regular set channels, and then, perhaps, it is common for Senators and members of Congress to help to get them through.

Q. There was quite a prevailing opinion that it was best for the Government to compromise that case, and to secure something, than take the chances of a prosecution?—A. Yes.

By Mr. CARPENTER :

Q. Did you not think so, and say so publicly?—A. I thought it best, under the circumstances, to compromise the case.

By Mr. CASWELL :

Q. Did you not think it for the interest of the Government to compromise it? In other words, did you give him any promise that contravened your duties to the Government?—A. I do not know that it was, perhaps, right for me to interfere in the matter. Some things would be wrong for me, in my situation, to do, that would not be wrong for private individuals. It had been the custom to compromise all cases, and I would have considered it unjust to refuse a compromise to one of these Wisconsin distillers in a small matter, when sugar-cases in Louisiana to the amount of hundreds of thousands of dollars, and smuggling cases in New York, and whisky frauds in all parts of the country were being constantly compromised.

Q. Did you think that you would compromise a single interest of the Government in making that promise?—A. I believed that I was doing a good thing for my country in the object to be attained.

Q. You did not think that you were letting down any interest which the Government had in that prosecution?—A. To make myself more explicit, and so that I may not be misunderstood, if it had been the uniform custom to prosecute such cases to conviction or to acquittal, I should have thought it wrong for me to interfere; but the custom being the other way, I had advised Mr. Rindskopf early, when I first went to Milwaukee, and before politics got mixed up in the matter, to compromise that case. He wanted to know why and what the testimony was. I told him I was not at liberty to tell him that, but that my judgment was that it was best for him to compromise.

Q. Did you tell him anything that would compromise Senator Carpenter's position as Senator in the slightest?—A. Not in my judgment; I never have undertaken that. What I undertook to do I thought to be right, but it may turn out that I have been so thoroughly demoralized that what I thought was right was wrong.

Q. Did you consider that you were letting down your or his official position in the least in what you said?—A. No, sir; I did not.

By Mr. CARPENTER :

Q. Do you not know that during that entire fall of 1874, Rindskopf, and Goodman, and all these men said that they never would compromise their cases, because that would be a confession of guilt, and they were not guilty?—A. Yes; when I told Rindskopf, in the first instance, to compromise, he said that he would not do it, because he was not guilty. I told him that the evidence, in my judgment, would convict him, whether he was guilty or not.

Q. And he said he would not compromise, because that would be a confession of guilt?—A. For a long time that was his idea. He afterward got into a disposition to compromise.

Q. He swears that he refused to compromise. I ask you if he did not?—A. He did refuse for some time to entertain the idea.

Q. What was the standing of the Nunemachers, in Milwaukee, in the fall of 1874, as business men?—A. So far as I know, it was very good.

Q. What was the standing of Mr. Wirth, and all these men, in the fall of 1874, among business men in Milwaukee?—A. So far as I know, it was good.

Q. Mr. Samuel Rindskopf was the only man of all the liquor men who had been prosecuted at that time?—A. Except Mr. Bergenthal.

Q. Had he not been prosecuted?—A. Not yet.

Q. Rindskopf's prosecution had been pending for several months?—A. Yes.

Q. Notwithstanding that prosecution, so far as you know, was it not the public sentiment of the business men in Milwaukee that he was innocent, and that he had been improperly prosecuted?—A. I can say this, that the sympathy of the public seemed to be with him.

Q. Was it not the public sentiment that Rindskopf was improperly prosecuted by Keyes and others at Madison?—A. Yes; the public sentiment was quite general in Milwaukee, at least, that he had been persecuted rather than prosecuted. That was the general sentiment. I heard some parties dissent from it and take the other view; but I think that that was quite a general idea.

Q. At the regular democratic convention for that congressional district, was not Samuel Rindskopf nominated for Congress?—A. Yes, sir.

Q. Notwithstanding this prosecution which had been pending against him for months?—  
A. Yes, sir.

Q. Up to that time, so far as you know, was the reputation of Mr. Nunemacher, or Mr. Wirth, or these liquor men generally in Milwaukee, at all impaired in the fall of 1874?—A. Not that I know of.

Q. Was there, within your knowledge, any circumstance that would render it suspicious for me to have gone right into the street, and meeting shoemakers and blacksmiths and merchants and distillers, have asked them all alike to contribute to the campaign fund?—

A. No, sir.

Q. Was there anything to render it more improper for me to ask a distiller than to ask a merchant?—A. I think not.

By Mr. CASWELL :

Q. Was Mr. Carpenter any more likely to apply to a distiller than to a mechanic or a merchant? Did Mr. Carpenter have any connection or relation with distillers up to that time?—A. Not that I know of.

By Mr. CARPENTER :

Q. Did you ever see me in a distillery, or in a rectifying establishment?—A. No, sir.

Q. Did you ever see me talking with any one of these distillers during the fall of 1874?—A. I cannot say I did. I have some recollection of seeing you, but I cannot say whether I did or not.

Mr. CARPENTER. I can say that you did not. Do you not know that during almost all the entire fall of 1874, I was away from Milwaukee?—A. You were away a great part of the time.

Q. Did I not make thirty or forty speeches throughout the different parts of the State in the fall of 1874?—A. Yes, sir.

Q. And was most of the time away from Milwaukee?—A. Yes, sir.

Q. Do you not know that my campaign in the county of Milwaukee was intrusted to Henry Paine?—A. Henry was the leading man.

Mr. CATE. Answer the question.

Q. Do you not know that Henry C. Paine collected the funds for that campaign and disbursed them?—A. I did not know that until this investigation.

Mr. CARPENTER. Now answer the other question. Mr. Cate wishes it.

A. Mr. Henry Paine was the most active leading working republican in our division of the republican party in Milwaukee.

Q. The question is, do you not know that I intrusted to Mr. Paine the management of my campaign in Milwaukee County?—A. I can only judge of that.

Q. Do you not so understand it?—A. I think he was the moving man.

Q. Did you not call upon me repeatedly with instructions and rumors of this thing, the thing, and the other thing, when I happened to be at home for a day or two, and did I not invariably tell you to go right to Paine and tell him?—A. Yes.

By Mr. CATE :

Q. Are you willing to answer the question in the affirmative that Paine had charge of Mr. Carpenter's campaign in Milwaukee County?—A. I think so.

Mr. CARPENTER. I will swear to that most emphatically. I was out of town, and had no more responsibility about the campaign than any other man in the county. Henry C. Paine had the management of it from first to last.

By Mr. CARPENTER :

Q. Do you not know that it has been the uniform custom of both political parties in Wisconsin to raise money for campaign purposes?—A. Yes, sir.

Q. Do you not know that money was raised by the democrats in that same campaign in 1874 to elect Mr. Lynde to Congress?—A. I do not know it specifically of my personal knowledge.

Q. Were you not present when Mr. Lynde and Mr. Alexander were examined as witnesses in the slander suit brought against the Milwaukee Sentinel, when they both swore that they contributed \$1,000 each?

Mr. CATE objected to the question.

Q. Do you know of any assessment having been made on any distiller or rectifier for the purpose of a contribution to my campaign-fund in Milwaukee in the fall of 1874?—A. I do not know of my personal knowledge of any assessment being made, as I understand the word assessment.

Q. Do you know of any distiller or rectifier, who in the fall campaign of 1874 (before the November election) contributed a dollar to my campaign-fund, except Mr. O'Neill?—A. I do not, and I do not know of his doing so only from what I heard.

Q. You did not assess anything on them?—A. I did not.

Q. O'Neill was a candidate for the legislature, was he not?—A. He was.

Q. I call your attention to this negotiation about the Sentinel stock.

Mr. CATE objected to going into that branch of the subject.

After discussion, the objection was overruled.

Q. Did you not at the time of this negotiation about the Sentinel stock, understand that a portion of Mr. Thompson's stock was held by Mr. Brodhead in bank as collateral for loans to Thompson?—A. I do not know anything about it. I may have heard of it, but I did not call it to mind.

The committee here took a recess until one o'clock.

WASHINGTON, D. C., June 28, 1876.

DANA C. LAMB sworn and examined.

By Mr. CARPENTER :

Question. State your residence and occupation.—Answer. I reside at Fond du lac, Wisconsin. I am railroad commissioner of the State of Wisconsin.

Q. How long have you lived in Wisconsin?—A. Thirty years this fall.

Q. What are your politics?—A. Republican.

Q. Have you been always an active party man?—A. Perhaps so.

Q. Have you a pretty general knowledge of the mode and manner of carrying on political campaigns for the last 10 or 15 years?—A. I have.

Q. What has been the practice with both parties in regard to raising funds?—A. Each party has ordinarily raised a campaign fund for the purpose of carrying on the campaign, especially the presidential campaign.

Q. Has a campaign fund also been raised for State campaigns?—A. It has been.

Q. Have you knowledge of its being raised for a judicial election?—A. I never have.

Q. Do you recollect the campaign of 1874?—A. I do.

Q. Were you a friend of mine in that election?—A. I was.

Q. Were you at Madison during the voting?—A. I was.

Q. Were you prominent and active among my friends, and in full communion with me?—A. I was as active as I could be.

Q. You were in full communion with myself and my chosen friends there?—A. I was.

Q. Relate now what took place on one occasion, when you and Mr. Towne came to my room and communicated to me what had been communicated to you in regard to the purchase of votes enough to secure my election.—A. In the Park Hotel at Madison, I met Mr. Towne, and told him that a proposition had been made to me by a democrat to control eight votes.

Mr. CATE objected to this line of testimony, and desired that the testimony should be confined to the purpose named in the resolution. He said that no charges had been made about the purchase of votes in Madison, and it was not designed that the inquiry should extend beyond the internal-revenue frauds in Milwaukee.

Mr. CARPENTER stated that this investigation had been started for the benefit of a set of blackguards outside of Milwaukee, in the State of Wisconsin. They had started it from personal malice toward himself and Mr. Keyes, and he proposed to give them enough of it. The innuendo was that he had been a member of the whisky-ring, that he was too poor to bribe anybody himself, but that he could not be elected without bribery, and that so he had levied on the whisky-ring, with the consideration that if they should contribute money they would be allowed to run crooked so long as he was in the Senate. He wanted to show by the testimony which he offered (which was the strongest circumstantial proof) that that theory was untrue; that he did not wish to use any money for such a purpose, and that if he had wished to do so he could have been elected to the Senate for \$3,000. He offered to show that it had been in his power to have bought his way back to the Senate with \$3,000, and that he had put his foot down on the proposition three or four times.

Mr. CATE objected to the line of testimony, stating that he had gone into the inquiry under the supposition that it would be limited to the terms of the resolution.

Mr. CARPENTER called for the reading of the resolution and it was read.

Mr. CARPENTER remarked that the resolution was not so broad and comprehensive as a great many things about it, but that testimony had been taken, which had been published all over the State of Wisconsin, with the object of showing that some members of the Wisconsin legislature had been fixed to vote for him. If Mr. Cate had been held to the letter of the resolution, he, Mr. Carpenter, could not have been involved in the inquiry at all, for he was not an officer of the Government, and the resolution applied to officers of the Government. He had taken up the other morning a copy of the Baltimore Gazette, and had seen in glaring capitals the heading "Mat Carpenter caught." He had then looked down through the paragraph and found that his name did not occur in it at all, and that the paragraph had no reference whatever to him. He wanted to have something put in besides the head-lines. The head-lines published throughout the country were that he was under investigation, and this had survived all the slander that had been poured upon him by the Western press for the last two years. He wanted to stop this. He could put in all the testimony he desired

to in four or five hours, and he appealed to the committee to give him the privilege of doing so, as an act of simple justice.

Mr. McCRARY, (acting as chairman.) There has been some testimony (I do not know how much) tending to show that some improper use of money was made in connection with the senatorial election, but I understood Mr. Cate to say a while ago that he would admit that no such improper use of money was made.

Mr. CASWELL. Still, that might satisfy the public mind.

Mr. CATE. I do not care about the public mind. This question was raised on the first day of the examination, and was determined by the committee against the proposition. We have acted on that decision, and, therefore, we are not prepared to meet the issue raised.

Mr. CARPENTER. Take your time and we will wait for you.

Mr. CASWELL [to Mr. Cate.] I gave you notice that you were opening the door to a whole flood of witnesses.

Mr. McCRARY. It is difficult to say what the rule is in investigations before committees of Congress. I am inclined to say, however, that if Mr. Cate will have an entry made on the record, first, that there is no charge of any improper use of money at Madison, and second, that when such a suggestion was made to Mr. Carpenter, he refused to permit any such thing to be done, then the witnesses on that branch of the subject need not be examined.

Mr. CATE. That entry may be made.

Mr. CARPENTER. We claim to make this proof as a direct contradiction of the theory that I was in the whisky ring, and was collecting money from it in that campaign. If Mr. Cate will make one further admission—that he abandons all charges or claims against me of having been in any way interested in, or connected with, the whisky ring in Milwaukee, at any time while I was in the Senate, I will make a low bow to the chair and retire.

Mr. CATE. What the fact is, I do not know, but I will say that I have no evidence that you were personally connected with the whisky ring, or that you were cognizant of the violations of the law that were continually going on there. I have no evidence of it from any source, and I will say so at any time. We are not complaining so much of you as we are of those other men who were engaged in the violation of law, of whose situation advantage was taken to collect money from them.

Mr. CARPENTER. Let me ask Mr. Cate this one question: Does he complain of me for anything?

Mr. CATE. I do not make any personal complaint against you.

Mr. CARPENTER. Is this investigation designed to establish anything against my character or reputation?

Mr. CATE. I am merely an instrument in the hands of the Legislature to carry this investigation along.

Mr. KEYES. What legislature?

Mr. CATE. I mean in the hands of Congress. I have no evidence before me of any improprieties on the part of Mr. Carpenter; none whatever. I said so at the start, but we have official knowledge (from Mr. Keyes for one) that this money was being collected from persons who were violating the law, and which Mr. Keyes had reason to believe was paid as hush-money. It is the collection of the money we are complaining of. We know that it was paid as hush-money.

Mr. CARPENTER. That is an admission so qualified that it is of no value, and, therefore, I want to go on with my proof. I can stop this nonsense, if I have the privilege of examining a few witnesses. Mr. Keyes is charged with having been my friend in the campaign, as he was, and with having managed the canvass in my interest; and Mr. Cate claims now that Mr. Keyes received this money with the knowledge that it came to him as hush-money.

Mr. McCRARY. I am inclined to give you the privilege of putting in your testimony, unless a satisfactory admission is made on the other side.

Mr. CARPENTER. That admission is not satisfactory.

The examination of the witness was suspended for the present.

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WASHINGTON, D. C., June 28, 1876.

EDWARD SANDERSON sworn and examined.

By Mr. CARPENTER:

Question. Where do you reside?—Answer. Milwaukee.

Q. What are your politics?—A. I am a republican.

Q. How long have you resided in Milwaukee?—A. Twenty-eight years.

Q. Have you been familiar with the mode of carrying on political campaigns in Milwaukee for the last twenty years?—A. I have been.

Q. Have you been a contributor to campaign funds?—A. Always.

Q. Have there been, at every election in Milwaukee, funds raised for that purpose?—A. Always.

Q. Has there been anything, to your knowledge, about the campaign in 1874 that was exceptional?—A. Nothing.

Q. Were you a friend of mine?—A. I was.

Q. How near do you live to me?—A. Our residences are about eighty feet apart.

Q. Have we been always good friends?—A. Always.

Q. Intimate in our relations?—A. Perfectly so.

Q. Both our families and ourselves?—A. Always.

Q. You have been a warm friend of mine in the canvass?—A. Always.

Q. You went to Madison in 1875?—A. Yes.

Q. You staid there during a large part of the contest?—A. Yes; with the thermometer 20 degrees below zero.

Q. Do you recollect, on the night after we heard in our room that a combination had been effected between the bolters and the democrats, and that Mr. Cameron was to be elected on the first ballot next morning, what was communicated to us by you and Mr. Angus Smith, when you called me into the hall and consulted me? State all about it.—A. About 12 o'clock that night Mr. Angus Smith came into the room where there were thirty or forty of us, and said that he had just come from Charley Larkin's room and Mr. John Mitchell's, and that he knew the whole thing about the matter and could give the bottom facts. He went on and stated the whole thing in detail just as it was completed. I mean the combination and coalition. He then made the remark, "So far as that is concerned, that is the end of it. Mr. Carpenter is beaten, and we can go home unless we do the other thing." He was under great excitement, and he asked me to go out into the hall with him. I went out into the hall, and he said to me, "Now, we are beaten; we are going home beaten, and of course you know how badly we all feel. There is just one other thing to be done. We can elect Mr. Carpenter for a small sum of money." Said I, "Hold on; I will go in and get Mr. Carpenter himself," and I went and got you. The three of us then talked the matter over among ourselves for some five minutes. I remember you stating two things—I never shall forget it. In the first place you said that you could not afford to have in our State a Kansas investigation—that you could afford to be defeated, but that you could not afford to be disgraced. We all agreed that no money should be used for any improper purposes, and that if you were beaten we could stand it.

Q. Have you had any conversation with Mr. Brodhead in relation to Mr. Keyes?—A. I have.

Q. Where?—A. In front of the Newhall House, Milwaukee.

Q. How long ago?—A. About two weeks before the Cincinnati convention.

Q. State what it was.—A. Mr. Brodhead knew that I was a delegate to the convention, and that Mr. Keyes was also a delegate. I met Mr. Brodhead and Mr. Spencer walking down that way and I joined them. Mr. Brodhead asked me who I was going to support at the Cincinnati convention. I said, "My opinion is that we had better nominate Mr. Bristow." He said, "I think so, too." "But," said I, "I do not know that I can vote my own feeling. Keyes will be there, and I suppose I will have to do as Keyes said. He runs the machine." Mr. Brodhead made the remark to me, "Mr. Keyes will not go to the Cincinnati convention." "O, yes," said I; "he will; he will probably be chairman." Mr. Brodhead walked off ten or fifteen steps, turned around and shook his finger this way, [indicating,] and said, "I tell you that Mr. Keyes will not go to the Cincinnati convention;" and he went off and left me.

By Mr. CATE:

Q. Do you know anything about the collection of any money in Milwaukee from whisky-men?—A. No, sir.

Q. Do you know anything about the disposition of any money that was collected from them?—A. No, sir.

By Mr. CARPENTER:

Q. What is your business?—A. I am a miller.

Q. What is the ward in which Mr. Van Schaick was elected?—A. The First ward.

Q. Do you recollect whether you signed a letter calling upon John W. Carey to run as an independent candidate?—A. I did.

Q. Was Mr. Van Schaick elected?—A. He was.

Q. How were funds raised to carry on that campaign in the First ward?—A. I drew my check for them.

Q. For how much?—A. I never told you.

By Mr. CATE:

Q. Where did the money come from?—A. From Mitchell's Bank.

Q. It was not levied from any particular class of persons in Milwaukee?—A. I did the levying.

Q. Where did you get it?—A. It was my own money. I drew my check on the bank for it.

Q. It had nothing to do with distillers, rectifiers, or others in Milwaukee?—A. No, sir.

By Mr. CARPENTER:

Q. What was the amount?—A. It was over \$3,000.

Q. Do you know what Mr. Brodhead meant by his oracular declaration that Keyes would not go to the Cincinnati convention?—A. He did not say, but I interpreted it to mean that Keyes would be indicted, and consequently could not go.

Q. Had that thing been talked of and threatened as a thing which would prevent his going to the convention?—A. Yes, sir.

Q. That Keyes would not go?—A. Yes, sir.

By Mr. CATE:

Q. Did you ever hear Brodhead say anything in reference to Mr. Keyes being indicted?—A. No, sir.

Q. How long was that before the Cincinnati convention?—A. Two or three or four weeks.

Q. And you inferred, from Mr. Brodhead's statement, that some coercive measure would be brought to bear on Keyes to keep him from going to the convention?—A. Yes, sir.

Q. Did Brodhead ever give you any right to draw that inference?—A. No, sir.

Q. What was to be done with the \$3,000 that you gave your check for?—A. I cannot tell you how it was expended.

Q. It was spent for campaign purposes?—A. Yes, sir.

Q. Have you been in the habit of contributing such sums heretofore?—A. No, sir.

Q. What was the urgency of such a contribution at that time?—A. Because I wanted to have my brother-in-law elected to the legislature.

Q. Why were you so anxious that he should be elected to the legislature?—A. Because he was going to support Mr. Carpenter.

Q. Then this \$3,000 was given for the purpose of forwarding Mr. Carpenter's election to the Senate?—A. Yes. If I want to elect a man I will do it if I can.

Q. Do you generally think, in Milwaukee, that money is what makes the mare go?—A. We know it.

Q. Is it not a fact that these elections in Milwaukee are carried by the mere force of money?—A. Money is always used there very largely by both sides.

Q. This was an extraordinary sum which you contributed; was it your intention that you would buy the election of your brother-in-law to the legislature with money?—A. No, sir.

Q. You said a while ago that it generally puts men in.—A. It generally takes money to carry elections.

Q. Do you think that your \$3,000 had considerable influence in effecting the election in that ward?—A. I do not know. My brother-in-law got nearly all the votes in the ward.

Q. Is it commendable to give out the idea that you carried an election by the use of \$3,000?—A. You have asked for the facts, and I have given them to you.

Q. And the inference is such as I have stated?—A. I do not say that it is commendable. I do not swear to anything of that kind.

By Mr. CARPENTER:

Q. What was understood to be the means of influencing the votes for Mr. Carey in that election?—A. I know that money was offered freely. I was told that hundreds of dollars were offered. I was told, and I believe, that Mr. Hinsey was up in that ward with \$1,000. Hinsey was the representative of the Saint Paul Railroad Company.

Q. Was it not a common report in Milwaukee in that campaign that Mr. Carey was authorized to draw his blank checks on the Saint Paul Railroad Company, in order to carry that ward?—A. It was stated around that they could have all the money they wanted.

Q. Do you not know that it was said by the Saint Paul men that they would defeat Van Schaick at all hazards?—A. Yes.

Q. And they were using money freely?—A. I know they were.

Q. Do you not know that on election-day, and at the polls in that ward, offers were made to voters as high as \$50 to vote for Carey?—A. I did not see anything of the kind. I did not see any man bought with money, nor do I know, of my own knowledge, that money was given to buy any man's vote.

Q. Was it not so reported?—A. I heard it, but I know nothing of it.

By Mr. CATE:

Q. Was it not the general understanding at the election that the Carpenter men had the most money in that election?—A. I do not know how that may be. There was a good deal of money spent in that election on both sides.

Q. Do you not believe that the money was spent in saloons, and that no man's vote was bought?—A. That is the way the money is spent, of course.

Q. What did you say about Mr. Hinsey?—A. I said that Mr. Hinsey, who was not a resident of the ward, was up there the whole day for a week before the election, and had a large amount of money with him, and had disbursed a great deal of money to the saloons; at least. I supposed he did.

Q. Did you hear anybody else say the election was carried with money?—A. I never heard it.

Q. You spoke about your determination to elect your brother-in-law, and that when you went in for an election you generally came down with money?—A. I did not say that.

Q. Do you want us to understand that the election in that ward was carried for Mr. Van Schaick by money?—A. Not any different from the way in which all elections are carried.

Q. Are all elections in that ward carried by money?—A. They are, in all the wards of the city.

By Mr. CARPENTER:

Q. Are not the voters in that ward generally democratic?—A. They are, all but one or two.

Q. Mr. Carey was the attorney of the Saint Paul Railroad Company?—A. Yes; and had been for years.

Q. He was identified with the interest of that company, and was known as their man?—A. Yes, sir.

Q. What was Hinsey in connection with the company?—A. He was the company's detective.

Q. And it was understood that they were up there trying to carry that ward by cash?—A. Yes, sir.

WASHINGTON, D. C., June 23, 1876.

WM. L. HOAG sworn and examined.

By Mr. CATE:

Question. Where do you reside?—Answer. In Waterloo, Wisconsin.

Q. How long have you resided there?—A. About twelve years.

Q. Do you hold any office under the General Government?—A. I did six years ago; I was then revenue assessor.

Q. In what year?—A. I have forgotten the precise year, but it was under Andrew Johnson.

Q. Not recently?—A. Not recently.

Q. Are you acquainted with E. W. Keyes?—A. Yes.

Q. And with S. J. Conklin?—A. Yes.

Q. How long have you known Mr. Conklin?—A. I have known him for sixteen or eighteen years, I think. I have known him intimately for the last eleven or twelve years.

Q. How long have you known Mr. Keyes?—A. I have known Mr. Keyes by sight for a good many years, but I have had no personal acquaintance with him until since this trouble of Mr. Conklin.

Q. You know of the fact that Mr. Conklin was arrested on some charges affecting the revenue law?—A. Yes.

Q. You also know that he went off to Canada?—A. Yes.

Q. After he went to Canada did you have any communication from him in regard to his business?—A. Yes, I often had.

Q. Did you have one communication from him in which he requested you to see Mr. Keyes?—A. Yes; I have had several, I guess.

Q. Have you any of these letters with you?—A. No.

MR. CASWELL. We ought to have those letters.

Q. What did he desire you to do in his behalf?

(MR. CASWELL objected to the question.)

Q. Did he in those letters request you to do something for him?—A. He requested me to go and see Mr. Keyes.

Q. Did you go and see Mr. Keyes?—A. I did not go on purpose to see him, but I met him on the train and by the train.

Q. Did you have any conversation with him with reference to Mr. Conklin?—A. Yes, sir; several times.

Q. With reference to Mr. Conklin's going to Canada and his possible or probable return?—A. Yes.

Q. State whether at that time Mr. Keyes told you that he had advised Mr. Conklin to go to Canada after his indictment?—A. I cannot state it in just those words.

Q. State the conversation you had with him as near as you can.—A. In the first conversation I had with Mr. Keyes he told me to tell Mr. Conklin or write to him to keep quiet; that the excitement was too high to try to do anything for him for the present. He said that a straw's weight of evidence would weigh more now than a ton of facts would in ordinary times, and that he could not do anything then.

Q. That Mr. Keyes could not?—A. Yes. That was the first conversation that I had with him in regard to Mr. Conklin.

Q. If you had any other conversation, tell it.—A. The next conversation, or the next but one, (I do not know but that there was one between those two: I will not be certain,) I was on the train, between Waterloo and Watertown, on my way to Waterloo. Mr. Rider was with me. Mr. Keyes came and sat down on the seat beside me and we were talking of Conklin. I do not know how it commenced exactly, but, any way, I said to him in regard to Mr. McKenney that I thought he was trying to pull himself up on somebody else's downfall, or something like that, and I said that it looked so, he was acting a little mean, or something of that sort. He said he had to work very hard with Mr. McKenney to get him to put Mr. Conklin's bail down to \$3,000.

Q. How much did he say that Mr. McKenney wanted to put the bail at?—A. \$5,000.

Q. And Mr. Keyes said that he had induced him to put it at \$3,000?—A. He said he had to work very hard to get him to put the bail down to \$3,000.

Q. Did he say anything in that conversation about the circumstances of Conklin's going away, and that he (Keyes) had advised him to go, and that the advice was good?—A. No, I think not. I think that was the next conversation.

Mr. CATE. Get through with the second conversation now.

The WITNESS. I do not know that there was anything particular in regard to that, any more than that he must keep quiet for the present; that he (Mr. Keyes) could not do anything until after the excitement blew over; that there was too much agitation for the present to allow anything to be done.

Q. What was the next conversation?—A. On the occasion of the next conversation I saw Mr. Keyes at the cars in Watertown—at the junction. I spoke to him and told him that I had had letters from Conklin wanting me to see him, (Keyes,) and that I had been busy and could not do it, or something to that effect. I told him that Mr. Conklin had written me a letter in regard to what he wanted, but I had not the letter with me to show him. I asked him if he was not going to do something for Conklin, and he said he was, just as soon as the thing blew over, so that he could accomplish something. I asked him how long he thought Conklin would have to wait before he could do something, and he said to stay where he was until after the presidential election; that the excitement was so high that everybody had to stand on their own bottom now, and that he could not do anything. Before I went away I said to him, "Mr. Keyes, how soon will you go to work?" Said he, "Right after the presidential election." He said, "There is no doubt that we can get him out all right." "Well," said I, "will you go to work then and do it?" His answer was, "You bet your guts I will."

Q. In this conversation did Mr. Keyes say as to what advice he had given Conklin?—A. He did not say directly in regard to that, but that the only thing he could do was to go away—that he could not have justice done him if he were tried then.

Q. Did he not tell you that he advised him to go?—A. Well, not in so many words. I would not say that he did, but the inference to be drawn from it was that he had, because he said there was nothing for him to do but to go, as he could not have a fair trial then, the excitement was so high.

Q. When was that conversation?—A. I can't give you the exact time, but I think in January or February. The last conversation, I should think, was in March or about the 1st of April, but I cannot tell exactly, as I have no dates.

Q. Did you put any question to him on that occasion?—A. I presume I did, several, but I do not remember.

Q. I wish to inquire whether you said to him, "Now, Keyes, if Conklin will stay in Canada until after the presidential election will you take hold and get him back?"—A. I have already sworn to that.

Q. What was his reply to it?—A. He made the reply I have stated—"You bet your guts I will."

By Mr. KEYES:

Q. You say you saw me on the cars?—A. Yes.

Q. How many times?—A. I have seen you four or five times.

Q. At what time?—A. Well, the first time I saw you was soon after Mr. Conklin was arrested. We had some little talk. I was going to Waterloo, and we both got on the train at Milwaukee. Nothing particular occurred at that time. The next time I saw you was at Watertown, by the cars or on the cars—by the cars, I think. The next time I saw you—I do not know but that I might have seen you once between these two times that I have spoken of—but the next time I saw you, that I recollect distinctly about, was the time that Mr. Rider and I were on the train.

Q. You met me occasionally on the train coming to or returning from Milwaukee?—A. Yes.

Q. Have you been for some time past Mr. Conklin's special agent?—A. I have been his special business agent in a measure, perhaps—the special agent for his business because of his being indicted, &c.

Q. Did you visit him in Canada?—A. Yes.

Q. How many times?—A. Once.

Q. Only once?—A. Only once.

Q. You have been in frequent conversation with him?—A. Yes.

Q. And he with you ?—A. Yes.

Q. You have written letters back and forth ?—A. Yes.

Q. When was the time that you visited him in Canada ?—A. I am inclined to think it was in January, 1876, but I am not positive about it.

Q. As to this conversation which you have stated as having taken place between you and me, did you not institute that conversation ? Did you not put those questions to me ? Did you not ask whether I would or would not, under any circumstances, do anything for Conklin ?—A. I might have done so, perhaps, although I think that as to the first time, you came to me, as we stood on the steps at Watertown, by the cars, and asked me if I had heard anything from Conklin, and then we went on to speak about him.

Q. Don't you know that you instituted those inquiries yourself, and first led up to the subject ?—A. The last time I think I did.

Q. Did you not every time ?—A. I think not, sir. The last time Mr. Conklin had written to me very urgently, and I think likely that I commenced the conversation, but as to the first time I recollect distinctly of your commencing it, and asking me if I had heard from him lately.

Q. Do you remember telling me, in one of those conversations, how indignant you were with Mr. Carpenter, and how contemptuously you said he had treated you ?—A. No ; I did not say that he had treated me contemptuously.

Q. What did you say ?—A. I said I thought he spoke of Mr. Conklin in rather a bad manner.

Q. Where was that ?—A. At his office.

Q. Did you make a bitter complaint to me at that time of the manner in which Mr. Carpenter spoke to you ?—A. No ; I do not know that I made any complaint ; I said he talked differently from the manner in which I supposed he would ; they had always been great friends, and I was surprised, I admit, when Mr. Carpenter spoke as he did ; I was very much surprised. I recollect your answer to that, too.

Q. What was it ?—A. Your answer was that it was just like Mr. Carpenter exactly ; that sometimes he was good friends with you, (Mr. Keyes), and sometimes he was not ; that just at that time you were quarreling a little, and it would be just like him, (Mr. Carpenter,) to speak in that way.

Q. This was after Mr. Conklin had been arrested and had run away, was it ?—A. Yes.

Q. You say you were on Conklin's bail ?—A. Yes.

Q. The first time ?—A. No. The first time he got bail for three or four days. Somebody in Milwaukee went his bail then.

Q. Do you know any of the distillers in Milwaukee ?—A. I have seen Mr. Wirth two or three times ; I know him by sight. I guess he is about the only one of the distillers that I really do know.

Q. Did you have any conversation with Wirth since Conklin's arrest ?—A. Yes.

Q. Did you have any conversation with Rindskopf ?—A. I did but little—a word or two, but not to amount to anything.

Q. Which Rindskopf was that ?—A. Louis, I think.

Q. Did Mr. Conklin give you a commission to execute for him, or an inquiry to make of these distillers for him or a request to do something for him ?—A. Not that I know of. If you can suggest what it was, perhaps my memory would be refreshed.

Q. Did you go to them on one occasion from Mr. Conklin ?—A. I do not know but that I did once go to Mr. Wirth and try to sell him Mr. Conklin's farm. I think I did.

Q. Did Mr. Conklin instruct you to do that ?—A. Yes ; he said he wanted to sell his farm, and he said he thought perhaps Mr. Wirth would buy it.

Q. This was Mr. Wirth, then, to whom you went ? Did you go with the same mission to Mr. Rindskopf ?—A. Not at all.

Q. Did you go with the same commission to another distillery in Milwaukee ?—A. No.

Q. What was the commission that you went to Mr. Wirth for, and in behalf of Mr. Conklin ?—A. It was to try and sell him Mr. Conklin's farm.

Q. Did you not make a demand of Mr. Wirth that he buy Mr. Conklin's farm ?—A. I did not make any demand in regard to it.

Q. Did you not intimate that it might be to the interest of Mr. Wirth to buy Mr. Conklin's farm ?—A. Well, I don't know.

Q. I want to know whether you did or not.—A. I cannot tell for the life of me whether I did or not ; I know that I asked him if he wanted to buy it.

Q. Was it not the fact that you were instructed by Mr. Conklin to go to Mr. Wirth and other distillers, in Milwaukee, to demand of them that they buy Mr. Conklin's farm ?—A. No, sir ; it is not a fact.

Q. What did you go to them for ?—A. Just as I tell you, I only went to Mr. Wirth and asked him if he did not want to buy Mr. Conklin's farm. I told him that Mr. Conklin had said to me that he thought Mr. Wirth would buy it, and that Mr. Conklin was very anxious to sell it.

Q. Why did you go to Wirth ?—A. Because Mr. Conklin told me to go to him.

Q. What did he tell you especially to do when you went to Mr. Wirth—what did he tell you to say to him ?—A. He told me to try to sell him his farm.

Q. Were did you meet Mr. Wirth?—A. I met him in Milwaukee, at the Plankington House, but I could not tell you exactly the time.

Q. Whom else did Mr. Conklin tell you to go to on this subject?—A. I do not know that he told me to go to anybody. If he did I did not go to anybody else. I am inclined to think that he did not tell me to go to anybody else.

Q. How came he to tell you to go to Wirth?—A. That I could not tell you.

Q. What reason did Mr. Conklin give to you to show why Wirth probably wanted to buy the farm?—A. He gave as a reason that he thought Mr. Wirth was perfectly able, and would just as soon put some money in a farm as not. That was all.

Q. What did Mr. Wirth say?—A. He said that he could not buy it; that he was poor, and had not any money to put into a farm.

Q. I will ask you again, did you not go to Mr. Wirth at the request of Conklin, and demand that he (Wirth) buy Conklin's farm?—A. No, sir; I did not make any such demand at all; but I tried to sell him the farm, as I said before.

By Mr. CATE:

Q. Just as you would to any other man?—A. Just as I would to any other man to whom I was sent.

By Mr. KEYES:

Q. Did you try to sell it to any other man in Milwaukee?—A. Not that I know of.

Q. Do you say that you went to no other man in Milwaukee to sell this farm?—A. I think not. He was the only man that I was acquainted with.

Q. How long had you known him?—A. I had not known him more than a month or so.

Q. How many times had you seen him?—A. I had met him, perhaps, half a dozen times. I did not know any of these men until after this thing occurred.

Q. Is that the reason you went to Wirth, because he was the only man you knew?—A. I went to Mr. Wirth because Mr. Conklin told me to go to him; he said that he had money, and would just as soon put it in a farm as not, and that he (Conklin) would like to sell his farm.

Q. Did you not understand that the reason why Conklin sent you to Wirth was because of friendly relations of a peculiar character existing between them?—A. No; I did not understand anything in regard to that. I knew, or supposed, however, that they were on friendly terms.

Q. Did you not think so?—A. No; I did not think anything about it. As I have told you, Conklin said that Wirth was a man who had plenty of money, and would just as soon put a part of it or some of it in land as not, and as he (Conklin) had a good farm and wanted to sell it, he told me to go to Wirth and see if he would not buy it. I did so, and Mr. Wirth said he could not buy any farm—that he hadn't got any money; that he was poor.

Q. You say this conversation occurred somewhere near the Plankington House?—A. Yes; it was in a building, but I cannot tell the precise place. It was on a street right near by that house.

Q. Did you have more than one conversation with him in regard to that?—A. I don't think I did. I might have had more than one, but I think not.

Q. Did Mr. Wirth at first give some encouragement that he might possibly buy?—A. No, sir; at the very first he said he had not any money; he was poor.

Q. Did you not understand that the reason why Conklin wanted you to go to him was because of friendly and intimate relations which had existed between them in reference to revenue and whisky matters?—A. No; I understood it to be simply and distinctly that Wirth was a man of means and I supposed that he had plenty of money, from what Conklin said, and would just as soon put some of it in a good farm as not.

Q. There were other men of means in Milwaukee, were there not?—A. I suppose so.

Q. Why did you not go to them?—A. Because I was not directed to.

Q. You went there because you were especially directed to?—A. Yes; and he would not buy it. Then I went home, and sold out a part of it to another man in the neighborhood.

Q. Did Conklin write to you on the subject?—A. No; he told me.

Q. Did he ever write to you on the subject?—A. I presume he has done so, but I do not remember especially.

Q. Don't you remember that he did write to you in reference to selling the farm to Wirth?—A. No; I do not know that he has ever written to me in regard to selling it to Wirth, but he has written to me in reference to selling the farm at some time.

Q. Did he write to you with reference to selling the farm to any other members of the whisky ring in Milwaukee?—A. No, sir.

Q. Then he never wrote to you asking you to try to sell it to anybody but Wirth?—A. Never that I know of.

Q. What did you ask for the farm, or was there any price mentioned?—A. Yes; I think he asked \$9,000 or \$10,000.

Q. Did you not say to Mr. Wirth that you thought it was his duty to buy Mr. Conklin's farm to furnish him means in his temporary residence?—A. No; I do not think that I did.

Q. Will you swear that you did not?—A. Why, I do not think I did.

Q. Will you swear that you did not say that?—A. I have not any recollection of saying that.

Q. (Question repeated.)—A. I can only swear as I have done.

Q. (Question repeated.)—A. I can only swear this, that I have no recollection of saying anything of the kind to him.

Q. Might you not have said that to him?—A. I don't think I could have said it.

Q. I want you to answer that question.—A. I don't think I did. I don't think that I ever said it to him.

Mr. CATE, [to the witness.] You can answer it in your own way—that to the best of your knowledge and recollection you did not.

The WITNESS. To the best of my knowledge and recollection, I certainly did not say any such thing.

By Mr. KEYES :

Q. What time did you say that you went to see Mr. Wirth?—A. It was after I came back from Canada, but I could not say exactly when.

Q. What time did you go to Canada?—A. I think it was in January, but I am not positive.

Q. That was before any trials in Milwaukee?—A. It seems to me that they were having some trials in Milwaukee when I went there.

Q. The fore part of January, was it not?—A. I cannot tell; I have no recollection about it.

Q. What do you think—was it not the fore part of January?—A. I cannot tell you.

Q. How long had Mr. Conklin been in Canada?—A. I cannot tell you.

Q. Do you know anything about this matter?—A. Yes; but I never expected to be sworn or called up in any shape about it.

Q. Do you not know that it was the fore part of January when you went there?—A. I really cannot swear that it was the fore part of January, or even that it was exactly in January. If I were to die I could not say.

Q. Do you not know that it was before the general trials had commenced in Milwaukee?—A. I think, now, upon consideration, that there were some trials in Milwaukee at the time I left, but I am not positive.

Q. Was it not a long time prior to the breaking up of the whisky ring in Milwaukee, resulting from certain convictions?—A. I think it was before that, but I cannot say with certainty.

Q. Did you not say to Mr. Wirth that it might be to his interest to have Conklin remain in Canada?—A. No, sir; not to my recollection.

Q. Will you swear that you did not?—A. No, I would not; but I say to the best of my recollection I did not.

Q. If Mr. Wirth had not been in the whisky ring, would you have gone to him?—A. I would not have gone to him if Mr. Conklin had not told me to.

Mr. KEYES. That is not answering the question.

The WITNESS. Well, I cannot answer it in any other way, because there was no other reason for my going to him.

Q. Can you remember whether you have a letter from Mr. Conklin in your possession wherein he speaks of this matter of selling the farm to Wirth?—A. I do not know. I may have such a letter. I do not wonder at all if I do.

By Mr. CARPENTER :

Q. Have you got any letters of his here?—A. No, not a letter.

By Mr. CASWELL :

Q. How far do you live from Milwaukee?—A. Fifty-four miles, I think, by railway.

Q. Did you go into Milwaukee expressly on this business?—A. I did not go in expressly for that.

Q. Did you go in expressly for this business at that time?—A. I cannot tell you whether I did or not.

Q. Did you have any other business in Milwaukee?—A. Yes; I was in Milwaukee frequently.

Q. I do not mean at other times, but at this time that you went to see Wirth?—A. I do not know. I was in Milwaukee frequently all the winter and spring on business of my own. Whether I went in at this time expressly for that, or whether I went in on other business and saw him at the same time, I cannot now tell you.

Q. There was a mortgage on that farm, was there not?—A. Yes.

Q. Did you not go to Louis Rindskopf or Mr. Wirth and tell them they must pay off that mortgage or Mr. Conklin would come home from Canada and testify against them?—A. No, sir; I did not—most emphatically.

Q. Did you ask them to pay off the mortgage at all?—A. I did not

Q. Did you say anything to them about paying off that mortgage?—A. Not that I know of. I know I never made any such request that you speak of.

Q. You had no knowledge of it nor suspicion of it until the stroke came?—A. No, sir; we were, of course, always somewhat suspicious of all distillers, and watched them as closely as we could.

Q. What I mean is that you knew of no fraud there, no bribery or corruption of your subordinates, up to May, 1875?—A. None whatever.

Q. This stealing from the Government, as it is called, was mostly done after the first day of April, 1875, was it not, as the testimony discloses?—A. The most of it was done from the 1st of January, 1875, down, but had not really broken loose upon us till March and April, at the time the tax was raised. The question was agitated about raising the tax, and then the thing seemed to have all broken loose.

Q. That was after the senatorial fight in Madison, was it not?—A. Yes.

Q. The heaviest frauds there, as the proof now shows, were committed in March, April, and May, were they not?—A. I believe they were.

Q. And before the seizure on the 10th of May?—A. Yes.

Q. That was after I was out of the Senate, was it not?—A. Yes; you went out, I understand, on the 4th of March. I think the evidence shows that, as to frauds, the months of March and April were the worst.

Q. So far as you know, from all the investigation and evidence, was there any considerable stealing going on during the fall of 1874, or during that year?—A. From what has been developed and confessed, they were stealing that fall to some extent.

Q. To no considerable extent as compared to what took place afterward?—A. Not to so large an extent.

Q. The thing seemed to break loose after I left the Senate, did it not?—A. Largely after that.

Q. Were you one of my friends and supporters for re-election?—A. I was.

Q. Were you pretty active in the scene?—A. Yes.

Q. Before proceeding with this line of testimony I will ask you whether, at one time, a rumor did not get abroad that an effort would be made to have you removed, and some other appointment made, a year or two before?—A. Yes.

Q. Who at that time recommended to me that you should not be removed—did Judge Dyer?—A. Yes.

Q. Did Mr. Phillips?—A. Yes.

Q. Who else?—A. Mr. Baker, Judge Allen, General Hamilton. I do not know whether General Hamilton spoke to you about it, but he wrote to the President.

Q. There were various other parties, also, who advocated your retention?—A. Yes.

Q. Some of whom are these gentlemen that you mention—the leading republicans of the county of Racine?—A. Yes.

Q. Judge Dyer is a leading republican judge of the State?—A. Yes.

Q. Mr. Phillips had been State senator?—A. Yes.

Q. And they all wrote to me remonstrating against your removal and insisting upon my standing by you, did they not?—A. Yes; Colonel Utley, the postmaster, did the same.

Q. In this campaign of 1874, in which you say you were my friend, and actively so, were you in my office almost every week?—A. I think I was, as often as once a week.

Q. Talking over the situation of things, and as to what could be done and should be done—as two friends consulting about a political campaign?—A. Yes.

Q. Have you ever heard or did you ever suspect or believe that any distiller or rectifier or whisky man engaged in the manufacture or rectifying of whisky in Milwaukee ever contributed a cent to my election—I mean to the campaign fund—previous to November, 1874?

Mr. CATE. [To the witness.] Have you any knowledge on the subject?

A. No, sir; no direct knowledge on the subject. I never collected one cent of any whisky man in Milwaukee myself, nor has one cent been paid to me directly or indirectly, except in the payment of taxes. I never was offered any money, and never received any except in payment of taxes.

Q. Were you in Madison during the contest there?—A. I was.

Q. Did you hear or know of any proposition ever made to me or my friends for votes which could be purchased for a pecuniary consideration?—A. I merely heard the rumor. I heard that such propositions were made; that is about all.

Q. Did you have any conversation with me on the subject as to whether I would or would not consent or listen to any such proposition?—A. I believe not.

By Mr. CATE:

Q. You have never been indicted for violating the revenue law, have you?—A. Yes, sir.

Q. What was the result of it?—A. An acquittal.

Q. You had a trial and were cleared?—A. Yes; and another indictment was found, which is now pending. The trial was put over until the 1st of October.

Q. You plead to it, did you?—A. Yes, sir.

Q. "Not guilty"?—A. "Not guilty," of course. The charge is mainly, as I understand it, neglect of duty for failure to make some reports. I have never been charged with taking any bribes or any money unlawfully, but I was indicted, as I understand it, for being negligent.

Q. Were you the head of the revenue department there?—A. I was the collector of internal revenue.

Q. This man Fitzgerald was an officer under you?—A. Yes.

Q. All the revenue officers there were subordinates of yours?—A. Well, no; Mr. Conklin, the revenue agent, was not subordinate to me. In some sense he was superior. He was a man that the supervisor had as his agent, and the supervisor stands between the collector and the Commissioner of Internal Revenue.

Q. You say you were not aware of any stealing at any time?—A. No, sir; only what we reported and acted upon.

Q. You were a little surprised to find out how extensive the stealing was?—A. I was exceedingly surprised.

Q. You have an idea that most of the stealing was after Mr. Carpenter left the Senate?—A. I have an idea that in March and April they were defrauding the Government worse than at any other time.

Q. Did you hear the testimony of Mr. Fitzgerald here yesterday?—A. No.

Q. He stated that he received as hush-money more than ten thousand dollars.—A. I did not hear that.

Q. Does or does not that indicate to you that this stealing had extended further back than about the 1st of March?—A. It does, but I wish to say that Mr. Fitzgerald says in his confession that he sold out in the winter, I believe, of 1872, in March.

Q. Then I understand the drift of your testimony to be that if there were any stealings there, or if there has been any assessment there upon distillers or other whisky men for political purposes, you knew nothing about it.—A. I knew nothing about it at all. There were stealings there that we acted upon, but I knew nothing that I did not take instant action upon. I did my duty faithfully and honestly.

Mr. CATE. I think so myself; I think that if you are guilty of anything it is guilt of omission and not of commission.

Q. Did you have anything to do with the collection of political money at all?—A. Nothing but to pay my assessments.

Q. You did not consider that political?—A. Not in the way of collecting money for a campaign.

Q. You were not consulted by Mr. Payne or any of the other politicians about the way in which the campaign should be conducted?—A. Yes, the matter of the campaign was talked over in my office, and in Mr. Payne's office frequently, and I talked with Senator Carpenter about it and about the prospects.

Q. Then you were in a measure on the inside, and understood to some extent about it?—

A. So far as knowing some things that were going on, I did, but never to collect any money.

Q. The assessments were made upon you as they were upon the balance of the officers?—A. Yes, and I paid my assessments.

By Mr. CARPENTER:

Q. That is, you say you made your own assessments and paid what you pleased?—A. Not exactly that. I was notified by Mr. Keyes that he would like to have me pay so much.

Q. That was to the State fund?—A. That was in part to the State fund.

Q. That was separate from the campaign in Milwaukee?—A. The two came together in 1874. I paid a portion of that to Mr. Payne.

Q. What were the circumstances?—A. Mr. Keyes wrote or asked me for \$375.

By Mr. CATE:

Q. When was that?—A. I should think about October, 1874.

Q. Just before the senatorial election of that same fall?—A. Yes, it was the same time with the fall campaign; I should think it was October.

Q. How did he ask you for the \$375?—A. He wrote me a letter.

Q. Have you got it with you?—A. No.

Q. What is the purport of it?—A. The purport of it was this: that our campaign was upon us and he would like to have me pay that amount for campaign purposes.

Q. Did he call upon you to pay it out of your own pocket or to collect it for him from others?—A. Well, I never collected it, I paid it out of my own pocket. He did not designate.

Q. What was your salary?—A. Forty-five hundred dollars at that time. It had been cut down.

Q. Were you assessed the same year for political purposes by others—Mr. Payne for instance?—A. I will explain that. Mr. Keyes asked me for \$375. I talked the matter over with Mr. Payne and he said it was necessary to have a part of that money in Milwaukee; that a great deal of the work had got to be done there. He wrote to Mr. Keyes and Mr. Keyes consented that the sum be divided up, and I sent Mr. Keyes \$250 and paid Mr. Payne \$125.

By Mr. CASWELL:

Q. Mr. Keyes was chairman of the State central committee, was he not?—A. He was chairman of the State central committee.

By Mr. CARPENTER :

Q. And wrote to you as such ?—A. Yes.

Q. Do you know of Mr. Keyes calling upon gaugers, store-keepers, or others ?—A. Nothing except the officers in the building ; they were called upon at the same time that I was, and talked the matter over, and each knew how much he was called upon for.

Q. Do you know of any other occasion when he called upon you for campaign funds ?—A. He had done so previously.

Q. How frequently ?—A. I think about every other year—when the members of the legislature were to be elected, and in a presidential election.

Q. This call made in 1874 was nothing unusual, was it ?—A. No.

Q. Has it been made in almost every election for the purposes of the campaign ; that is to say, every year when members of Congress or the President are elected, the Federal officers are called upon to contribute, are they not ?—A. Yes ; I was in office over eight years, and I think I was called upon every year.

Q. And you would expect to be called upon if you had staid for the balance of your life ?—A. Yes.

Q. You still expect to be called upon, although you are out of office ?—A. I have been called upon and have contributed since I have been out.

WASHINGTON, D. C., June 23, 1876.

WILLIAM H. RODDIS sworn and examined.

By Mr. CARPENTER :

Question. Do you recollect the political campaign in Milwaukee in 1874 ?—Answer. Yes.

Q. What place, if any, did you hold in the Young Men's Club there ?—A. I was secretary of the club.

Q. That is called the Young Men's Republican Club ?—A. Yes.

Q. What place did Henry C. Payne occupy ?—A. He was corresponding secretary.

Q. Was he also on the finance committee ?—A. Yes ; chairman of the finance committee.

Q. How long have you lived in Milwaukee ?—A. About twenty-eight years.

Q. What place did you hold in the internal revenue at the time of this campaign ?—A. I was a gauger.

Q. What has been the practice, so far as you know, in political campaigns in Milwaukee, each year, in regard to raising funds for carrying on the campaign ?—A. So far as I know, they have always raised all the money they could.

Q. Every year ?—A. Every year.

Q. Have you always contributed to a campaign-fund each year ?—A. Not always. I have for three or four years.

Q. Did you collect from your brother officers some of the money for this campaign fund ?—A. No, sir ; I did not collect a dollar.

Q. Did you that fall go to Mr. Payne and consult with him in regard to raising some funds for carrying on the campaign ?—A. I used to see Mr. Payne every day. I knew that he was going to want money, and I told him one day that I would subscribe \$100 for the campaign-fund. I think I had never been called upon for any money since ; I had been in office up to that time. I told him, too, that I believed the rest of the gaugers would give about the same. There were six of these.

Q. What did Mr. Payne say—what was concluded ?—A. Mr. Payne suggested that I should take hold of it and see them. I told him that Mr. Weissert was a better man than myself, and would be better able to do it, as he could see all these men. He asked me to speak to Weissert, and I did so. I saw Weissert on the street and spoke to him in regard to it, and I understood that he saw Mr. Payne within a few days.

Q. Did you not volunteer to see Weissert—did you not say to Mr. Payne that you would see him on the subject ?—A. Very likely I did. I do not know.

Q. Did you see the other gaugers and officers to talk with them there ?—A. I think I met Fitzgerald and Moeller on the corner and told them what I had done or said I would do. I think that is as far as I went. I believe that is all the conversation I had with them on the subject.

Q. Who recommended your appointment ?—A. I can hardly say.

Q. Did not Mr. Hamilton, assistant marshal ?—A. Mr. Hamilton was the first person that ever spoke to me about being appointed.

Q. Did not Mr. Pearce, of Pearce & Whalen, recommend you ?—A. I do not know whether he did or not, but very likely he did. I had not been an applicant for the office.

Q. But you were a member of the republican club ?—A. Yes.

Q. And these recommendations for your appointment were particularly by members of that club and others in the city who were prominent republicans ?—A. No recommendation was ever shown to me. I had nothing to do with it myself at all.

Q. Who did move in the matter—was it not Mr. Hamilton?—A. Mr. Hamilton, I think.

Q. The son of General C. S. Hamilton?—A. Yes.

Q. He was then a member of the club?—A. Yes.

Mr. CATE. I will state here that as far as I am concerned I make no complaint about the ordinary assessment upon officers or anybody else for campaign purposes, and no time need therefore be taken up with that branch of this inquiry, unless there is some desire to show that assessments have been made upon persons engaged in the violation of law, and to make it appear that it was done for a purpose.

By Mr. CARPENTER :

Q. Do you know of any such thing being done?—A. No.

By Mr. CATE :

Q. What office did you say you held?—A. I was a gauger.

Q. Have you been indicted?—A. Yes.

Q. Have you been convicted?—A. No, sir.

Q. Did you have a trial?—A. No, sir.

Q. Did you plead guilty?—A. No.

Q. What was done in your case?—A. My case was nolle.

Q. Nolle by the Government?—A. Yes, sir.

Q. They were satisfied that you were innocent?—A. Not at all : you can ask Mr. McKenney about that.

Q. I am asking you how it happened that you were not tried.—A. I turned state's evidence.

Q. Were you guilty or innocent?—A. I was guilty.

Q. How extensive is your knowledge of the same practices in other offices ; was it a general thing that the officers in Milwaukee were engaged in this business?—A. It was pretty general.

Q. How early did you go into office?—A. In March, 1873.

Q. How soon after that did you engage in crooked whisky?—A. To some little extent in the fall, but about the first of January, 1874.

Q. Had it become general among the officers there at that time in your judgment?—A. My impression is that it has been always general.

Q. Do you think there was more of it after the first of March, 1875, or less?—A. Since the tax was raised to 90 cents it seemed as if everything broke loose.

Q. Was the subject of your guilt, or violation of law, as well as that of the other officers, talked of between you, or canvassed?—A. Sometimes.

Q. Each officer knew that his brother officer was engaged in that business?—A. Not generally. I could not say in regard to that ; I knew about some.

Q. With whom did you ever converse on that subject?—A. I conversed with Fitzgerald mostly, I guess.

Q. Are there any others that you think of now?—A. No ; I did not converse generally with anybody.

Q. You thought it would not be exactly safe, I suppose?—A. No, sir.

Q. Was the subject-matter of assessing in an election talked of in connection with these violations of law on your part and on the part of others with whom you conversed?—A. No, sir ; we talked with them very little in regard to assessing at elections. As far as my electioneering went, I had very little to do with the distillers or officers.

Q. Did you collect of any person?—A. No, sir.

Q. Of no person?—A. No person whatever ; I never collected a cent.

Q. You simply paid as you were asked to?—A. I simply paid as I told you ; \$100.

Q. Did you ever have any talk with Mr. Payne as to the collection of money?—A. I used to talk with him every two or three days.

Q. In connection with your assessment?—A. No, sir ; never. I paid him that money I spoke of. I think that ended the matter.

Q. You regarded yourself as a prominent member of the club in connection with the campaign?—A. No, sir.

By Mr. CARPENTER :

Q. You were one of the paying members?—A. Yes ; at that time.

By Mr. PAYNE :

Q. Did you ever consider that I assessed you \$100?—A. No, sir.

Q. I never asked you to pay any money, did I?—A. No.

By Mr. CATE :

Q. You fixed the amount yourself?—A. Yes.

Q. Did you do so in every instance in which you paid?—A. That was the only time I ever did pay any money.

Q. You never paid but once?—A. There was another instance when I paid some money.

Q. When was that?—A. I helped to make up this money that Wirth and Nunemacher took out to Madison.

Q. You knew something about that, did you?—A. Yes.

Q. What did you know about it?—A. They were at my house to show me a paper with some names on it of Government officers. They were going around and wanted to raise some money, they said.

Q. Did they say what for?—A. They said that money was needed at Madison.

Q. What time was that?—A. About ten days before the fight ended.

Q. During the senatorial contest at the legislative session?—A. Yes.

Q. Were these Leopold Wirth and Herman Nunemacher?—A. Yes.

Q. Did you notice the list at the time it was shown you?—A. Yes; I noticed it at the time, but I have forgotten the names.

Q. Did you read the names?—A. I did at that time.

Q. Were they the names of distillers?—A. No, sir.

Q. They were all officers?—A. The list that was shown me had the names of nobody but officers.

Q. What offices did they hold?—A. They were either gaugers or store-keepers.

Q. What offices did Wirth and Nunemacher hold?—A. They were distillers.

Q. Were their names on the list; and, if so, for what amount?—A. They were not on the list.

Q. How much did they pay?—A. Whatever they paid, if they paid anything at all, they did not give me any information on the subject, and I did not ask.

Q. Do you swear that their names were not on the list?—A. Yes.

Q. How many names were there on it?—A. I should fancy there were about half a dozen, perhaps seven or eight, when they showed it to me.

Q. Was the sum which each man paid set opposite to his name?—A. I think the sum was the same in each case—\$50 apiece.

Q. Then there were about \$300 subscribed at the time you saw it?—A. Yes; perhaps more.

Q. Then they came to you early in the campaign?—A. Yes; they came to me when they got up this half dozen names.

Q. Did you ever talk with your brother officers in regard to that?—A. Very little, I think.

Q. Did you talk to them of the necessity of contributing some money to the campaign?—A. Not at all.

Q. Did you have any conversation with them with reference to the necessity of a campaign-fund?—A. No, sir; I did not urge anybody to pay any money whatever.

Q. The question was whether you had any conversation with anybody—Nunemacher or Wirth, or anybody else—at this time with reference to the necessity of collections.—A. I think Nunemacher and Wirth said to me that money was needed out at Madison. It was generally understood that a good deal of money was being spent there. There was a large crowd there, and a good deal of money was being used in expenses.

Q. Was there any understanding with you or others, or did you hear others talk on the subject, that it would be better for them if they assisted in this campaign in case your side should succeed?—A. I did not have any such talk with anybody.

Q. Did anybody have any talk with you on that subject?—A. No, sir.

Q. Did anybody suggest to you that it would be a pretty good investment, that it would be like throwing your bread upon the water?—A. No, sir.

WASHINGTON, D. C., June 23, 1876.

JAMES COLEMAN sworn and examined.

By Mr. CARPENTER:

Question. Where do you reside?—Answer. At Fond du Lac.

Q. What is your profession?—A. I am a lawyer.

Q. How long have you lived in Wisconsin?—A. Seventeen years.

Q. To what political party do you belong?—A. The republican party.

Q. Are you tolerably familiar with the modes and methods of carrying on political campaigns in Wisconsin?—A. I am.

Q. Has it or not been the custom for many years to raise a campaign-fund in that State?—A. It has been, for both parties.

Q. You were at Madison during the senatorial fight in January, 1875, were you not?—A. I was; from the beginning to the end of it.

Q. Did you room with me at that time?—A. I did.

Q. What use was made, so far as you know, of any funds or money at Madison?—A. During the contest, which I think lasted four, five, or six weeks, there were a great many people from different parts of the State who came to Madison to assist in this election of a Senator. There was a very severe struggle with the republican members of the legislature,



n the first place, in regard to whom they should vote for, and afterward a very severe struggle as to whether or not those that were called bolters could be induced to vote for the regular nominees. In order to bring influences to bear upon them, there were gentlemen (living in the assembly and senatorial districts of the members and senators) who were sent for to come down and consult with their representatives. That happened as to different parts of the State. I know that in Manitowoc County there were six or seven gentlemen; from Waupaca County there were several gentlemen, and from other counties several. In many instances it became necessary to send gentlemen from Madison down to the localities where the members and senators lived for the purpose of getting up petitions, asking them to vote for one candidate or the other. That was done, I think, both for Mr. Washburn and for Mr. Carpenter. I presume that there were there during the canvass anywhere from eight hundred to two thousand men, from different parts of the State, interested in your [Mr. Carpenter's] election. The bills of those gentlemen, many of them who came down, had to be paid; the bills of those gentlemen who went out to secure petitions had also to be paid; livery bills and hotel bills had to be paid. That involved the expenditure of a good deal of money, and nobody seemed to have any money to settle those expenses with. There had been, I think, an assessment made among the different friends of Mr. Carpenter throughout the State, for the purpose of raising money to defray that expense. Mr. Carpenter himself had contributed some, but that was not enough, and we found that we lacked an organization. As Mr. Conklin has stated, it was thought that we ought to have a room, where the friends of Mr. Carpenter could get together and meet privately and alone. Money was needed for that, and this fund that was raised was raised and used for purposes of that kind.

Mr. CATE. We do not require any account to be rendered of the disposition of the money.

The WITNESS. I do not understand that you do.

By Mr. CARPENTER:

Q. Do you know of any proposition being made to me or to my leading friends there at that time for furnishing votes of members of the legislature for a pecuniary consideration? —A. Not personally, but I know this, that if it had been necessary at any time during the campaign in Madison to elect you by the use of money it could have been done with very little trouble.

Q. Did you hear me say anything to my friends there upon that subject?—A. I was present on one or two occasions in your room when this proposition was made to you, (the necessary number of votes to nominate or elect you was, I think, six;) the proposition was made, I think, on one or two occasions, that for the sum of \$3,000 as maximum or \$2,000, (the minimum,) six democratic members would vote for you and secure your election. You were very indignant at the proposition and gave the boys a severe lecture for talking with anybody on that question or for talking with you on the subject, and stated to them on two occasions that if you knew that your election were secured by the use of a dollar you would not take your seat. I want to state here in answer to the first question put to me that it was known at Madison—I knew it and I think others knew it pretty generally—that money was raised in Milwaukee. Mr. Conklin told me either before he went to Milwaukee or afterward, that he was either going there to raise money or had been to raise money for the purpose of paying the expenses of a hall. He told me that it was to be raised or had been raised, I forget which, from the business-men of Milwaukee, and I never had any idea that it was raised from whisky-men any more than that it was raised from clergymen. The thing was not known, at least I did not know it, and never suspected it, until after these prosecutions in Milwaukee.

Q. Did you, during the campaign of 1874, or during that contest in the winter in Madison, hear or know or understand or believe that the whisky interest, as it is called, had been taxed or levied upon or had contributed at all to my election?—A. I never heard a word of it in any way until the prosecutions in Milwaukee afterward.

Q. How long have you known me?—A. I have known you since 1863.

Q. Not wishing to cast any discredit on you, I still want to inquire what our relations have been during that time?—A. They have been friendly.

Q. Rather intimate?—A. Yes.

Q. Considerably so?—A. Very much so.

Q. Were you frequently in my office and did you frequently see me during that campaign?—A. I did.

Q. From what you know of me and my friends and my relationship with others, do you think there is any man in the State of Wisconsin who would be more likely to know any secret of mine in connection with that campaign than yourself?—A. I think if anybody would have known it I would.

Q. You never heard from me a hint or intimation of expected support from the whisky ring in the world, did you?—A. Never; but on the contrary. The Kansas investigation, or some similar investigation, was going on at the time, and you always urged that the canvass should be run in such a way that if successful there should be no cause of complaint.

Q. Did you have a conversation with S. J. Conklin in Milwaukee since his return from Canada?—A. I did.

Q. Who was present?—A. Mr. Dana C. Lamb, the railroad commissioner of the State of Wisconsin, and myself.

Q. Relate that conversation.—A. I had ascertained that Mr. Conklin had returned from Canada, and had had immunity promised or given to him, and was going to testify. As I heard a rumor that he was going to swear to things that would criminate you, [Mr. Carpenter,] I went to him, and saw him at the Newhall House, in Milwaukee, and in a conversation about you I asked him the question if he knew anything, from his acquaintance with you, that would prove that you had ever known of money being used improperly about your election. He laughed, and said he could not answer that question. He said, "I have made a written statement that I think you will be satisfied with in regard to that question. Further than that I cannot answer it. I have been asked it a good many times." He had just come back from Chicago, where he had sworn on the Munn trial. Mr. Ingersoll had then made his argument on that trial. After leaving that branch of the subject, the matter of Ingersoll's speech came up. We had been just reading. It was in the Chicago papers of that day, which we had in our hands. We thought it was a brilliant speech—I and Conklin thought so. He says then, "They won't convict Munn; they can't convict him." "Well," I said, "there is the testimony of yourself and Rehm, swearing positively to his guilt; why do I understand you to say that he cannot be convicted?" He says, "The testimony of men testifying under our circumstances won't be believed; oughtn't to be believed by any jury. I would not believe men testifying under those circumstances if I were on a jury, although I claim to be as honest as men generally, because we have too much at stake." He made an extended and elaborate statement of the matter, insisting that he could not be convicted because such testimony would not be, and ought not to be, believed by any jury. The matter that Mr. Conklin has related, in regard to drawing a line of distinction between the position he occupied on the trial of that cause as a witness and that which Mr. Rehm occupied, did not occur.

Q. He made no such distinction?—A. No distinction of the kind. I knew nothing about part of the testimony being ruled out, and did not know until he stated it here to-day.

By Mr. CATE:

Q. Did Conklin admit that his testimony was false?—A. I have stated to you what he said.

Q. I asked you whether at that time he stated that this testimony of his was false?—A. I have stated to you all that he said.

Q. I ask you to answer that question.—A. I submit that the question is not a proper one. Mr. McCrory. It amounts to an answer, but the witness can say, "Yes" or "No."

The WITNESS. I simply say that I have stated what he said. It is not for me to infer what he said.

Q. Did he at that time carry an idea to you or state that his testimony in the Munn trial was false?—A. The impression left upon my mind from what he said was that he would testify enough to clear himself no matter whether it was true or false.

Q. That is not the question.—A. You asked me for my impression.

Q. I asked you whether he stated to you that his testimony in the Munn trial was true or false.

The WITNESS. Do you mean did he say to me, "my testimony is true" or "my testimony is false?"

Q. He was talking about what credit was to be given to his testimony and to Rehm's, was he not?—A. He did not use the words "I have sworn true" or "I have sworn false."

Q. But did you get the impression that he had sworn falsely?—A. I got that impression.

Q. Well, now, will you answer my question?—A. I am trying to.

Q. You are not. Did he give you the impression in your conversation with him that he had testified to an untruth in the Munn trial?—A. No further than this, that under the circumstances in which he was testifying, a man might testify to an untruth to shield himself.

Q. What did he say that led you to draw that conclusion?—A. He said this, that where a witness was testifying who had so much at stake as he and Rehm, had they ought not to be believed on their oath.

Q. Did not this lead your mind to this conclusion, that he was speaking with reference to the credit that ought to be attached to the testimony of persons in situations similar to his, and is that not the legitimate and proper conclusion to draw from his statement?—A. I did not in my direct examination say, and I do not desire to say, that Mr. Conklin at that time said he had sworn falsely in the Munn trial nor that he would swear falsely on any trial. He simply said this, that there was so much at stake, testifying as he did, that the testimony ought not to be believed. That is all he said. Whether he meant that his testimony ought not to be believed under oath or not is a question you can tell as well as I. It left that impression on my mind.

Q. What impression?—A. That under the circumstances he was not entitled to credit as a witness.

Q. And that was the extent of his statement to you, that situated as he was he was not entitled to credit?—A. I have told you what I understood he said, and the impression left on my mind was that he was not entitled to credit.

Q. In consequence of his situation?—A. Yes. He did not say this as applying to himself more particularly than to anybody else under the circumstances.

Q. That is all I have asked, to ascertain whether his whole statement was not based upon his peculiar situation.—A. Upon his peculiar situation, and that what he said might be capable of two constructions. I do not wish to say that his testimony was necessarily capable of those two constructions. You can construe it as you choose.

Q. What two constructions do you refer to?—A. One construction you could put upon his testimony was that he was not to be believed under oath under any circumstances.

Q. In consequence of his position?—A. In consequence of his position.

Q. What was the other?—A. Another was that he would swear to clear himself anyway.

Q. State to me one word that Mr. Conklin said to justify you in saying that he would swear to anything.—A. If you will read my first answer on direct examination you will hear what Mr. Conklin said; that is all I have to say about it.

Q. But your first statement was that a person in that situation testifying as he did would not be entitled to credit or to belief?—A. No.

Q. You state that this other consideration is that from his statement he would not be entitled to credit.—A. Certainly. His idea was this: that he was testifying for his liberty, and he had so much at stake in giving that testimony that he ought not to be believed. The idea was that a man in his position, in order to get clear himself, will testify to a thing that would not be entitled to belief.

Q. What construction do you place upon it?—A. I do not place any construction upon it: that I leave for you to do. You have asked me for the impression left on my mind, and I told you that the impression left on my mind was that he might swear what was not true in order to clear himself.

Q. But you do not say, do you, that what he said was calculated to leave such an impression?—A. Not at all.

Q. You stated in regard to the campaign that it was frequently a subject of conversation between you and Mr. Carpenter, and that Mr. Carpenter always insisted that it should be so conducted as that after it was all over and he was successful there should be no "flare up" about it or any statement of improper usages?—A. No, I did not state that.

Q. You stated that Mr. Carpenter always insisted that the canvass should be so conducted as that everything should be all right after it was over?—A. Yes; I can say that most emphatically. I said that whenever the subject was mentioned he would state that everything should be done fairly and honestly, so that we could stand by it.

Q. How often did that occur?—A. Two or three times, as I stated in my direct examination.

Q. Was it frequently or otherwise talked of?—A. Not very frequently; perhaps two or three times. This Kansas investigation was up about that time, or had been up, and of course in an excited canvass of that kind he was anxious that nothing should occur that we could not stand by, and that was not perfectly straight, and whenever he expressed himself on that subject he expressed himself that way.

Q. That had reference to the use of money?—A. To anything.

Q. How came you to talk about that?—A. As I have stated, the Kansas investigation was up—the investigation in regard to Senator Caldwell—and there was a good deal of excitement in the public mind.

Q. And you wanted to steer clear of difficulty in that respect?—A. Yes. If we wanted to elect Carpenter by democratic votes it could have been done easily.

Q. It was not necessary to get the bolters in that way?—A. It was not necessary to get the bolters. We could have secured the election cheaper by the others. What I said in regard to that was not mere talk; it was a thing generally understood.

Q. Did you yourself propose or suggest to Mr. Carpenter as a means of extricating him from difficulty that you would buy democratic votes?—A. No, sir.

Q. Did anybody in your presence suggest it?—A. Nobody in my presence.

Q. Did anybody suggest to you that it might be done?—A. No man but a democrat ever made such a suggestion to me.

Q. Did any democrat do so?—A. If anybody at all did it, it was a democrat.

Q. I ask you if anybody did propose to you that Mr. Carpenter could buy republican bolters' votes?—A. Not at all.

Mr. CATE. You said he did.

The WITNESS. You have charged us with fraud in that election.

Mr. CATE. No, sir; I have not.

The WITNESS. I answer that by saying that there was no necessity to buy republican votes, because we could have got democratic votes cheaper.

Q. How do you know?—A. Because that was the general talk.

Q. Did anybody propose to you to buy democratic votes?—A. No, sir.

Q. Did anybody suggest to you that democratic votes could be bought?—A. Yes; but I cannot state the name.

Q. Can you swear that somebody did?—A. I can; I know it was talked of repeatedly.

Q. Was the matter of buying democratic votes under consideration between you and Mr. Carpenter, or between Mr. Carpenter and any other of his friends?—A. It was never con-

sidered at all any further than that the suggestion was made to Mr. Carpenter that there was talk of that being done, and Mr. Carpenter put his foot down upon it, and said that he would resign if that were being done.

Q. Who suggested it to him?—A. I cannot tell.

Q. Was it not in your presence?—A. It was.

Q. Was it suggested to him by you?—A. No; I think that at one time Mr. Thom and Mr. Lamb were in the room, and Mr. Angus Smith or Mr. Sanderson, when it was said that overtures had been made on the other side that so many democratic votes would be given to Mr. Carpenter for so much money, and Mr. Carpenter said that he would have nothing to do with it.

Q. Was it a fact that the propriety of resorting to that measure was discussed in Mr. Carpenter's room?—A. No, sir; the fact is as I have stated.

Q. Instead of overtures coming from the other side, did you not consider the propriety of buying votes for the purpose of electing Mr. Carpenter?—A. Not at all. The proposition was made and communicated to Mr. Carpenter, and we all denounced it, and said we would have nothing to do with it; that Mr. Carpenter had been fairly nominated, and was fairly entitled to the election, and that he could better afford to be beaten than to be elected in that way.

Q. Who was it that made these overtures on which you acted?—A. I cannot tell you; but it was democratic votes that were to do it.

Q. You repudiated the idea that you could buy the votes of both sides with money?—A. We did. Mr. Carpenter had had his nomination fairly, and was entitled to the election, and we repudiated the idea of anything else.

Mr. CATE. There is no complaint on my part that there has been any improper use of money at Madison by Mr. Carpenter or any one else. We have only complained of the mode in which the money was raised, and because it involved a winking at those violations of law by distillers. We complain because the money was received with the understanding on their part, and on the part of others, that those violations of law would be winked at and nothing said about them. Neither I nor those whom I represent make any charge of the improper use of money at Madison.

The WITNESS. When Mr. Carpenter came to leave Madison, having been there two weeks, he paid his own hotel-bill, amounting to \$200 or \$300.

By Mr. CONKLIN, (a former witness:)

Q. When you spoke of those trials and my testimony, do you not recollect that I said to you that the statement in the papers as to my testimony was incorrect; and did I not say that it probably got into the papers in this way: that the counsel stated to the court what they wanted to prove by me; and the reporters put it in as if I had sworn to it?—A. I will not swear that you did not say so; I simply say I do not recollect it.

Q. Did I not state to you in that conversation that the immunity granted to me was not on any condition that anybody should be convicted on my testimony—that all the conditions about it were that I was simply to testify, when called upon, and to testify truly?—A. No, sir; as I understood it, you had come from Canada to Windsor, and were to testify as a witness against persons charged with offenses against the internal revenue; and, if you would testify, as you had stated you would you were to be pardoned.

Q. Where did you get that statement?—A. From common rumor. That was my understanding.

Q. You did not get it from me?—A. No, sir.

Q. Did you hear my immunity read?—A. Yes; and I am frank to say that I was surprised at its contents, when I heard it. You declined to state what you had stated in your agreement for immunity.

WASHINGTON, D. C., June 29, 1876.

HENRY P. ELLIS sworn and examined.

By Mr. CARPENTER:

Question. How long have you lived in Milwaukee?—Answer. About fourteen years.

Q. Have you a pretty large acquaintance there among business men?—A. I think I have a pretty large acquaintance in Milwaukee. I know a good many business men and members of the bar there generally.

Q. Are you acquainted with the men who run the Commercial Times?—A. Yes, sir.

Q. Who are they?—A. There is H. A. Chittenden, W. H. Bishop, and E. B. Northrop, assisted by a brother of Chittenden's whose name I think is Dan Chittenden, and who is a local editor.

Q. Have you had any conversation with any of those men connected with the Commercial Times about this investigation?—A. Yes; I have had a little.

Q. With whom?—A. With E. B. Northrop.

Q. What was it?—A. He told me that he had communicated with Mr. Cate in regard to having witnesses summoned—that he had written to Mr. Cate and Mr. Cate had answered.

Q. Go on and tell all he stated about it, if there was anything more.—A. That was all he stated in regard to that.

Q. What is the feeling of those gentlemen toward Mr. Keyes—do you know?—A. Mr. Northrop's feelings seemed to be rather hostile. I have not talked with Mr. Chittenden, but the tone of the paper is excessively bitter—you might say malignant. I have read the paper a good deal, and they have a good many squibs in with regard to yourself and Mr. Keyes, and your former partner, Mr. Murphy, occasionally.

Q. Did he or any of those men state to you who their Washington or other correspondents were?—A. No, sir.

WASHINGTON, D. C., June 29, 1876.

SAMUEL K. DOW sworn and examined.

By Mr. CARPENTER :

Question. Where do you reside?—Answer. In Chicago.

Q. What is your profession?—A. Law.

Q. Were you one of the counsel of Mr. Munn when he was tried in Chicago recently?—A. I was.

Q. He was acquitted at that trial, was he?—A. That was the verdict.

Q. Did you have any conversation with Mr. Conklin at that time in the hall of the Government building?—A. I did.

Q. Won't you relate it?—A. After Mr. Conklin had left the witness-stand on the second day that he was placed there, when we were coming out from the court-room, he was in the hall and called me aside and commenced a conversation by saying that he felt the embarrassment of the circumstances under which he was placed; that he was a lawyer and had held positions that entitled him to associate with gentlemen, or something of that character; and then he said, "They have brought me here for the purpose of implicating Senator Carpenter and Mr. Keyes with the whisky frauds at Milwaukee, but they will be mistaken. I cannot testify to anything that will implicate either of them." Then he added, referring to the time when these frauds were perpetrated upon the revenue in Milwaukee, "I did not believe them, and I do not believe now that Carpenter or Keyes had any knowledge whatever of those frauds." I made some remark in response to that—that that was different from what the rumor was. He then said something like this—that perhaps he was talking too freely to a stranger. He never had seen me before. I replied to that, as I remember very distinctly, "I have not asked any questions, sir, in respect to these matters."

Q. Was that the fact?—A. That was the fact.

Q. You did not seek the conversation?—A. I did not seek the conversation at all.

Q. You did not ask him any questions about it?—A. I asked him no questions. The conversation was of his seeking.

WASHINGTON, D. C., June 29, 1876.

DANIEL W. MUNN sworn and examined.

Mr. Carpenter stated that Mr. Dow, counsel of Mr. Munn, would like to conduct his direct examination.

By Mr. Dow :

Question. Have you been connected with the internal-revenue service of the United States?—Answer. I have.

Q. What office did you hold?—A. I held the office of supervisor of internal revenue from December, 1871, until June, 1875.

Q. Where did you reside when you were appointed?—A. I resided in Cairo, Ill.

Q. State now what your jurisdiction was, and what territory was embraced within your district.—A. When I was first appointed supervisor, I was supervisor simply for the State of Illinois. There was a change made in the law and a consolidation of the districts, and some of the supervisors were mustered out in 1872 or 1873, I forget which; I think in 1872. I was then re-appointed, and my district enlarged, embracing in addition Wisconsin and Michigan; so I had since August, 1872, Illinois, Wisconsin, and Michigan in my district, up to June, 1875.

Q. Did your duties take you to the city of Milwaukee?—A. They did.

Q. While you were a supervisor, how often did you go to Milwaukee?—A. I went not often than once a month. It would not average that. Sometimes it would be as often as twice, or it would not average once a month. Perhaps the average would be once in six weeks.

Q. Are you acquainted with the witness Conklin, who has been on the stand here?—A. I know him.

Q. When did you first know him personally?—A. I first knew him personally, I think, in June or July, 1874, soon after his appointment as revenue-agent for Wisconsin.

Q. At what time was he appointed revenue-agent for Wisconsin?—A. I think in June, 1874. That is my recollection, but I am not positive about it.

Q. Did you nominate him or recommend him to that appointment?—A. I did not, sir. On the contrary, I stated to the Commissioner of Internal Revenue that I was well satisfied with Mr. Burpee, who was then revenue-agent.

Q. Did you oppose Mr. Conklin?—A. Well, yes. I may say that I opposed him as far as my statement to the Commissioner went, that I was satisfied with Mr. Burpee. I understood however, that some of the politicians of Wisconsin desired a change, and I stated to Mr. Douglass that I would not put myself in opposition to those men, as I presumed they knew better what they were about than I did in the interest of the party and of the Government in that State. I personally stated to Mr. Douglass that I was opposed to the removal of Mr. Burpee.

Q. Did you have any conversation with Mr. Conklin after his appointment in which anything was mentioned by him as to your opposition to his appointment?—A. Yes: I had. I think, indeed I know, that the first time I met Mr. Conklin he mentioned the fact that we met, perhaps, under somewhat unfavorable circumstances—that I, perhaps, had heard Burpee speak unkindly of him, and might not feel as friendly to him as I ought to. I think I remarked in reply that I had no reason to feel unfriendly, and anything that Mr. Burpee said I did not cherish against him at all.

Q. State how often you saw Mr. Conklin after he was appointed revenue-agent at Wisconsin.—A. I met him perhaps half of the number of times that I visited Milwaukee. He lived in Waterloo, and a portion of the time that he was revenue-agent he was away from the State; I think that he went to New Orleans, and in the canvass he was quite busy and held some office, I think, in the grange-lodge, or something of that kind. He was busy in the canvass a portion of the time, and I think I did not meet him every time I went to Milwaukee. I met him probably half the number of times. I suppose I met him altogether not over half a dozen times. I saw him at Chicago two or three times, however.

Q. Did you meet him in Madison?—A. I met him there twice, I believe, but I remember particularly one occasion; that was during the time of the Carpenter campaign.

Q. During the senatorial struggle at Madison?—A. Yes.

Q. I will ask you to state if he made any remark in respect to collecting money, in which remark he mentioned the name of Carpenter or Keyes?—A. During that campaign at Madison, I met him there and we were talking about revenue matters. He said to me that he wanted to leave that evening to go to Milwaukee; that he was going down there for the purpose of raising some money to help Keyes out; that they wanted to have bigger rooms; that their headquarters were not satisfactory, and that Mr. Keyes was in need of more money to run the Carpenter fight, and that he was going down to Milwaukee for the purpose of raising some money for that purpose. He did go. I asked him, I remember, of whom he was going to raise the money. He did not tell me it was none of my business, but said he did not want to tell. He said Carpenter and Keyes didn't know anything about it, and he didn't want them to know anything about it; that is, as to where the money came from.

Q. Did you hear Mr. Conklin's evidence here in regard to yourself and the distillers?—A. I heard that portion of the evidence which he gave since I came to the city the day before yesterday. I did not hear his first statement.

Q. You heard that in which he referred to collecting and paying the sum of \$3,000?—A. Yes; I heard that.

Q. Will you now state what you have to say in respect to that matter?—A. I have to say that the statement is untrue in every particular; that it was Conklin, I believe, under a foreign flag, and for the purpose of purchasing immunity under his own.

Q. I will ask you to state if, in any of your interviews, when you saw him in Milwaukee and other places, he said anything in respect to the revenue-service and its administration within his district.—A. I cannot remember now. We always talked of it, and how things were running. He was there as revenue-agent, and of course I looked to him, as it was my duty to do, to see that everything was in good shape; and I state here that I had no reason to believe that he did not discharge his duty faithfully. He always told me that he believed there was no general stealing going on there, and that he never would be afraid of either myself or anybody from Washington coming into the district, as he thought they were running as straight as any whisky-men could run. He may have carried the idea (as we all had the idea) that they would make a little extra high-wines if they had an opportunity.

Q. That they had to be watched?—A. That they had to be watched. It was our business to watch them the best we could.

Q. Did you usually find revenue matters satisfactory in Milwaukee?—A. I did. I remember one time I went with Mr. Conklin and Mr. Weissart, and I think we made several seizures in one day, or detained goods, some of which, however, were afterward released. I think there were one or two distilleries up there that were seized while Conklin was revenue-agent. I am not certain whether O'Neill's distillery was seized.

By Mr. CATE:

. Then you had no idea that there were any frauds being committed on the revenue by the distillers there?—A. There were some distilleries that were seized, and there were some other places that did not scratch the stamps, but everything that we discovered was reported to the Government, and that was all I knew anything about.

Q. But there may have been frauds?—A. Yes; subsequent developments show that, but I mean we did not know of it at that time.

Q. Mr. Conklin has related a pretended conversation which he says took place between you and him as you were driving out to some distillery?—A. Yes; I heard him relate that conversation.

Q. Now, state whether any conversation of that kind ever took place?—A. Nothing of that kind ever occurred that I remember. Indeed, I know nothing of the kind was mentioned, except, perhaps, one thing he said: that was that I said then, or at some time, that I had a mortgage on my house. That being true, I may have said it. I may have told him then, or at some other time, that I had a mortgage on my house. I believe it was true at that time (April) that I had a \$4,000 mortgage on my house, and it is true that I have a \$5,000 mortgage on it now.

Q. Is it pretty good security for the mortgage?—A. It cost me \$3,000.

By Mr. Dow:

Q. I wish to call your attention to a conversation to which Conklin has testified, in which you said, as he says, that those distillers would steal anyhow, that you did not wish them to run extra mashes, but that if they were willing to "bleed," or divide some of their surplus, you were willing to take?—A. Nothing of the kind occurred.

Q. Did you receive any money at any time or on any occasion, from this man Conklin?—A. I never did receive any money from Mr. Conklin at any time, or on any occasion, nor from any other man living or dead for any corrupt purpose whatever. As to the charges made against me in Milwaukee, Rindskopf said to me that he spent for political purposes, himself, in running the campaign, the money that they said they gave me. I came out of that office \$3,000 poorer than when I came in. I have not had the money, nor spent it foolishly, and the charges are false in every particular. I have demonstrated that fact before one court, and I am able to demonstrate it before others.

By Mr. CARPENTER:

Q. I wish to call your attention to the continuance of the Rindskopf case in the fall of 1874. Do you remember being in my office one day that fall, when I spoke to you and told you that Rindskopf wanted that case continued?—A. I do remember it.

Q. What was your reply to that remark of mine?—A. I stated then to you, and I think I stated so to the Commissioner of Internal Revenue, by letter, soon after, or else I had stated before, that I had heard from Madison that the chief witness (Mr. Rodgers, I think, his name is) was insane or out of his head, and that there was doubt about his being able to be present as a witness. I considered him the chief witness against Rindskopf, and, in view of that fact, I recommended that the case be continued to the next term, stating in my letter that I was anxious for a conviction of Rindskopf; that, while I made no claim that he was innocent or anything of that kind, yet that it was for the interests of the Government that the case should be continued, and I so stated to you in your office.

Q. And that I might say so to Rindskopf?—A. Yes; I think so.

Q. Did you understand that I was applying to you as attorney for Sam Rindskopf?—A. No, sir; not at all.

Q. But merely as a neighborly act for a gentleman of Milwaukee?—A. I do not know that you came to me about it at all, but I happened to be in your office.

Q. I made the statement to you that Sam Rindskopf wanted his case continued?—A. Yes; and I told you that I would write a letter to that effect.

Q. And you did write such a letter to the Department?—A. Yes.

By Mr. CATE:

Q. You wrote to the Commissioner of Internal Revenue?—A. Yes.

Q. Did you ever see Mr. Douglass about it since?—A. I have seen him since.

Q. Did you ever talk with him about it since?—A. I don't remember.

Q. Do you know whether Mr. Douglass made an arrangement with the prosecuting attorney in Madison that it should be continued?—A. I do not know; I think that he either requested or allowed the case to go on after that.

Q. You say you suggested that the case be continued?—A. Yes.

Q. Do you know whether he ever telegraphed that the case be continued on your request?—A. It seems to me that he did.

Q. When was that?—A. I don't remember when that was.

Q. Was it the term at which he was tried, or was it some prior term?—A. I do not remember whether he was tried at that term or not.

Q. Was it continued at some time on your request?—A. I don't remember.

Q. Was it in the neighborhood of the term at which it was tried that you had the conversation with Mr. Carpenter with reference to the continuance?—A. I don't remember.

Mr. CARPENTER. It was.

Q. Were you at Madison at the trial?—A. Yes.

Q. Did you go from Milwaukee there?—A. I went through Milwaukee.

Q. Was it at that time that the case was tried?—A. I do not know whether it was tried or continued. I only know that it was finally tried.

Q. But you are not sure that it was at this time that you had the conversation with Mr. Carpenter, or at some other time?—A. I am not.

Q. Were you at Madison during the senatorial contest?—A. Yes.

Q. How long were you there?—A. I was there one day certainly, and maybe a part of another.

Q. You went out on revenue business?—A. Yes; I went on revenue business; not political business at all; but I was there one or two days.

Q. Were you ever at Nunemacher's distillery with Conklin?—A. Yes; maybe two or three times. I always went to one or two distillers when I visited Milwaukee, and sometimes more.

Q. You never had any conversation with Conklin with reference to the payment of any money at all?—A. I never did.

Q. What was your general business there with Conklin?—A. To look over the books of the collector, and ascertain how matters were running; to ascertain from him if there had been any indications of fraud, and whether the store-keepers and gaugers were doing their duty. Conklin had a very large claim against the Milwaukee and Saint Paul Railroad, and my judgment is that at the time he speaks of, I went to see him about the claim of \$100,000 or more which he had against that road.

Q. Did he ever collect any money for you, to your knowledge?—A. Never to my knowledge. If he did, he put it in his own corrupt pocket. I never heard of it until I heard of it here.

Q. Was there any transaction between you of any character?—A. Not that I remember at all.

Q. No business transaction?—A. He may have paid for my dinner sometimes, or I for his.

Q. But no business transaction?—A. No, sir; it may be that either to him or to Mr. Burpee I sent some money to pay for some store-keepers that were hired there, but that was a Government transaction.

Q. Was the subject-matter of the violation of law talked of between you and him?—A. We always talked about that, but I knew of none, I believe, and knew of no general frauds or corruption there.

Q. Did you know of any special ones?—A. I do not believe that even he knew of special ones. I certainly believed he did not then.

Q. You were indicted for what?—A. I was indicted for frauds against the Government; for receiving bribes from Rindskopf and O'Neill to the extent of two or three thousand dollars or more. Fifteen hundred I believe one indictment says, and a thousand dollars another.

Q. You had your trial and were acquitted?—A. I had my trial in Chicago and have been acquitted, but there is an indictment pending against me in Milwaukee.

Q. Does this involve the transaction with Conklin?—A. I do not know whether it does or not. I believe there is a count in the indictment charging me with conspiracy in regard to Nunemacher. I have forgotten about it exactly.

Q. You have plead to that indictment?—A. Yes.

Q. When?—A. I think last January. That is my recollection.

Q. Why was it not tried?—A. There was a time fixed for its trial, but I was on trial at Chicago at the time, and it could not well be brought up.

By Mr. CONKLIN:

Q. You recollect the time that I refer to, when we went to Nunemacher's distillery?—A. I remember going once or twice.

Q. Do you remember going there about the 27th of April, 1875?—A. I think that I was there about that time.

Q. Where did we go when we came back that morning from visiting Nunemacher's distillery?—A. We went to the livery-stable direct to put the horse up, I believe, and then went to the Newhall House.

Q. Did we not go to my room?—A. I think we were at your room; I don't remember.

Q. Were we not in my room directly when we came back?—A. I don't remember whether we were at that time at your room or went to the hotel.

Q. You don't remember that we went right direct to my room?—A. No, sir; I do not.

Q. You don't remember that on the way back you said we would go to my room?—A. No, sir.

Q. You don't remember anything about it?—A. No.

Q. Do you remember whether Herman Nunemacher was there when we got there?—A. Yes; Herman was there.

Q. Do you remember our going into the house with Herman and his father?—A. Yes.

Q. Do you remember when the rest of you went out and I staid in the room with him?—  
A. I do not remember about whether we went out or who staid in the room.

Q. Do you remember any of the conversation which I have related here?—A. No.

Q. Do you remember of being in my room that day, and my going into the drawer where the money was and taking out of the drawer a buff-colored paper and handing it to you?—  
A. No, sir.

Q. Do you remember saying to me, "Conklin, I want you to take part of this; I shall not feel satisfied unless you are provided for?"—A. No, sir.

Q. Did you not say, "After the transactions of this morning, I shall not be satisfied if you are not provided for?"—A. Nothing of the kind occurred, and you know it.

Q. You remember my going to Chicago the same day upon which the raid was made; the 10th of May?—A. The 10th of May.

Q. Do you remember my telegraphing to you to meet me at the depot that night?—A. No; I remember your telegraphing me that your brother died.

Q. That was another time. Do you remember that on the 10th of May, in the afternoon, you got a dispatch from me asking you to meet me at the train?—A. I remember getting one from you, but I don't remember it as of that time.

Q. Did you meet me at the train?—A. Not that night, but I remember going to meet you on one occasion.

Q. The raid was made on the 10th of May, uniformly at Saint Louis, Milwaukee, and all over?—A. It was in Chicago on that day, I know.

Q. Do you remember my coming that night and getting into a carriage?—A. No, sir; I do not. My recollection is clear that for two or three days I was busy with Supervisor Tutton and Washburn.

Mr. CONKLIN. Never mind about that.

The WITNESS. I was giving a reason why it could not be.

Mr. CONKLIN. It could be, because you most certainly did.

The WITNESS. I swear I did not.

Q. You swear you did not?—A. I swear I have no recollection of it.

Q. Don't you remember that we went first to the Palmer House and you introduced me to those revenue men that were there, but I said to you, "I must go to the train, because my wife will be there at such an hour at the Central depot," and didn't I go down, and did you not go with me, and did we not drive around a little, and did I not finally say, "I must go to the train, as my wife will be there this minute"?—A. Now, since you recall those circumstances to my mind, I do not remember the time, but I do remember one time at which I went to the train with you in a carriage; it strikes me it could not have been at that time, because I was busy with these men.

Q. Do you remember what I spoke of? Do you remember the colloquy that occurred between us? Said you, "When I got into Milwaukee this morning and found all those distilleries seized, do you know what I suspicioned?" Said I, "No." Said you, "I suspicioned that you claimed a virtue for having given me that money, and had reported us all false, and that that was the cause of the seizure."—A. No such conversation occurred whatever; nothing like it or akin to it, nor any allusion made to it. I should have reported it if I had known of any moneys being paid corruptly.

Q. Do not you remember your saying to me, "Conklin, I will be fried down on a gridiron," or anything of that kind?—A. Nothing of the kind. I never said anything about being fried on a gridiron.

Q. Do not you remember that I, in apologizing to you for suspicioning you, made this remark, that the circumstances were peculiar, that if such a thing had taken place that day, if I was in your place you might very reasonably suspect I had reported you?—A. I have no recollection of any such conversation.

Q. Do not you remember saying to me that night when we shook hands, "Conklin you have got me in your power, but I will sleep just as well to-night as though you had not"?—  
A. No; I never said I was in your power, for I never was, thank God.

Q. Do you remember telling me that night that you were going right down to Washington?—A. I do not remember the talk; I remember the circumstance of riding with you and your wife.

Q. Do you remember that you told me you were going right down there, and that you would come home and have Carpenter and Keyes stand by us, and "We will make things all right yet"?—A. I have no recollection of any such conversation.

Q. Do you remember going to Washington?—A. I do.

Q. Do you remember after coming back that Mr. Almon telegraphed me that you had got home and I could see you?—A. I do not remember.

Q. He was your clerk, was he not?—A. He was a special clerk.

Q. Do you remember my telegraphing you that I would be up there that evening?—A. I do; and I remember you were there and what you said, and I want to tell it right now.

Q. Do you remember I said I wanted to talk with you, and we went down to the European Hotel where you used to board, and we sat there talking while I dined?—A. No, sir; I have no recollection of going out of the office at all. I did not leave the office.

Q. Do you remember that while you were to Washington I was removed?—A. I do not know whether it was before or after you and Bridges were both removed by telegraph.

Q. Did it not turn out that the matter that brought me down there was about my removal?—A. Then it was after I had been to Washington, according to your statement now.

Q. I asked if you had not come to Washington and got back, and if Walter Almon did not notify me by telegraph that you had got home?—A. I do not know what he notified you of.

Q. Did not you and Almon and Bridges meet me at the depot, and did we not go down to where you used to board, and did I not call for my supper and set and eat it while we talked?—A. I do not remember it.

Q. I want to know if I did not in that conversation that night say to you that the manner of my removal—my being removed so peremptorily while you were in Washington, and by telegraph, gave me the suspicion that you had even at that date made a virtue of a transaction which took place between us, and had reported about it—it being so near the time of the raid, and you could say that had not been able to do it before, that I had really been corrupt, and you had gone down to Washington to get me out?—A. I have no recollection that I had any reason to suppose at that time that you were a dishonest officer; even after you got to Canada I had no reason to suppose, and so stated to others.

Q. You say you did not have this money at all of me, or nothing else?—A. I do, sir.

Q. Suppose you had had that money as now stated, and were under indictment for it. would you come here upon your oath and own it?—A. Certainly I would. I wish to state to the committee that Conklin admitted under oath that he told Carpenter after the raids that he knew nothing about any officer.

Mr. CATE objected.

The WITNESS. I will not repeat then what he swore to here yesterday; but he told Mr. Weissert, and Mr. Weissert told me—

Mr. CATE objected to any further answer on this subject.

WASHINGTON, D. C., *June 29, 1876.*

JACKSON C. MCKENNEY sworn and examined.

By Mr. CASWELL:

Question. What position do you hold in the Government service?—Answer. At present I am special United States attorney for the eastern district of Wisconsin.

Q. How long have you been acting in that capacity?—A. Ever since the whisky raid in 1875. The statements made by David H. Griffiths before this committee in regard to the payment of money to E. W. Keyes, and especially the statement of the payment to Mr. Keyes by Hermann Nunemacher of a sum of money at the Newhall House, in Milwaukee, were not testified to by Mr. Griffiths, to my knowledge, either before the grand jury or the supervisor, where he was exhaustively examined.

Q. By whom?—A. By myself and Supervisor Matthews and Supervisor Hedrick. These statements were never heard of by me in court or out of court, or by any other person connected with the prosecution, as I believe, until after Mr. Griffiths was subpoenaed here, although Mr. Griffiths was being used as a witness for the Government and had been repeatedly questioned on oath as to the subject-matter of said statement. He was examined nearly all of one afternoon in regard to that very subject, and never spoke one syllable about the matters he testified here under oath. The facts testified to by him were not, therefore, considered by the attorneys for the Government in determining whether or not the prosecution should be instituted, because said facts were never heard of, and were unknown. I make that statement for the reason that I am blamed for not instituting criminal proceedings upon certain evidence which was supposed to exist. That evidence was never heard of. Every known witness was brought before the grand jury, having session in Milwaukee in January, 1876, and thoroughly examined as to all facts within their knowledge tending to show corrupt or criminal acts on the part of Messrs. Carpenter, Keyes, and Payne, and no evidence was withheld or passed by, and upon the adjournment of the grand jury my conduct was commended by the jury, who voluntarily handed me a statement numerously signed by them, in which they say, (I quote from their document,) "We are unanimously of the opinion that the public trusts placed in his (my) hands, as assistant district attorney, so far as we have been advised, have been faithfully, fairly, and ably discharged; that he has disclosed to us no animosity or vindictiveness in the discharge of his duties as such attorney, neither has he exhibited a shadow of swerving from the path of his duty on account of favoritism, nor when that path seemed to lead over the proud reputations of distinguished men." The occasion for this statement was that, when it was known that the jury was to be adjourned without indicting Messrs. Payne, Carpenter, and Keyes, I was violently assaulted by remarks upon the street with having suppressed or withheld testimony, or with not having properly questioned the witnesses, and the jury without any suggestion on my

part handed me that paper. There were twenty-three members of the grand jury, gentlemen of various politics—I guess as many democrats as republicans—and all signed it. Some very warm friends of Mr. Carpenter, Mr. Keyes, and Mr. Payne were on the jury, and also some of their most bitter enemies. As regards Mr. Henry C. Payne, no syllable has ever been brought to my attention tending in the remotest degree to implicate him in any frauds, or in the least reflecting on his honor or integrity. It is charged every day now that I ought to be indicted myself because I did not indict him.

Mr. CATE. I object to any testimony of this character. If the witness knows any fact, I am willing that he shall testify to it. I have heard of no charges against Mr. Payne.

Mr. MCCRARY. This involves the conduct of Mr. McKenney as a Federal official; he has a right, I think, to explain.

The WITNESS. I spoke to Judge Cate to-day about it. The occasion is simply this: I have received, since I have been in Washington, a paper—the Commercial Times, of the city of Milwaukee—in which they have a column and a half of matter. That claim is based upon the proceedings of this committee, and they there set forth seven distinct reasons why I should be indicted. There was no evidence before the grand jury or before me that the whisky men paid any money to any person to do anything for them or protect them in their frauds, or that any person knew of the frauds that they were engaged in perpetrating except the revenue officers of the district, who have all been prosecuted, to the number of eighteen. There was no evidence of the levying of assessments for political purposes upon either officers or whisky men beyond the ordinary voluntary contributions for campaign purposes in vogue throughout the country. On the 20th day of April, 1876, I sent to G. J. Conklin, then in Windsor, Canada, asking from him a statement of facts within his knowledge relating to the whisky frauds, in which I said, "State fully your knowledge of payments of money to any person or persons by or for the whisky ring, giving amounts and dates as near as may be, and for what purpose paid. State all facts showing, or tending to show, that any person not indicted knew of the frauds, participated in them, connived in them, or encouraged them." Judge Dixon and myself soon received a statement from Conklin, which has since been made public without our knowledge or consent. Judge Dixon and I both thought the facts disclosed in that statement were insufficient to sustain any criminal prosecution, for the reason that the statement was that neither Carpenter nor Keyes knew of the frauds, and conceded that no man could be convicted of participation in frauds of which Conklin had any knowledge. Upon that statement Judge Dixon and I refused to grant immunity to Mr. Conklin. Upon certain verbal statements made to us, however, and not upon the written statement alone, we gave Conklin permission to return and testify fully, fairly, and truthfully of all facts within his knowledge. Mr. Conklin came and was thoroughly questioned by us. He made the following statement, and I will say here that this statement was written down by me, and submitted to Mr. Conklin to-day in my room, and he says it is correct in every part. Mr. Conklin is in the room and knows it. I did not want to present it unless he were here.

Mr. CONKLIN. There is only one suggestion that I made here; but that would not alter it. You can mention it when you come to it.

Mr. MCKENNEY. Yes; Mr. Conklin said that he knew nothing beyond his statement which he made to us.

Mr. CONKLIN. That covers it.

The WITNESS. And in his judgment there was nothing corrupt or criminal in the payment of the money; that he (Conklin) never collected or received a dollar of corrupt or hush money or bribe; that he himself did not know of the frauds, and did not aid in or connive at them; and that he knew of no evidence that would authorize a criminal prosecution of either Carpenter or Keyes. He said he knew nothing at all against Mr. Payne. Mr. Conklin further stated that he told Marshal Hamilton in Canada that he could not furnish evidence to criminally prosecute Mr. Carpenter or Mr. Keyes, in his judgment, but that his testimony might smirch them, and that he thought the Government could not grant him immunity because of anything he could testify against them, but that he had valuable knowledge of frauds in New Orleans and Cincinnati. Judge Dixon and I, therefore, refused to prosecute either of the parties upon the testimony of Conklin, deeming it insufficient to warrant such a proceeding.

Mr. CONKLIN. With regard to Mr. Payne that is correct, except what somebody else's judgment might be. I mentioned the only thing I ever knew about his collecting money, and I referred to my memorandum-book. Of course I agreed with you that it did not amount to anything, but I called your attention to it.

By Mr. CARPENTER:

Q. You remember the session of the circuit court commencing in October, 1875?—A. Yes.

Q. At which these whisky cases were first brought on for general trial?—A. Yes.

Q. I appeared there for the defense in several cases, did I?—A. Yes.

Q. You were for the prosecution?—A. Yes; Judge Dixon and I.

Q. Those trials were pretty hotly contested, were they?—A. Yes; they were very long, and very fiercely fought upon both sides, I thought.

Q. During that trial were there not several little scenes between you and me?—A. I should say so.

Q Were they not of such a character as to leave each of us feeling a little unfriendly toward the other?—A. I think I did not speak to you or you to me for a month or six weeks.

Q. And you never have done so since you came to Washington?—A. I think two days ago I met you and you were friendly enough to recognize me.

Q. The point about that is simply this, that in grand jury proceedings in Milwaukee in 1876, at which these parties were trying to get me indicted, there was no special reason why you should shield me, was there?—A. Not that I know of.

Q. I do not mean to insinuate that the state of feeling existing about that would have induced you to have done anything wrong; but it certainly would not have made you reluctant to do anything you thought was right.

Mr. CATE. Let us have the facts.

The WITNESS. As far as personal friendship was concerned, Mr. Carpenter and I were not friends at all.

By Mr. CARPENTER :

Q. How long was that investigation before the grand jury continued?—A. All of January and into the fore part of February.

Q. Did you subpoena all the witnesses that all my enemies suggested could give any testimony against me?—A. Every one; and they were consulted with repeatedly, and the jury kept nearly eight days doing nothing but waiting to see if they could find somebody else.

Q. Mostly for my especial benefit?—A. The latter part of the inquiry was directed solely to Mr. Payne, Mr. Keyes, and yourself.

Q. Upon that full examination of every witness who could be suggested as knowing anything against me, you and Judge Dixon, as representatives of the United States, came to the conclusion that there was nothing criminally proved against me, did you?—A. Well, we came to the conclusion that we should not present any bill to the grand jury, and the grand jury were of the same opinion.

Q. You say that after the grand jury adjourned, and the great calamity was ascertained that I was not indicted, you were rudely assaulted by speeches on the street. Whom did those speeches come from?—A. Not after it had adjourned, but just a day or two before.

Q. After the rumor had got out that they could not indict me?—A. Certainly. The jury was adjourned over, I think, one day, and the statement was made public that they were going to adjourn for good. A member of the jury (I do not know his name) who had taken an interest in the matter stated to the jury the facts. I was not there at the time. I went into the court, but had not a case, and when I had come in there, they had drawn up this paper and gave it to me.

Q. Did Mr. Brodhead consult with you on this subject?—A. Mr. Brodhead and I spoke together but once on this subject.

Q. On this subject?—A. On this subject.

Q. Was he very anxious to have me indicted, or did he try to prevent an indictment?—A. We said very little. I do not talk much, and he did not.

Q. What did he say?—A. I heard that Mr. Brodhead was offended at me, and I met him and simply said that I disliked to get the ill-will of any person, and that the reason the indictment was not found was because there was not any evidence at that time. That was about all. He did not say he was satisfied or dissatisfied. The interview was very short.

Q. Did you have any conversation with Asahel Finch on the subject?—A. Yes; a great many times.

Q. What did Mr. Finch think about it, or say about it?—A. I do not wish to state. Mr. Finch talked very freely with me once, and told me at the time that he did it as an attorney, and that I should treat it as confidential, and I shall do so.

Q. As attorney for whom?—A. Attorney for Mr. Conklin, I understood.

Q. Mr. Finch, in one of his letters here, announces to Mr. Conklin that he would do nothing for him whatever, except what he has done, and that is to see that this immunity is all right. Was that interview you had with Mr. Finch since Conklin's return from Canada?—A. Yes.

Q. He was then acting, or attempting to act, as attorney for Mr. Conklin?—A. Yes. I will say, for the benefit of Mr. Finch, that he told me, in opening the conversation, that he was heartily tired of this business and would have nothing to do with it at all.

Q. This business of indicting me?—A. Yes; I suppose so.

Q. He got sick of it?—A. Sick of hearing about it, or something like that, and wanted me to understand that he was not in any fight of that kind.

Q. That was after the thing had "busted," was it not?—A. Well, it was when Mr. Conklin came back from Canada.

Q. Did you ever have any conversation with John Orton about it?—A. No, sir; John Orton and I are not on very friendly terms and do not talk together.

Q. Did you ever have any conversation about it with Charles F. Hillsley?—A. No, sir; never spoke to him about it.

Q. Did you ever have any conversation with A. M. Thompson about it?—A. No, sir; he is not one of my bosom companions.

Q. Did you ever have any talk about it with General Charles S. Hamilton?—A. Yes.

Q. Did General Charles S. Hamilton endeavor to get me indicted there?—A. Mr. Hamilton is the marshal of the district, and I consulted with him very frequently and he with me. I do not think I can be compelled to state what took place between us; our courts have so held, I know.

Q. This immunity you granted to Conklin was granted after you had received the written statement of Conklin, was it not?—A. Yes.

Q. After you and Judge Dixon had concluded that there was nothing in that evidence to criminate myself or Mr. Keyes?—A. Yes.

Q. I want you to state at whose instance and by what representations you subsequently did grant immunity?—A. I think, Mr. Carpenter, that those matters are privileged.

Q. Do you know how that statement got into the press?—A. I do not.

Q. By whose instrumentality?—A. No, sir.

Q. What did you do with it?—A. I left that statement with Marshal Hamilton in his drawer in the marshal's office.

Q. Is that the last time you ever saw it?—A. Yes.

Q. You had no copy of it?—A. No copy of it; I showed it to no person.

Q. And you delivered it to no person but to Mr. Hamilton?—A. No person but Mr. Hamilton.

Q. Did you authorize Mr. Hamilton to publish it?—A. No, sir.

Q. Did you authorize anybody to publish it?—A. No, sir.

MR. CARPENTER. I do not want to press Mr. McKenney for anything that he considers privileged, but it seems to me I ought to have a statement from him as to whether or not Mr. Hamilton was, during those days, doing the best he could to have me indicted. I will refer this, however, to Mr. McKenney's sense of propriety.

THE WITNESS. I think any conversation held by a prosecuting officer with any person in regard to a public transaction is privileged and should not be divulged.

Q. The same inquiries that I have made as to myself I desire to make as to Mr. Keyes. I suppose the same answers will apply to Mr. Keyes, will they?—A. Yes.

Q. And the questions which I put in regard to myself would, if put in regard to Mr. Keyes, result in the same answers from you?—A. Except that we did not speak together. I guess Mr. Keyes and I used to speak together when we met.

Q. But I mean with regard to the effect of that statement upon Mr. Keyes?—A. Certainly.

Q. And in regard to the examination of witnesses against Mr. Keyes?—A. Certainly.

Q. Everybody who was suggested as being able to swear anything against me was summoned?—A. Yes.

Q. And examined thoroughly?—A. Yes.

Q. No tenderness was exhibited toward him any more than toward me?—A. None whatever.

Q. And the jury was unanimous that there was no cause for indicting either of us?—A. I did not submit any bill to them; they approved my course unanimously.

Q. And that course covered the case of Mr. Keyes as well as myself?—A. Yes.

By MR. CATE:

Q. What witnesses were summoned by the grand jury on those subjects—I mean as to the complaint against Mr. Keyes, Mr. Carpenter, and Mr. Payne, or either of them?—A. We summoned all of the revenue store-keepers. We summoned several gangers, and we summoned about all of the whisky-men, the distillers and the rectifiers. We subpoenaed Mr. Calkins.

By MR. CARPENTER:

Q. The editor of the Milwaukee News?—A. Yes.

Q. A democratic paper, and opposed to me in the campaign of 1874, was he not?—A. Col. E. A. Calkins was at that time the editor of the Milwaukee News, a democratic paper. Mr. Van Schaick, I think, Mr. Kershaw, and a large number of gentlemen whose names were suggested to us—the men who were running for office in that campaign, either senatorially or locally.

By MR. CATE:

Q. It was a kind of fishing expedition—men were examined to know if they knew anything about it?—A. No, sir; I used to ask men who claimed that these men ought to be indicted to give me the names of witnesses who could swear to something, and they would give me a long list of witnesses, and I would take them up before the grand jury and examine them.

Q. How many days were you taking testimony in regard to those gentlemen?—A. Off and on during that session of a little over a month.

Q. Was a large portion of the time employed with reference to them?—A. Yes.

Q. Was there a large amount of testimony taken?—A. Quite an amount.

Q. Upon the whole you considered that there was no case made out against them?—A. Certainly.

Q. You say that the testimony that has been elicited upon this investigation is not the same as was brought out before the grand jury?—A. It is, with two exceptions.

Q. It is stronger in your judgment than it was before the grand jury?—A. I can state a fact. That would be an opinion. Mr. Conklin was, of course, not sworn; he was in Canada then. We had had no statement from him whatever. Mr. Griffiths's here was not made there. The testimony of those other men, I understand, was the same.

Q. Was Mr. Griffiths sworn before the grand jury?—A. Certainly he was.

Q. What statement did he make here that he did not make there?—A. The entire statement.

Q. What statement did he make before the grand jury there?—A. He was examined and he testified only to his own contribution, in a legitimate way, to a political fund, if such a contribution can be legitimate.

Q. What was that legitimate way?—A. He put in with the other gaugers \$25 or \$50 toward a general fund. That was his testimony, and the whole of it.

Q. Was there a good deal of interest manifested in Milwaukee and vicinity in regard to these prosecutions or the investigations?—A. Certainly.

Q. Very great?—A. Very great.

Q. Has there continued up to this time to be a very great interest manifested in it among the people of Milwaukee and vicinity?—A. No, sir.

Q. It subsided immediately on the grand jury being discharged, did it?—A. Yes; we had an idea that we had indicted and prosecuted everybody there.

Q. There has been very little said about it since then?—A. A great deal said, but by a very few men.

Q. How was it before? Was it the general opinion that they ought to be indicted, or was that also the opinion of only a few men?—A. I know of no one who objected to the investigation. It was a subject that ought to be investigated, I suppose everybody believed.

Q. Was the result of your investigations on that occasion with the grand jury satisfactory to the people of Milwaukee and vicinity as a rule?—A. To answer fairly, I really have never paid any attention as to what men said. I was in court almost every day constantly.

Q. What do you mean, then, by saying that since then there has not been any interest, or have you not heard it?—A. I have not heard it.

Q. Do you know whether there has been a change in public opinion with regard to the discharge of the grand jury?—A. No, sir.

Q. You do not know anything about it?—A. No, sir.

Q. But you do know that prior to that time there was an impression there that they ought to be investigated in some way so as to see what there was of it?—A. I can explain in a minute. There was nothing especially said, but the fact leaked out to some reporter from the grand jury that we were examining some witnesses, especially Mr. Calkins. They at once believed that from that motion Mr. Carpenter or Mr. Keyes were to be investigated.

Q. Was it the fact that they were being investigated?—A. Of course they were. There was a good deal of talk about it and excitement while that lasted. The newspapers were full of it.

Q. Who was attorney for Rindskopf in this prosecution at Madison?—A. He had twelve or thirteen.

Q. Was Mr. Keyes one of his attorneys?—A. No, sir.

Q. Was Mr. Carpenter?—A. No, sir; not that I know of.

Q. They were not active in that respect?—A. No, sir.

Q. There was an idea prevalent, was there not, that that case would be continued over that term?—A. I heard Mr. Munn's testimony. That case was at once continued.

Q. There was an effort made to continue it at the term at which it was tried?—A. In December; yes.

Q. The witnesses did not come as they were expected to?—A. No; that was not it.

Q. I say they did not come when they were first expected to come. Was there not a delay on the part of witnesses, and when they did come, did they not state to you the reason why they did not come before?—A. No; I had Mr. Weissert, deputy collector, and Mr. Moeller, a gauger, removed for not obeying the subpoena.

Q. They did not come?—A. They would not come. I telegraphed them to come.

Q. When they did come, did they not come and tell you the reason why they did not come before, and did they not explain to the court the reason of their delinquency?—A. I do not know what they said.

Q. Was it not understood by Rindskopf's friends that there was an arrangement by which that case was not to be tried at that term of court?—A. Mr. Rindskopf and his attorneys claimed that the case was going to be continued.

Q. Did not Mr. Keyes claim that the case was to be continued? Did you not have a conversation with him with regard to it?—A. No, sir.

Q. Not at any time?—A. No.

Q. Did you not get a telegram from the commissioner saying that the case was to be continued?—A. I got an order to continue it.

Q. What was that order?—A. I got a telegram one or two days before the case was set for trial, saying to continue that case.

Q. On the request of any one person?—A. Yes; the dispatch read, "Upon the request of Senator Carpenter."

Q. Did you have any conversation with Keyes with reference to continuing that case?—

A. I told Mr. Keyes, I think, that I got such a dispatch. I told him so at some time.

Q. What did Mr. Keyes say when you told him you had got such a dispatch as that?—

A. He asked me what I was going to do about it.

Q. Did he find fault with the dispatch in any way or make any remarks in regard to it?—A. He said he thought it was very foolish for Senator Carpenter to pay any attention to Rindskopf's matters, or something like that. He thought it was a great mistake.

Q. Did he say he sent word to Mr. Carpenter to go and have that dispatch taken off right away?—A. I did not say much. I told Mr. Keyes I had got such a dispatch. He asked me what I was going to do about it. I said I was going to try the case anyway; that the commissioner could not order me to continue a case, as I understood the law.

Q. Did Mr. Keyes tell you that there was an understanding that the case was to be continued?—A. No, sir; Mr. Keyes told me to "go for him." That is all he said to me.

By Mr. CARPENTER:

Q. By which you understood that Mr. Keyes told you not to prosecute him?—A. Yes.

By Mr. CATE:

Q. Was there anything said about the propriety of prosecuting the case at that term of the court, he insisting that it would be an impropriety to do so?—A. No, sir; not that I know of. Supervisor Munn wrote to the commissioner saying that one of my witnesses was insane, and that the case ought to be continued.

Q. Was that the fact that the person was insane?—A. There was not a word of truth in it.

Q. That was resorted to as a sort of ruse?—A. Mr. Munn is here and can answer for himself.

Mr. MUNN. I am here, and I only know that information was given to me that this man was drunk and out of his head.

The WITNESS. [To Mr. Munn.] I say that you, as supervisor, wrote to the commissioner that you heard that Rogers, our principal witness, was insane, and gave that reason for continuing the case. I knew that it was not true, and I proposed to try the case.

By Mr. CARPENTER:

Q. That is, you knew it was not true that the man was insane?—A. I knew it was not true that the man was insane.

By Mr. CATE:

Q. When those witnesses came, Weiner and the others, did they make any excuse to you or to the court, as a reason why they did not come, assigning as a reason that Conklin had told them that the case was not to be tried?—A. I rather think that was one of the reasons; that Conklin told them that the case was not coming up. They said they had to register the distilleries, and they gave me a dozen excuses, but I did not believe any of them.

Q. Did they not say that Conklin told them that the case was not to be tried that term, and did not Conklin, when he came out, talk to you about it, and say that he understood the case was not to be tried, and give that as an excuse for the delay of the witnesses?—A. Conklin at some time said to me that he was a good deal to blame about it; that he had told them not to come up. I may have been hasty; but I blamed those parties, and had them removed for it. I acted on my judgment, that was all.

Q. Of Rindskopf's conviction, did you have any conversation with any person as to the amount that should be assessed or fined, or as to what the judgment of the court ought to be?—A. Yes; with two of his attorneys; I think they talked to me about it.

Q. Did any other person aside from his attorneys?—A. No, sir; I think no other person did. It might be that some friends were there. He had a large number of personal friends from Milwaukee who were there.

Q. Did you have any conversation with any person outside of that office as to the proper amount at which Conklin's bonds should be fixed?—A. No, sir.

Q. With nobody?—A. Nobody at all. That was by the clerk of the court, Edward Kurtz.

Q. Did you not interfere, and suggest to the clerk how much it ought to be?—A. Yes.

Q. Did you consult with any other person in regard to it?—A. No one but Mr. Conklin was there and Judge Dixon and myself and Mr. Kurtz.

Q. Was it first fixed at \$5,000?—A. I asked \$5,000.

Q. It was finally fixed at \$3,000?—A. Yes; I will say right here that that was the last and only case taken before Kurtz. Mr. Bloodgood was the party who had been in the habit of fixing the bail for me, but I had had a quarrel with him, and we went to Kurtz about this case. I tried to get him to raise the bail. After that we went to the judge and succeeded in getting the bail up to \$15,000, or some respectable sum, but I never got it done that way.

before or after. We tried to get them as high as we could. The other parties were anxious to get them as low as they could.

Q. Have you got that statement that Conklin gave you when he came back from Canada ?  
—A. No, sir ; I left it with Marshal Hamilton.

By Mr. CARPENTER :

Q. You spoke of a telegram received from Mr. Douglass saying in substance that the Rindskopf case be continued at the request of Senator Carpenter ?—A. Yes.

Q. Soon after or perhaps immediately on the receipt of that dispatch from the Commissioner you telegraphed him that the case ought to proceed ?—A. Yes ; I telegraphed him that the case would proceed. It was a pretty positive dispatch.

Q. Did you receive a telegram in reply to that soon or immediately after it ?—A. Yes ; the next day or the day after I received a telegram from Commissioner Douglass, saying that this order for a continuance was granted under a misapprehension arising out of some statement made to him by Supervisor Munn, and that it was revoked.

Q. Did he not also state that it was not made at Senator Carpenter's request, but that the subject was only mentioned by Senator Carpenter in a casual conversation ?—A. I think so. He transferred the authority for granting that request from Senator Carpenter to Supervisor Munn very distinctly.

By Mr. CATE :

Q. Changed the responsibility for that order ?—A. That was the fact—that was the second dispatch. It was possible that the first communication was a letter and not a dispatch, but it is all the same thing. It was very short. The second I know was a dispatch.

Q. You said that since the result of that investigation before the grand jury, there was a great deal said, but by a very few persons ; who were those few persons ?—A. That would be hearsay, a great deal of it. Nobody has talked to me about it.

Q. When a man says something about what people talk about, he is presumed to know something about it ?—A. Certainly.

Q. But I understand that nobody has talked with you about it ?—A. Very few ; I heard very little.

By Mr. CARPENTER :

Q. When the grand jury were sitting there and this effort was being made to get myself and Keyes indicted, was Mr. Hamilton cognizant of the testimony produced and witnesses subpoenaed and of the general result, and of the opinion of Judge Dixon and yourself that there was no ground whatever for an indictment ?—A. I think so ; and I think he did not disagree with us at that time. He made no complaints.

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WASHINGTON, D. C., June 29, 1876.

MATT. H. CARPENTER sworn and examined.

The WITNESS. I was elected to the Senate of the United States from the State of Wisconsin in January, 1869, and held the office six years. When I came into office Mr. Erskine, who has been examined as a witness, was collector of internal revenue, having been appointed as he himself explained yesterday. He remained in that office during my entire term as Senator. There was an effort made, a year or two before my term expired, to remove him ; not for any official delinquency, but to give the place to another. I was written to by the best men in Racine County, including Judge Charles E. Dyer, now United States district judge, Mr. Phillips, (a former senator of that county,) Colonel Utley, and I think several others of the leading and best republicans in Racine County, protesting against his removal, and calling on me to defend him. He was the only Federal office-holder in Milwaukee who lived outside of that county, as I now recollect. I knew of no reason for removing him. I had the highest respect for the man, perfect confidence in him, and backed by such men as Judge Dyer, Senator Phillips, Colonel Utley, and others, I refused to give my assent to his removal, and I believe that my refusal settled the question, and he remained in office until after I went out.

I now come to the subject of this investigation, remarking, what is manifest enough, that to do any man justice in regard to any transaction, you must view it in the light of the circumstances that surrounded him when he acted, and not in the light of disclosures made one, two, three, or five years afterward. I was away from Milwaukee, of course, every winter during my term in the Senate. During the summer I was frequently out of town, on the stump, or away on business, and I knew literally nothing about the whisky business of Milwaukee while I was a Senator. It was not my duty to know anything about it. I never had any occasion to know anything about it. I never went into a distillery or a rectifying house, or into the office of a rectifier or distiller, to my present recollection. Mr. Erskine, whose business it was to know all about it, was in my office repeatedly, especially during

the fall of 1874. He told me over and over again that the condition of the collecting machinery was in more perfect order than it had ever been while he had held the office, and that he believed he had got the best set of subordinates that he ever had; that they were collecting more revenue than they ever had collected; and he was boasting all the time to me of the efficient manner in which they were doing their duty. I believed every word of it, and I believe to-day that Mr. Erskine believed every word he said.

With regard to the distillers, I desire to say that, to the best of my present recollection, I never knew by sight (I certainly never had any personal acquaintance with) any person engaged in the distilling or rectifying of whisky in Milwaukee prior to the raid that was made in May, 1875, except Samuel Rindskopf. He is known by almost everybody in Milwaukee. He is (as one of the witnesses said here, and as far as I know and believe,) universally a favorite, socially, and always has been so. The designation of "Prince Sam" was applied to him by everybody; he was known by that designation, and was in good repute with everybody as far as I know and believe, until the disclosures made after I was out of office.

I now wish to say, without any evasion, mental reservation, or saving clause whatever, that up to the raid which was made in May, 1875, two months after I was out of office, and several months after the senatorial contest in Madison, and up to the time when those whisky men came to me, as a practicing lawyer, to retain me for their defense, I had never received from one of them in any way, directly or indirectly, through any middle-man, or otherwise, or under any cover or device whatever, one cent for any purpose or on any account. Not one of them had ever been a client of mine; not one of them, with the exception of Sam. Rindskopf, had ever been in my office, to my knowledge; and, as I have already said, I did not know them by sight, except Sam. Rindskopf. I have no recollection that any one of them ever asked of me any favor while I was Senator, either by recommending anybody for appointment or asking me to do anything, in any way whatever. There was, therefore, no cover, no device, under which they could have paid money to me for any corrupt purpose. And they never did pay, and I never received from them, nor did I ever authorize anybody to ask from them, or to take from them, in any way whatever, one shilling, while I was in the Senate. Now, in regard to the Rindskopf case—

Mr. CATE. You are testifying, Mr. Carpenter.

Mr. CARPENTER. I am testifying.

Mr. CATE. Who ever said they had ever paid you anything for any of those purposes? I never did.

Mr. CARPENTER. You must have been living in a very quiet part of Wisconsin not to have heard reports of that sort.

Mr. CATE. That is a very easy way to get over it, but I never said nor heard that you had any money paid to you for those purposes.

Mr. CARPENTER. If you will read your own newspaper, in Milwaukee, you will easily understand to what I refer.

Mr. CATE. I have no newspaper in Milwaukee; I am speaking of the testimony before the committee.

Mr. CARPENTER. There is no testimony, as I understand, on the subject, but I want to put some in right here. In regard to this Rindskopf case, it has been charged, at least in the Chicago papers, and in a blackguard sheet in Milwaukee, known as the Commercial Times, that I was an attorney for Mr. Samuel Rindskopf in his liquor cases, while I was in the Senate. A very respectable newspaper in Chicago, the Evening Journal—a paper, I think, very friendly to me, and which would not say anything against me except it was supposed to be true—had an article last fall, saying that after I was out of the Senate I had a perfect right to act as attorney for the whisky ring; but, alluding to this Rindskopf case, said it was very improper for me to be so engaged while I was in the Senate.

Now, Rindskopf came to me in the summer, I think, before his case was tried, (or in the spring, I do not recollect which; I should say some time in June or July,) and wanted to retain me as his lawyer to try that case on his behalf. I told him that I could not do it. He wanted to know why. I told him that I did not know there was any law against it. I did not know that there was any statute that would be violated by taking a fee to defend a criminal case against the Government, but it would certainly lead to scandal and newspaper criticisms, and I would be hauled over the coals for it, and for that reason I would not be retained. He went the next day to Mr. Murphy, who was then my law partner, and wanted to retain him in the case, and have him try it. Mr. Murphy said he would see me about it before he would take it, (that is, Mr. Murphy tells me so, and I understand it to be so.) At all events, Mr. Murphy did come to me and say that Rindskopf had been to him to retain him in the case. I said, "Rindskopf has been to me also. You are my law partner, and if you take the case, the newspapers will say that I have taken it." Thereupon Mr. Murphy refused to take it. I want to say, in the broadest and most comprehensive language, that I never was the attorney of Samuel Rindskopf prior to May, 1875; that I never was possessed of the facts of his case; that I knew nothing about the charge, never read the pleadings, nor asked a question about the evidence, nor heard what it was, nor who were the witnesses for or against him, except that I always understood from Sam. Rindskopf and George B. Goodwin, his lawyer, (a warm friend and supporter of mine,) that Sam. Rind-

kopf had suffered great injustice in that matter, and that he was entirely innocent. And when he came to me to retain me, he assured me upon his honor that he was entirely innocent in this matter, and complained bitterly of Mr. Keyes, saying to me, that it was a political drive at him, (Rindskopf,) because he was a democrat. And I believed it, to a certain extent. I believed that he was innocent. That was my opinion. At the same time I would not be counsel for him, and never had a single consultation with his lawyer. There was a story abroad that I went to Madison and had a consultation with Rindskopf's attorneys there. I never met one of Rindskopf's attorneys in my life as such. Of course, I have met men who were his attorneys, but have not met them in that capacity, either at Madison, or at any other place on the face of the earth. And I never received any fee, compensation, or reward, and never expected and never was entitled to any in that Rindskopf case.

In the fall, before I came down to the session of the Senate of 1874, (as it must have been,) Mr. Goodwin or Mr. Rindskopf, or both—and my impression is, both—came to my office and renewed their complaints about the way in which Rindskopf was being "put through" in that case. They claimed that one of their witnesses was sick, and so sick that they could not get him there; that he was a material witness, without whom they could not go to trial. The fact that he was sick, and very sick, was rather corroborated by the fact that within a few days afterward he died. Under those circumstances, Rindskopf appealed to me to know if I thought it was right to crowd that case on in that way against him, and asked me if I would not do anything that I could to have the case put over to the next term. I told him I could do nothing about it except to speak to the officers who had charge of it, and that I would do. A short time afterward General Munn was in my office in Milwaukee. I commenced talking to him about the case, and simply said this, as I now recollect: "Munn, Sam. Rindskopf, here, is complaining about his case being pushed on very harshly; says that one of his witnesses is sick, and he wants the case put off until the next term." Said Munn, "The Government will not be in a condition to try that case this term. I have heard that one of the principal witnesses is insane. I desire to be present at the trial myself, and now I wish to go to Washington about some other official business." "Then," said I, "it will not be tried at this term, and I will say so to Rindskopf." He says, "Yes, you can say to Rindskopf that I shall recommend the Commissioner to have the case continued." That was all that ever passed between Mr. Munn and myself on the subject, to the best of my recollection.

I came to Washington, not thinking to do anything more with reference to it; but one day, while in the office of Mr. Douglass, Commissioner of Internal Revenue, about other business, (I did not go there on *this* business at all,) I had a conversation with Mr. Douglass on the subject. After getting through with the matter I called to see him about—I do not now recollect what it was—I was about to leave, when he spoke about the contest that we had had in politics, and congratulated me that the republicans had carried the State, saying that of course I would be re-elected to the Senate. As I was passing away from his table he said, "How is it about that Rindskopf case; have you heard anything about it, or is it to be tried?" or something of that kind. I said simply that I had seen Mr. Munn the other day, and he told me the Government would not be ready to try it. He said, "That reminds me. Munn made some report about that; I must see immediately what it is." I left the office, and I went out. The next thing I heard about it was in a telegram from Mr. Keyes, saying that there was a dispatch in Madison, or a report, to the effect that I had requested in Washington the continuance of the Rindskopf case. I took that telegram immediately to Mr. Douglass, and said, "Here is a telegram that I just received from Mr. Keyes. Has it been reported that I asked a continuance of that case?" Said Mr. Douglass, "I do not know what dispatch was sent; but if such a dispatch as that referred to was sent, there is a mistake about it." I think he rang the bell for a clerk, who came in, and he asked him whether such a dispatch had been sent. He said to me that it was entirely a mistake, and wrote in my presence a dispatch to McKenney, the substance of which was, "The former telegram was a mistake. Senator Carpenter did not request the continuance of the case; only spoke of the case in a casual conversation;" going on then, to reply, I think, to a telegram that Mr. McKenney before that time sent him. He said, "Let the trial proceed," or "go ahead," or something like that. That is all the connection I ever had with the Rindskopf case. What I did in the matter I did for Rindskopf, just as I should have done for any other constituent of mine in Wisconsin. I always supposed, after I was elected to the Senate, that I was one of the Senators for the whole State, and for both parties in it, and no democrat ever came to ask any favor of me, or ever asked me to do any service for him in Washington—to go and see about his mother's pension, or why he did not get his land-warrant, or anything of that kind, that I did not consider it my duty to attend to it immediately, and without taking into account or asking whether he was a republican or a democrat. This I did in that way, and should have done the same for any man at any time. I did not do it as Rindskopf's attorney. I received no compensation for it, and never expected to do so; nobody expected to pay me. Rindskopf came to me as he would now go to Mr. Cate or Mr. Lynde to ask them to do a similar service for him.

I now come to the Madison campaign. I had been in the Senate, on the Committee on Privileges and Elections. The Senate had just passed through the investigation of Cald-

well's case. Mr. Caldwell was said and was proved to have bought off one of his rivals by paying him \$10,000. A good deal of testimony was taken tending to show that money had been used in buying votes also. The feeling in the Senate was very high against Caldwell, and the feeling in the country was still higher. I think that Caldwell would have been expelled from the Senate if he had not avoided expulsion by resignation. He resigned. I left Wisconsin and came here to the December session. After the legislature had been in session some time, I received a telegram from my friends. I think Mr. Keyes and Mr. Coleman both sent it, asking me to come home. I went to Madison. The campaign was very hot when I arrived. The hotels were filled with my friends and my enemies. The thing had got exceedingly warm. My friends were getting very angry and indignant, and some of them were like any other man's friends under similar circumstances—they took a little whisky, and felt as though they did not want to be baffled, but wanted to go right in and settle the thing up one way or the other. In consequence of their impatience I said to them from the first: "I can afford, with the republican nomination, to be defeated, but I would be ruined and disgraced, if on top of all the scandal and abuse about back-pay and everything else heaped on me, there should be anything indefensible in the management of this canvass." I said to them that if anything of that kind happened, everybody would believe all the falsehoods that had been already uttered, and I also said, "If you are friends of mine, you must bear in mind this. Not a thing must be done to secure this election that will not stand the light of day—not a dollar shall be paid to anybody to vote for me." And I said over and over again in those crowded rooms, with everybody coming in and out, that if I found one cent had been paid to anybody for a bribe, or to secure a vote, I would myself publish the fact to the world and refuse to take my seat. The scene testified to by Mr. Dana C. Lamb and Mr. Towne, of Ripon, I remember very well. Mr. Lamb testifies that I acted rudely, and rather offended him. If there was anything of the kind, it resulted simply from the fact that I had said over and over again that no such thing could be done or should be done. My friends knew my position about it, and for that reason I did not want to be annoyed by any further reference to the matter. Matters went on until the night preceding the election, when we found out exactly what had been done in the democratic caucus—that the combination between the democrats and bolters had been accomplished, and that Angus Cameron was to be elected Senator next morning. While that was being talked of in the room, (with many persons present,) either Mr. Smith or Mr. Sanderson called me out into the hall and told me what they had heard, and I think we all knew it. And they said, "Now, we have a distinct offer which may settle this matter; for \$3,000 you can have six votes," (or eight, or whatever the number was that would be required to secure my election. "We have got to make up our minds now to look the thing right in the face; it is a dead defeat—a Waterloo overthrow, and we have either to go home defeated or this thing must be done." I said, "Gentlemen, what I have said to you all through this campaign was *just what I meant*, and it is just what I mean now; I will not pay one shilling. I can stand defeat, and can go back to the bar and be respected. I will not listen to this proposition." Mr. Smith then said, his face lighting up with pleasure, "That is what I thought about it, and I am very glad that you are of the same mind; I knew you would be. We thought, however, that, as the proposition was made to us, we ought to inform you of it." The proposition had been made to me through Mr. Conklin, and I think from other sources, that by buying \$25,400 of the stock of A. M. Thompson in the Sentinel Company at par, (which Mr. Thompson wanted to sell, it being a minority of the stock,) Mr. Finch, who was his lawyer, Mr. Thompson, Mr. Brodhead, and Mr. Hillsley (Brodhead and Hillsley, as I understood, holding the paper of Thompson and holding stock as collateral) would withdraw their opposition and go home, and I could be elected in twenty-four hours. I made the same answer as in the other instance, that I would rather be defeated than succeed by such means. I wish to say in this connection that I do not know or believe that one shilling was paid to any member of the legislature to secure my election, or that one cent was corruptly used to promote that result. If there was, it was without my knowledge, and against my express directions and requests. I do not, however, believe it was done. Mr. Conklin says that he once went to New Orleans at my request. The circumstances were these: A charge had been made in some of the newspapers, based upon a letter that I had written to Governor Kellogg, dunning him for a thousand dollars' balance of a fee which he owed me for arguing a case in the Supreme Court. The dun was very brief; it was in substance as follows: "Dear Governor: Can you send me a thousand dollars? I am desperately short. It would be a God-send," or something like that, he knowing all about it, and it being unnecessary for me to say a word more, (not expecting that it would become newspaper literature.) The amount I asked for was the balance of a fee for arguing a case for Governor Kellogg in the Supreme Court involving the question of the election of Mr. McEnery or Governor Kellogg. That was all there was of it; but some newspapers published the letter, and the wildest comments were made upon it. The Chicago Times charged, in distinct words, that I had sold my vote in the Senate for money. I saw Mr. Conklin and told him what I wanted. My reason for speaking to Conklin was the fact that he had been in New Orleans and knew all the men there, or many of them. I told him what I wanted. He said, "I want to go to New Orleans." I think he said he should go any way in a very few days. At all events, he said he wanted to go and would go; and when he was about starting I took my check-book in my hand (I remember it very well) to draw him a check, and

asked him, "How much do you want for your expenses?" Said he, "I will not take anything for expenses, because I should go any way in a short time." He states that after he came back he told me that he could indemnify or re-imburse himself from the "boys," or something of that kind. In reference to that, I desire to say that I have no recollection of his having alluded to the subject after his return, and I say, most positively and emphatically, that he never said anything to me which conveyed to my mind the idea that he had taken, or intended to take, money from any whisky-man to pay his expenses to New Orleans; and I never dreamed of such a thing until his recent statement was published, and I do not believe it now. I will close my testimony in regard to the campaign at Madison by saying that I am as thoroughly convinced as I am of any fact whatever that even on the very last night of the canvass I could have been elected for \$3,000; and I have no doubt that within twenty-five minutes I could have borrowed from my friends in that hotel, not one man of whom had ever been connected with the whisky business, \$25,000 to secure that result. I have not a doubt that if I had gone to Mr. Sanderson and told him I wanted his check for \$5,000, or \$10,000, he would have drawn it without a question. The same I can say of Angus Smith and others. There is no doubt that I could have raised \$25,000 immediately, and I am as fully persuaded that I could have been elected for \$3,000 even upon that last night.

But after I was out of the Senate, on the 4th day of March, 1875, I went back to my law-office in Milwaukee. I had no means of living except to earn my daily bread by my daily labor. I gave out that I was practicing law, and I have never refused a case from that time to this, that I could attend to. I was applied to in May, 1875, by those men, part of whose property had been seized, and others who were under arrest before commissioners and threatened with indictment, to be their general counsel, and to take charge of their litigations in the courts. I told them that it was a business I did not care to go into—that it would involve a bitter fight, and I certainly would not go into it unless they would pay a good round fee. They said they would pay anything I thought was reasonable. I then advised them to contribute—to "club together" as I expressed it to them—to pay a good round retainer-fee, which should be followed by reasonable charges for everything that should be done; then to try the question as to the power of the Government to compel the production of papers, &c., and, if possible, to get the case to the Supreme Court. They wanted to retain myself and Mr. N. S. Murphy, who had been my partner, but was not at that time. They wanted to know what I would do. I finally told them that if they would pay me \$2,500, and Mr. Murphy a like amount, we would go into the cases, but they must understand that that was a mere retainer, and that the services afterward would have to be paid for. One or two of them said that that was entirely satisfactory, but some thought it too much. I told them I would not do it for less, and they went away with the intention of raising the money, saying they would raise so much from such a man, and so much more from another. They returned and paid me \$2,500, paying Mr. Murphy also \$2,500. I then took hold of their cases and did everything I could for them. At the time of my being so retained I believed these men to be innocent.

By Mr. CASWELL:

Q. Were you not retained before May?—A. No; this was all afterward. I believed these men innocent. They all told me they were innocent. Two or three days elapsed, after their consultation with me with regard to the fee, before they paid it to me. In that time I was a little doubtful whether I would after all go into the cases. I recollect seeing Conklin and talking to him about it. Conklin told me that no such fraud existed there as was pretended; that it was all bosh. He said they might find here and there some technical violation of law, such as neglecting to deface stamps, &c., but that it was not true that any such violation of law had been indulged in as were charged. His telling me so, and I having every confidence in the truth of what he said, I was retained. During that fall, 1875, (the session of the court began in October,) I was in court almost every day, or in my office preparing for the trial of the cases. I did the best I could for them, and I never lost confidence in their innocence until I found half a dozen of them pleading guilty. That shook my faith. This is the whole extent of my connection with the whisky ring in Milwaukee.

Referring to the campaign in the fall of 1874: I was away from Milwaukee almost all the time. I made thirty or forty speeches in different parts of the State. I had no more to do with the campaign in Milwaukee than in Dane County or Jefferson County. Everything that came to my ear in the shape of suggestion, rumor, or remark I repeated to Mr. Henry C. Payne, who was my captain, and to whose advice, even when it did not coincide with my own, I always submitted, because, as I told him, he knew better than I did. He held a high position in the young men's republican club; and those gentlemen, almost without exception, were my warm friends. I left the matter therefore to him, and had nothing to do with it myself. I never knew that O'Neill paid a dollar to that fund until Mr. Payne told me so in my office when I sent to inquire as to the fact, in October or November last. I never knew that one dollar of money was contributed by whisky men and sent to Madison during the contest there. My recollection is that when I returned from Milwaukee I did not even know that Conklin raised any money at all. That is strongly my impression, but I swear most unequivocally that I did not know or suspect that he had raised a shilling from any whisky man for any purpose whatever.

As to Mr. Rindskopf, I did not support him for Congress at all. Mr. Payne came to me, as he has related, and said to me, "I want to know what this programme is. If you are playing in this line for Rindskopf I want to know it." I told him he was authorized to say for me to Rindskopf and his friends, and to all the world, that there was not a word of truth in it. He said that I should see Ludington; but I could not do that for I was going off on the next train, and so wrote to Ludington instead. Afterward, when Rindskopf withdrew, I wrote or telegraphed to Mr. Payne to see Mr. Ludington and keep him on the track.

I want to add, also, that I never kept or attempted to keep any man in office as a condition of supporting me for any position whatever. I never gave such an assurance or made such a condition in my life. I never kept a man in office or used my official position to keep a man in office when I thought he was a vicious man. After I left the Senate I had no suspicion whatever that those frauds existed in Milwaukee, or that a single official had been tampered with. I had no belief whatever in the newspaper charges to that effect, and I was much surprised when those raids came.

No one who was my friend or supporter—neither Conklin, nor Payne, nor any other human being—was ever authorized or requested by me to wield any official whip over any man's head, or to apply to any whisky man to contribute one shilling for any purpose of mine. The whole story, the whole charge, whether in indirect or in express words, or by innuendo, connecting me with the whisky ring in Milwaukee, is wholly false.

In this connection I desire to say that Mr. Keyes and myself, of course, were on very intimate terms during all that campaign. I met him several times at Madison. As I would be going from point to point I would have to pass through Madison. I recollect spending one or two Sundays with him. I saw him frequently. I never heard, nor do I believe, that Mr. Keyes ever collected or received one cent from any whisky man in Milwaukee for any political purpose whatever. I believe that if he had done so I should have known it, and known it from him. I never heard the thing intimated, and I never knew, nor do I believe, that Mr. Keyes had any more connection in any way whatever with the whisky ring in Milwaukee than I had. Mr. Conklin says he paid Mr. Keyes some money which he collected from those distillers.

Mr. CONKLIN. I never claimed to have collected it at all, nor to know where it came from, except that I went to O'Neill and he gave it to me. That mistake has been made by several witnesses.

Mr. CARPENTER. If that money was received and paid over to Mr. Keyes, I do not believe that he had the slightest suspicion that it came from whisky men, and I give the reason. Mr. Keyes was always for putting these whisky men through. He was naturally suspicious of them, and had a great deal more anxiety to prosecute them than any other man I know of.

I swear most positively that I never did, and that I never knew or heard that any one for me did raise or receive any money to promote my election, or had intended or tried to raise any money for that purpose from men engaged in the whisky business.

Another word. Conklin says I advised him to go away and not to stand trial. He is mistaken about that. I know that my impression at the time was that it would not be well for him to do it. I thought, and I recollect telling him distinctly, that even if convicted and sent to State's prison he could better afford to bear that, and come out and resume business among his old neighbors and those who had been his friends and would stand by him, than to go off to any foreign country or place, to which the report would certainly reach, perhaps in aggravated form, and making it worse for him than if he were actually convicted and incarcerated at home. And while I do not mean to charge Mr. Conklin with not understanding it in the form in which he puts it, I have to say that I did not understand it that way, and I am very positive that I never advised him to any such course, because I believed, all the time, that it was not the best thing for him to do, and I know that I had no unkind feeling toward Mr. Conklin at that time.

WASHINGTON, D. C., June 29, 1876.

JAMES COLEMAN recalled.

By Mr. CATE :

Question. In your testimony yesterday you spoke of the expenses at Madison, and how they were paid. I would like to inquire of you if you know, of your own knowledge, the source from which the money came that was used for the purpose of defraying the expenses connected with the senatorial contest there?—Answer. Yes; Mr. Carpenter, I think, paid \$1,500 to Mr. Keyes to defray those expenses. He paid his own hotel bill, which was over \$300. I might say that that covers nothing but his hotel bill proper; that is to say, there were no liquors included in the bill, simply cigars, and his table expenses and room. I paid my bill of, I think, about \$150, and I think there were contributions made by different friends of Mr. Carpenter throughout the State. Mr. Carpenter was anxious that this vast number of people that came down there should have their expenses paid. He did not want

them to come down there on his account for nothing, and yet there was no money with which to pay their expenses. He did not have it, and the money did not come, so that most of them, certainly a large part of them, had to pay their own board.

Q. Was there a bill left at the hotel there against you of \$1,000 or anything like that, unpaid at the termination of the contest?—A. No, sir; not a dollar. That may be accounted for in this way: I objected to paying my bill because it was too large, being \$180 and odd. I went down in the first place to pay my bill, and came back to Mr. Carpenter and told him, "I have paid our bill." "Why," said he, "I have just paid it myself," and took out his receipt and showed it to me; his was over \$300, while mine was \$180. I went down and told the proprietor of the hotel that it was an outrage; that we would not submit to it, &c., but after waiting a couple of weeks I came to the conclusion that the easiest way to get rid of it was to pay it, and I paid it.

Q. As an excuse for asking that question, I will state that I hold in my hand a letter from a gentleman residing in Fond du Lac, in which he says you told him that this large bill remained unpaid, and that Mr. Conklin suggested that he could go to Milwaukee and raise the money and pay it, and that Conklin did so. The letter states as follows: "After Mr. Carpenter's defeat there was a bill for liquor." I think it says "liquor;" but at any rate it says that there was a bill at the hotel in Madison to be paid, amounting to \$1,000, which was presented to Mr. Coleman and others, but no one wished to assume it. Conklin said, 'I can go to Milwaukee to business men on the street and elsewhere who will subscribe it.' He went and came back the next day and it was settled."

The WITNESS. Write to that gentleman that I say here, on oath, that it is a lie in every particular.

Q. Did anything of that kind happen at all?—A. I may have said this, as I said yesterday, that this question came up in regard to the matter of furnishing a room where we could have a more perfect organization, as we thought Mr. Washburn and his friends were better organized than we were. The question came up as to how the expenses could be met, and Mr. Conklin either said he was going or else afterward told me he had been, to Milwaukee to get money for the purpose of paying the expenses, and he told me he got it from the business men of Milwaukee. I had no idea it came from the whisky men at all.

Q. The main point I want to get at is whether Conklin did, to your knowledge, go to Milwaukee for the purpose of raising money?—A. Not to my knowledge. I only know what he told me. He either told me he had gone or was going to raise money to pay these expenses that I have spoken of.

Q. Did you hear from Mr. Keyes or anybody else that Mr. Conklin had done that?—A. I desire to say in regard to that that I have an impression that I knew at Madison that somebody had been to Milwaukee, and got money, but how it was done I did not know. There was, however, no concealment of the fact of going to Milwaukee to raise a thousand dollars, or in that neighborhood, because it was talked of quite commonly.

Q. In regard to this Kansas senatorial election of which you spoke yesterday, as having been taken into consideration by Mr. Carpenter and others, as a reason why you did not resort to the purchase of votes, you do not mean to be understood that that was really the reason why you did not purchase votes?—A. You entirely misinterpret my object in speaking of it.

Q. I presume I do; that is the reason I now mention it, that you may have an opportunity of explanation.—A. I did not give that as a reason.

Q. Did you mention it in that connection?—A. I mentioned it. This idea that Mr. Carpenter had used money in his election, as all his friends knew, was an outrage, because for a great deal less sum than he was charged with using, he could have got his election, but he did not do it because he said he was fairly nominated, and was entitled to his election, and in the course of conversation he said that he did not want any "Kansas investigation" in his matter.

Q. That was held up as a sort of restraining influence?—A. Not at all; it was simply alluded to.

Q. Did you have any conversation with anybody in Fond du Lac in which you related about how the matter was carried on at Madison?

The WITNESS. Do you mean did I make a detailed statement of it?

Mr. CATE. Yes.

A. Never to my knowledge until yesterday.

Q. Nowhere?—A. No, sir; I am not in the habit of talking that way.

Mr. Carpenter asked that Mr. Cate be sworn.

WASHINGTON, D. C., June 29, 1876.

GEORGE W. CATE sworn and examined.

By Mr. CARPENTER:

Question. You have spoken of a letter just received from Fond du Lac; whom is that letter from?—Answer. I shall not tell you whom it is from.

Q. Is it from General C. S. Hamilton?—A. If you want to keep on asking everybody's name, and in that way prove whose it is, I am not willing to answer.

Mr. CARPENTER. I do not make any contract.

The WITNESS. Then I decline to answer.

Mr. Carpenter insisted upon an answer.

Mr. MCCRARY. (To Mr. Carpenter.) I do not think you can require Mr. Cate to produce the letter; it is a private letter, and he simply used it to make it a basis for asking a question.

Q. From whom have you received letters in Wisconsin urging you to conduct this investigation against Mr. Keyes and myself?—A. I am not able to say that I ever received any letters urging me to conduct any prosecution against you.

Q. Or Mr. Keyes?—A. I decline to answer whom I have.

Q. Have you ever received a letter on that subject from E. H. Brodhead, of Milwaukee?—A. I decline, for the same reason. I would have no objection to answering as to Mr. Brodhead if it would not be followed up by asking as to others, and in that way prove whom it was from.

Mr. CARPENTER. I understand the statement to have been made here that Mr. Cate represented others in Wisconsin.

Mr. CATE. I said that I represented the House of Representatives.

Q. Has the House of Representatives appointed you to conduct this investigation?—A. I introduced the resolution and a committee was appointed.

Q. Were you on that committee?—A. No, sir, I was not.

Q. Was your name mentioned in the House in any way in connection with it except that you offered the resolution?—A. That is all.

Q. Has the House of Representatives in any way authorized you to appear here before this committee or requested you to do so?—A. No, I do not think they have.

Q. Then you do not appear for the House of Representatives?—A. I consider I do. I consider that all the democratic members participated in this, on account of the urgent requests made from Wisconsin that the matter should be investigated, and in that sense I regard myself as representing the House of Representatives.

Q. It is an implied authority?—A. Rather so, I presume.

Q. Is it not entirely so?—A. It is, unless something can be drawn from the resolution authorizing it.

Q. There is no express authority from the House of Representatives authorizing you to appear?—A. No, sir.

Mr. CARPENTER. I insist upon answers to the questions as to which the witness has declined to speak. I do so for the purpose of showing who is in this combination. The motive of the investigation I propose to prove if the committee will hear the testimony; that it is all the result of a conspiracy of a few personal enemies, having no regard whatever to the public interest or the public good, but merely to gratify their malice, principally against me. I claim the right to prove that, and I claim that a member of Congress has no more privilege, when on the stand, than any other witness. The committee will remember the investigation regarding the sale of arms, commonly known as the French arms sales; Mr. Sumner put himself, in that case, upon the high moral ground that communications made to him from his constituents were privileged communications; and you will remember the unanimous report of the committee, that he had no such privilege. Mr. Sumner then smoothed his plumage down and took the stand and testified like anybody else. Mr. Cate, as a member of the House, called here as a witness, has no more privilege than any other witness.

Mr. CATE. I do not claim any more privilege, more than attaches to any other citizen.

Mr. CARPENTER. Very well. Then I want to know from whom you received letters.

Mr. CATE. I decline to answer.

Mr. MCCRARY. I have no authority to insist upon an answer. All I can do is to report the matter to the House.

Mr. CARPENTER. I desire to be taken down, here and now, my offer to prove by Mr. Cate, now on the stand, and having voluntarily submitted to be sworn—

Mr. CATE. No, sir; I have not voluntarily submitted to be sworn; you called me as your witness and I responded to the call.

Mr. CARPENTER. By voluntarily submitting, I mean that you have not been compelled by subpoena, but voluntarily took the stand. The question that I put to Mr. Cate is this: Have you received any letters from E. H. Brodhead, Asahel Finch, General C. S. Hamilton, Charles F. Hillsley, John J. Orton, A. E. Burpee, A. M. Thompson, or the editors and proprietors of the Commercial Times, (a newspaper published in Milwaukee,) in regard to this investigation, and urging you to push it forward against either myself or Mr. Keyes; if so, where are those letters and will you produce them? And I state to the committee, in connection with this question and the offer of this testimony, that I can prove that this investigation has been set on foot by the individuals named in the question and some of their associates, without regard to public interests or public good, but to gratify their private malice against me.

(To Mr. CATE.) I understand you to refuse to answer that question?

Mr. CATE. Yes; but I desire to say that my refusal is as a matter of principle, and I do

not wish that anybody shall infer because of my refusal that I have any letters from any of the parties named. I do not want it understood that I decline to answer, or that I have any letters from those parties; but simply that you have no right to make that inquiry of me at all.

Q. I ask this further question: Have you any letters from any persons residing in Wisconsin upon the subject of this investigation?—A. That is nobody's business but mine.

Q. Will you answer that question?—A. In no other way than as I have done.

Mr. CARPENTER. At this point I request the committee to report to the House the fact of the swearing of Mr. Cate, with the questions put to him, and his refusal to answer them.

Q. Did you hold in your hand, when lately putting questions to Mr. Coleman, the last witness, a letter from some one in Wisconsin upon the subject indicated by the questions?—A. I so stated to Mr. Coleman. In my question to him I think I said that I held a letter in my hand written by a gentleman at Fond du Lac, suggesting a question that I put.

Q. Now, I ask you what objection you have to letting us know the author of that letter?—A. Because he requested that he should not be known; it is marked "strictly confidential."

Q. In other words, he desired to stab in the dark and be protected by the House of Representatives?—A. No, sir; he desired me to ask Mr. Coleman certain questions.

Q. That you do not call stabbing in the dark?—A. No, sir; he said that Mr. Coleman had told him so, and he requested me to ask Mr. Coleman if he had stated so and so.

Mr. CARPENTER. I submit that we are entitled to see the letter.

Mr. McCRARY. I have no power to enforce anything of that kind. If I had any power to decide, I should hold that he is not obliged to produce the letter. You can, if you choose, make your point, and it will be reported to the full committee.

Mr. CARPENTER. The same point which I have made in regard to myself (as to the refusal of the witness to answer, and that the fact be reported to the House for the action of the House thereon) I make, also, with respect to Mr. Keyes. I think it is quite evident that if members of Congress can be imposed upon by letters written from their constituents, the names of the writers of which can never be ascertained, and if investigations are to be set on foot with such inducements, the committees of Congress will have nothing to do but to investigate private scandals all over the United States. It is upon that account that I claim that the matter shall be introduced to the House.

Mr. McCRARY. It does not appear there is anything material in the letter.

Mr. CATE. That is the point exactly. If I had based any charge upon any letter I had received, that would be a different thing. I did not do so. I simply used the letter as a memorandum in putting the questions. I had not intimated that he charged anything against you, [Mr. Carpenter,] or Mr. Coleman, or anybody else, and I have not indicated that I had any letters from either of those gentlemen.

Q. Let me ask you the question whether you have or not.—A. That I have answered. It is absurd to suppose that you can go fishing through my private correspondence to ascertain whether there is anything in it relating to yourself.

Q. Let me ask whether you have any letters from any person or persons in Wisconsin making any charges against me, which ought to be investigated before this committee?—A. Beyond the authority of the resolution I do not pretend to go.

Mr. CASWELL requested that the question put by Mr. Cate to Mr. Coleman, in which the letter was referred to, be read; which was done.

Mr. CARPENTER. I wish to suspend the examination of Mr. Cate on this point until the report of the committee and the action of the House upon the questions which he declines to answer; I wish, then, to recall him and examine him upon other branches of the subject.

Mr. CATE. My refusal might, perhaps, lead to the inference that the gentlemen named had been corresponding with me in regard to this matter. As to that I will state that—except as to the editors of the Times, and as to those I will not answer—I have never received a letter nor exchanged a word with the gentlemen named in the questions. As to the other gentlemen, I never spoke to one of them in my life, and have had no private acquaintance or correspondence with them.

Q. Have you heard from either of those gentlemen through William P. Lynde?—A. I. have not.

Q. Have you heard from either of them through Mr. Burchard?—A. I do not think I have; if I have, I have forgotten it.

Q. Now, on consideration, are you not willing to exonerate the whole people of Wisconsin by saying that you have not received any letters from them?—A. I have received very few letters from the people of Wisconsin. The information that I have from that State is not in the shape of private letters from anybody.

Q. Will you state in what shape it is?—A. No, sir; I decline to state.

Q. Was this proceeding instituted in consequence of the articles contained in the Commercial Times of Milwaukee, and letters received from the editors and proprietors of that paper?—A. I am unable to say what the reason was.

Q. What was your moving reason in offering that resolution?—A. Because representations had been made to me and my colleagues urging an investigation.

Q. Representations had been made by whom?—A. I have not said by whom—setting forth that public interests demanded that there should be some inquiry. It was a matter

that had occupied the attention of the people of Wisconsin so long, and charges had been made so frequently that it was thought the public interests would be subserved by an investigation.

Q. I want to know who made the representations to you?—A. I shall not state.

Mr. CARPENTER. I claim here, and I want the claim noted on the record, that after the witness has stated that representations have been made to him from people of Wisconsin, which were of such a character as induced him as a member of Congress to offer a resolution for this investigation, we are now entitled to know by whom such representations were made, for the purpose of enabling us to subpoena those parties to give testimony in regard to the charges which it appears have been made against myself and Mr. Keyes, or others, as a foundation for this investigation.

Mr. CATE. I desire to say that there were no charges made against Mr. Carpenter, and that whatever was said in these representations was of a public character, and had been canvassed in Wisconsin ever since the senatorial contest, and before that time, mainly involving whisky frauds, and for the purpose of ascertaining whether any Government officials were implicated therein. There was no reference specially made to Mr. Carpenter or anybody else, except those that might be implicated in it. When the matter came before the committee, a statement, signed by three members of Congress, was submitted to the committee, and they decided to go on with the investigation. After that I was sent for, and was requested to say whether it implicated any particular officers in Wisconsin. I stated (in a note) that I understood those charges to implicate the Hon. E. W. Keyes, of Madison. I made that statement because the committee decided that it should be made to refer to somebody, and inasmuch as it did refer to Mr. Keyes, I proposed to make that statement.

Q. Are we, then, to understand that this investigation was instituted upon mere political public rumors?—A. Not political.

Q. Newspaper rumors?—A. No, sir; not that I know of; although they were embraced in newspapers, of course, and had been published from time to time.

Q. And denied?—A. And denied.

By Mr. CASWELL:

Q. Let me ask you what committee you refer to?—A. It was the committee embraced in the resolution. When the matter came before the committee, the witnesses were in attendance; it was found that that committee could not attend to it, and was then transferred by the House to this committee.

Q. What committee was that decision made by?—A. The Committee on Expenditures in the Treasury Department, I believe.

Q. Those four witnesses were brought before the committee and examined preliminarily—that is, a statement was heard?—A. Not to my knowledge.

Q. Did not that committee, after the witnesses arrived here, decide that they could not proceed with the investigation?—A. Not to my knowledge.

Q. How came you to go to any other committee?—A. I was informed by Mr. Ely and other members of that committee that they had so much business on hand that they could not attend to it at that particular time. The witnesses had all arrived here, and I was anxious to have the matter attended to, so that they could go home.

Q. Did they not give as a further reason that this matter was before the courts at Milwaukee, and that it was not quite proper to investigate it here pending a legal investigation?—A. Not to my knowledge.

Mr. CASWELL. That was given as a reason, to him, by members of the committee?

Mr. CATE. The members made no such order to my knowledge.

Q. They decided, however, not to proceed with it?—A. For the reason I have stated.

Q. Then you introduced this other resolution?—A. Yes, sir.

Q. That was after the witnesses were here?—A. Yes.

Mr. CARPENTER. Who were those witnesses?—A. I think the first witnesses examined were Rindskopf, Wirth, and others.

Q. The same that have been examined here?—A. There were none examined before the other committee.

WASHINGTON, D. C., June 29, 1876.

EDWARD SANDERSON recalled.

By Mr. CARPENTER:

Question. I want to call your attention to the testimony you gave yesterday in regard to an interview between Angus Smith and yourself before you came to my room to see me, and before he called on me at the Newhall House. You stated that Angus Smith said, in substance, that we were defeated by a combination that had been formed, and that there was only one other thing to do. I want to know (as a matter of justice to Mr. Smith) whether you mean by that that we shall understand that Mr. Angus Smith countenanced or encouraged doing that other thing?—Answer. He did not countenance or encourage it.

Q. After I told him that I would not be elected by any such means, and would not take

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my seat if I was, did Mr. Smith not say, "I am very glad indeed that you think so and feel so. I thought so, too, but I thought that as the proposition came to us we ought to let you know how it was?"—A. That is so.

By Mr. CATE :

Q. Was it you who testified that there were a thousand or two thousand people at Madison in the interest of Mr. Carpenter?—A. I did not testify to that, although there were a great many people there.

Q. Was this subject of buying votes discussed among Mr. Carpenter's friends?—A. It was rumored through the delegation.

By Mr. CARPENTER :

Q. What was rumored?—A. It was rumored that democratic votes could be had, if they were wanted, to elect Mr. Carpenter.

By Mr. CATE :

Q. That was generally discussed by the large number of people who supported Mr. Carpenter?—A. I cannot say about that. I can speak for Mr. Carpenter, Mr. Smith, and myself.

Q. I am willing to admit that Mr. Carpenter disapproved of it, but the hundreds of supporters of Mr. Carpenter were discussing it, were they not?—A. I do not know.

Mr. CATE. I have too much respect for Mr. Carpenter to suppose that he would put his hand into such a fund as that.

By Mr. CARPENTER :

Q. Mr. Conklin has testified to a conversation as to buying Sentinel Company's stock ; to whom did that stock belong?—A. To A. M. Thompson.

Q. From whom did the proposition come, as you understood it?—A. From a lawyer in Milwaukee by the name of John I. Thompson.

Q. Has he been Mr. Thompson's lawyer at different times?—A. He signed a document the other day for me as attorney in fact of Mr. Thompson.

Q. State the proposition that Lawyer Thompson made to you in regard to that stock, or what he said about it.—A. He desired a private interview with me. It was perhaps the first occasion that I ever spoke to him ; at any rate I was but slightly acquainted with him. He said to me, "You are a friend of Carpenter's, and you want to elect him to the United States Senate." I told him I did. Said he, "It cannot be done unless this 'bolt' arrangement can be broken up." Said he, "If you, or your friends, or Mr. Carpenter will buy up the balance of the stock of the Sentinel Company"—

Q. [Interrupting.] Did he say \$25,000 would buy it?—A. I have forgotten now, but the amount was somewhere in that neighborhood. He said, "If that be done, Mr. Carpenter can be elected United States Senator and you can go home in twenty-four hours."

Q. That was A. M. Thompson's stock?—A. Yes.

Q. And the party who made this proposition to you was Lawyer Thompson?—A. Yes.

Q. Do you know that a portion of this stock was held by Mr. Brodhead as collateral to loans to Mr. Thompson?—A. I do not know. I have heard that he held \$3,000 ; whether he did or not, I cannot swear.

Q. Do you know whether Charles L. Hillsley held a portion of it?—A. He held \$3,000, I think.

Q. As collateral to a loan to Thompson?—A. Yes.

Q. Was Mr. Finch an attorney of Thompson's, and interested in that matter of the stock?—A. I believe so.

Q. Finch, Lynde, and Miller were the attorneys of Thompson?—A. Dixon and Hooker were attorneys, too.

Q. Asahel Finch was at Madison and led that "bolt," was he not?—A. Yes.

Q. Mr. Brodhead, Mr. Thompson, and Mr. Hillsley were there assisting Mr. Finch in that matter?—A. They were all there together. I would like to add before leaving the subject what disposition was made of that proposition. I said to Mr. Thompson that I could not make any arrangement with him, but of course I would report. I went and reported to Mr. Angus Smith what proposition was made. We went into your room and you laughed at it, and said you would have nothing to do with it, and the matter was dropped from that time forth.

Q. I told you, did I not, that I would not pay a shilling for that stock, in any such connection?—A. That is so.

DANA C. LAMB sworn and examined.

WASHINGTON, June 29, 1876.

By Mr. CARPENTER :

Question. Do you know John E. Eldred?—Answer. Yes.

Q. Did you have a conversation with him at the Madison senatorial contest in regard to

obtaining any votes? If so, state what it was, and state what followed it.—A. One evening while in Madison Mr. John E. Eldred asked me to take a walk with him, saying that he wanted to introduce me to a gentleman. I went down the street near the Vilas House and went into a room over Casper Myer's saloon—a private room; walked in unannounced. Mr. Eldred introduced me to a gentleman, saying, "This is the gentleman I spoke to you about." The party to whom he introduced me proceeded to talk somewhat in this wise: He said, "It is a simple matter of business; I am a democrat, but I desire to see Senator Carpenter re-elected over any other republican. I am confident that no democrat can be elected;" and, handing me a card, said, "Look at those names, there are the names of eight members of the house. When these eight members vote for Senator Carpenter, and when Senator Carpenter is elected, I want, in that event, \$1,500 to be put up in somebody's hands where I know I can put my hand upon it. Mr. Eldred says that you are responsible to hold that money, and that will be satisfactory to me." Let me here state that Mr. Eldred says the sum was \$3,000, but my recollection is that it was only \$1,500, from the fact that he says, "You can see I am not aiming to make any money out of this myself, because \$1,500 for eight men is no great amount." I made no reply to him. After sitting a few moments we went down the street. I said to Mr. Eldred, "This thing I can have nothing to do with." He remonstrated and talked with me more about it. He says, "The money can be had." We then walked up the street near the Park Hotel, and he parted with me to see some other friends and confer about the same matter, failing to manage it with me. I went into the Park Hotel and met Mr. Hiram S. Towne. I was under a little excitement, perhaps, and I said to him, "I want to see Senator Carpenter." "Well," he says, "let us go up to his room." After getting up-stairs, I stopped a moment and talked with Mr. Towne. I told him what the proposition was. He says, "Carpenter will have nothing to do with it." "Well," I said, "It will be no harm to have a talk with him." We went into the room together. There was no one present in the room except Senator Carpenter, and, as my impression is, Mr. S. J. Conklin. I will not swear positively to that, but that is my impression. I commenced my explanation, and the words had not got out of my mouth before Mr. Carpenter arose in a great heat and anger, paced across the room nervously, making the remark, "I forbid it, and I hope that no friend of mine, if he is a true friend, will allow himself to listen for one moment to a money proposition, for I swear before God, if I am elected, or have the least suspicion that I am elected upon the purchase of votes, I will never take my seat as United States Senator." I remember this distinctly, from the fact that I thought Senator Carpenter, believing me to be his friend, was a little too indignant at a man who had come to him to report what was going on, and to report a matter which might compass his election. I confess I took a little offense.

By Mr. CARPENTER :

Q. As an apology for that rudeness, if I was guilty of it, do you not know that this matter as to buying democratic votes had been two or three times mentioned before that?—A. I know it.

Q. And don't you know that I uniformly told all my friends that if I could not be elected after a regular republican nomination by perfectly honest means, I would not take my seat?—A. I do.

Q. May it not have been in consequence of having been annoyed about that three or four times that I might have been a little vehement in my manner?—A. I presume so, sir.

Q. There the matter dropped, did it?—A. There the matter dropped.

Q. Were you present at a conversation between Mr. Coleman and Mr. Conklin, at the Newhall House, some days ago; a conversation spoken of by Mr. Coleman yesterday?—A. I was.

Q. Relate that conversation, as near as you can.—A. We were reading the Chicago Times, all of us, I think—sitting in the reading-room. Mr. Coleman commenced a conversation with Conklin in regard to the speech of Mr. Ingersoll.

Q. This was the same interview spoken of by Mr. Coleman yesterday?—A. Yes; and since Mr. Conklin's return from Canada.

Q. Was it about the time of the Munn trial at Chicago?—A. It was during the progress of the Munn trial.

Q. And that argument of Mr. Ingersoll in the Munn trial was the one which was being talked of?—A. Yes. Mr. Coleman was commenting somewhat upon the speech, and speaking of it in praiseworthy terms, and in the course of the conversation Conklin says, "Munn will not be convicted." Coleman says, "Why, the testimony against him is very strong." Conklin says, "Yes; but there is no testimony implicating General Munn except that of Jake Rehm and myself, and such testimony will be taken by any jury with very great allowance." Mr. Coleman says, "Why?" "Well," Conklin says, "we have too much at stake, and were I on the jury, I should take such testimony with great caution." Mr. Coleman still persisted in knowing why, but Conklin made the same remark, "We have too much at stake."

By Mr. CATE :

Q. In that interview with Mr. Conklin, did he convey the idea to you that he had testified untruly; was not the drift of his statement to the effect that, situated as he was, his testi-

mony would be received with allowance?—A. I got from him the idea that he was playing for liberty; that the stake was whether he should be incarcerated in a State prison or not, and that his testimony must be taken with that allowance. The idea was that the jury would consider that he was playing for that stake.

Q. How was he liable to go to State prison, or how could he shield himself from State prison; did he carry the idea that he was under obligation to convict these persons in order to save himself?—A. That was my inference.

Q. Did he not tell you and Mr. Coleman at that time that he had engaged to convict no man, but that he had furnished a statement of what he would swear to?—A. He had told us that he had furnished a statement of what he would swear to.

Q. Did he not say in so many words that he had engaged to convict no man?—A. I do not recollect it.

Q. Was not that the drift of his conversation—that he had only made a certain statement?—A. No, sir.

Q. Do you want the committee to understand that you got the impression from Mr. Conklin's statement that he had sworn falsely in that Munn trial?—A. No; I cannot say that I do.

Q. Who was this Mr. John E. Eldred of whom you spoke?—A. A young man who lives in Milwaukee.

Q. Is he here?—A. No.

Q. What are his politics?—A. Republican.

Q. Was he at Madison in the interest of Mr. Carpenter?—A. He was there during the contest.

Q. In the interest of Mr. Carpenter?—A. Yes.

Q. Was he there for that purpose?—A. That I do not know.

Q. You judged so from his conversation and acts?—A. Yes.

Q. Was he active in the interest of Mr. Carpenter?—A. Yes.

Q. Was that the first intimation you had from any person that votes could be bought?—

A. Yes.

Q. The very first that had occurred to you?—A. Yes.

Q. You had not heard the subject canvassed before?—A. No.

Q. He took you to some person, did he?—A. Yes.

Q. At what place?—A. Over Casper Myer's saloon.

Q. Who was the gentleman you had the interview with there?—A. I don't remember his name.

Q. Was he a member of the legislature?—A. I should presume not. He was a man whom I had never seen before, and have never seen since.

Q. He gave you a list of names, did he?—A. Yes.

Q. You don't remember any of those names?—A. I do not.

Q. Not a single name?—A. [After a pause.] I do not think I do.

Q. What was the conclusion to which you and Mr. Eldred arrived on that subject?—A. Mr. Eldred and myself had no conversation before coming here.

Q. After you did get there, what?—A. After we came away I said to him, "I will have nothing to do with this thing."

Q. You disapproved of it from the start yourself?—A. I disapproved of it from the start.

Q. Mr. Eldred disapproved of it also?—A. Well, I am not so certain about that.

Q. At whose suggestion was it that you went and saw Mr. Carpenter about it, and took his advice?—A. My own.

Q. Have you never had any conversation with Mr. Carpenter, or heard any in his presence, on that subject before?—A. I had heard remarks made by Mr. Carpenter in regard to similar matters.

Q. To the effect that he would not tolerate that sort of thing?—A. Yes.

Q. Then why did you go to him and speak to him about it at all?—A. Simply that we like to see Mr. Carpenter.

Q. Did Mr. Eldred urge upon you the propriety of terminating the contest in that way?—A. Mr. Eldred did not go with me at all.

Q. Did he urge the propriety of it?—A. Not particularly.

Q. He suggested, however, the propriety of seeing this man?—A. He took me there.

Q. He never suggested why?—A. No.

Q. Nor suggested any opinion in favor of such a course?—A. No.

Q. He said the money could be had, however?—A. He said there was no question about raising the money.

Q. He said that they could get the money if it was deemed best. Did he express any other opinion upon it?—A. I do not think he did.

Q. In this interview with Mr. Carpenter, who was so abrupt in his manner, did you take it as a sort of rebuke for your presentation of the matter?—A. Yes.

Q. But it was his manner that offended you, rather than the fact that he disapproved of your course?—A. No, sir; I wish to have it distinctly understood that I did not commit myself to anything of this kind. I positively refused to have anything to do with it.

Q. Did you talk to anybody about it except Mr. Eldred and Mr. Carpenter?—A. I did not, except to Mr. Towne.

Q. When did you speak to Mr. Towne about it?—A. On my return from this interview.

Q. Before you saw Mr. Carpenter?—A. Yes.

Q. What were Mr. Towne's ideas on the subject?—A. He said, "Mr. Carpenter will have nothing to do with it, but you can go and tell him," which I did.

Q. You found nothing but disapproval from everybody you talked with until you got to Mr. Carpenter?—A. I found nothing but disapproval from prominent workers in the interest of Mr. Carpenter.

Q. You say you found nothing but disapproval from prominent workers; whom else did you consult besides Mr. Eldred and Mr. Towne?—A. No one whatever.

Q. They were the prominent workers?—A. They were prominent.

Q. If these were the only two persons, why did you not say that you consulted only these two, and that they disapproved of it?—A. Not only as to this matter, but in regard to other matters.

Q. What other matters were disapproved of by the prominent workers for Mr. Carpenter?—A. I knew from conversations in Mr. Carpenter's room that he disapproved of any money transactions.

Q. Whom did you talk with besides Eldred and Brown about these matters; who disapproved of them?—A. I do not remember that I talked to anybody.

Q. Was the idea of using money in that election talked up pretty extensively—canvassed, I mean?—A. No, sir.

Q. How happened you to be talking to prominent supporters of Mr. Carpenter about it, if it was not talked of at all?

Mr. CARPENTER. He did not say it was not talked of at all.

Q. Was it talked of prominently among the prominent workers?

The WITNESS. Do you mean publicly?

Mr. CATE. I don't mean publicly. Is it a fact that you talked with prominent republicans about the propriety of using money in that campaign?—A. Not except when it came up in some way in which I was interested.

Q. Did it come up that way?—A. Not to my knowledge, except this time.

Q. This was the only instance, then, was it?—A. The only instance. This was the only instance of any actual money being offered of which I was personally aware.

Q. I have not yet got an answer to my question, whether the idea of using money was talked of among the prominent workers and supporters of Mr. Carpenter, (not by Mr. Carpenter, I mean).—A. Let me ask your real meaning of this thing. Do you mean whether it was canvassed that we should buy so many votes for so much?

Q. No, but as to the propriety of using money in that campaign for the benefit of Mr. Carpenter. I do not care how you used it; was it canvassed? You said a while ago that you talked with prominent republicans, and only met disapproval. What was the subject?

Mr. CARPENTER. He was speaking of disapproval as to buying votes, not as to using money otherwise in the election.

Q. I will take it that way. Did you talk with prominent republicans, except Eldred and Towne, about buying votes?—A. No, sir.

Q. What did you mean, then, by saying that you talked with prominent republicans about the matter of using money; do you wish to confine it to those two persons alone?

Mr. CARPENTER. I do not think that Mr. Lamb said just exactly that.

Mr. CATE. That is the inference I drew. He said he had talked with prominent republicans.

Mr. CARPENTER. Let me remind you of the testimony. I had asked him, as an apology for what I thought was perhaps my rudeness, if this matter about votes being purchased had not been two or three times condemned by me, to his knowledge, and he said "Yes;" and he said that the matter of using money to buy votes was condemned by all the prominent republicans.

Q. Don't you know what other prominent republicans were talked with on that subject?—A. I don't remember of any.

Q. Then you allowed the statement to appear that you talked with prominent republicans and that they disapproved of it generally, and yet you can't tell whom you talked with?—A. I want to correct my statement there as to the precise language to which Senator Carpenter has called your attention. I dropped the word that it was "canvassed" among prominent republicans.

Q. Then you mean to say that it was not talked of among prominent republicans?—A. Yes.

Q. How often had you heard that matter canvassed before Senator Carpenter prior to that time?—A. Perhaps once or twice.

Q. Who was present at those times?—A. I can't recollect.

Q. Were the prominent workers in his campaign present?—A. I should think not.

Q. Then were men who were not prominent present?—A. I do not know how to measure the degree of prominence.

Q. Do you mean to say there were not any persons present except you and Mr. Carpenter,

or were there some other persons present?—A. I have no distinct recollection of talking of this matter in the presence of Mr. Carpenter.

Q. Mr. Carpenter says it had been presented to him two or three times, and that he had always disapproved of it and was vexed about it. Was there an issue between Senator Carpenter and his friends as to the propriety of using money in the campaign, they on the one side urging it, and he on the other side disapproving it and getting vexed over it?—A. No, sir.

Q. What is the inference to be drawn from the fact that Mr. Carpenter was vexed?

Mr. CARPENTER. I will make that plain.

Mr. CATE. I have not the least doubt you can clear it up, but I want to know what this witness thought of it.

Q. You state that you never heard it canvassed before this time that you went there between Mr. Carpenter and anybody?—A. I was aware before that he had disapproved of using money.

Q. How happened you to be aware of it?—A. I cannot tell you.

Q. Had you heard him disapprove of it?—A. I think I had in one case heard him disapprove of it.

Q. Can you tell who was having a controversy with him in regard to it?—A. No, sir; I cannot.

Q. Do you know of your own knowledge that considerable sums of money were used one way or another about Madison at that time?—A. I did not of my own knowledge.

Q. You do not know anything about the sources from which the money that was used came?—A. No.

Q. Where do you reside?—A. At Fond du Lac.

By Mr. CARPENTER :

Q. Mr. Cate asked you whether you got the inference from what Conklin said to you at that interview, at the Newhall House, that he had sworn falsely in the Munn trial, and you said you did not get that inference?

Mr. CATE. You didn't understand the question, exactly.

By Mr. CARPENTER :

Q. Did you draw the inference from what Conklin said that he would swear falsely if it were necessary to save himself?—A. I did, sir.

By Mr. CATE :

Q. What did he say that led you to draw that inference?—A. I cannot give you the words.

Q. Give the conversation if you can. My question to you was, really, whether you got the impression that Conklin calculated and intended to convey the idea to you that he had sworn falsely.

Mr. CARPENTER. That was my idea.

A. I cannot give the conversation any fuller than I have.

By Mr. CATE :

Q. You stated that you thought he would swear falsely if it was necessary to carry his point; state, as near as you can, the words from which you draw that inference.—A. I drew that from his statement that he and Mr. Rehm had too much at stake to be considered as credible witnesses before a jury.

Q. Let me ask you, as a reasonable and fair demand, whether the proper construction can be drawn from that, and the only one, was that in his circumstances and situated as he was, his testimony would have a shade of doubt upon it, and that, therefore, he would not be entitled to such credit as a man who would be free from that trouble?—A. I am not an interpreter of construction.

WASHINGTON, D. C., June 29, 1876.

HIRAM S. TOWNE sworn and examined.

By Mr. CARPENTER :

Question. You reside in Wisconsin?—Answer. Yes; at Ripon, Wis.

Q. Were you at Madison during the senatorial contest in 1875?—A. I was.

Q. Did you see Mr. Dana C. Lamb there?—A. I did.

Q. You were there how long during that contest?—A. I think about six weeks.

Q. Was there a large crowd of people there, coming and going all the while, from different parts of the State?—A. There was a very large number of people.

Q. Where were my rooms?—A. At the Park Hotel.

Q. Were they not generally thronged day and night?—A. Yes.

Q. Frequently until two or three o'clock at night?—A. Yes.

Q. And frequently before breakfast next morning?—A. Yes.

Q. And all through the day?—A. Yes.

Q. Hundreds of people were coming and going every day?—A. Yes.

Q. Did you not hear me say, more than once, in regard to suggestions made about getting an election by playing as sharp as our enemies did, and by getting democratic votes, that I would have nothing whatever to do with it in any other way than to submit my claims to a fair vote of the legislature? State what I did say in regard to that.

The WITNESS. Do you mean at this interview when Mr. Lamb was with me?

Mr. CARPENTER. No; I ask you in the first place, generally.

A. You condemned, severely, any such proposition, said you would not listen to them for a moment, and hoped your friends would not listen to them, or countenance or encourage any such movements.

Q. Did I not say, more than once, that if I found, after the election was over, that I had been elected by votes bought, I would publish the fact to the world, and refuse to take my seat?—A. Yes, you said so twice.

Q. Was there not, toward the close of the fight, a great deal of excitement and angry feeling in Madison?—A. Yes; a great deal.

Q. Were not my friends and opponents very much heated by the canvass?—A. Yes; unquestionably.

Q. And, therefore, I offered that as a reason why I kept constantly telling my friends that they must see to it that everything was done straight; did I not say that I could stand being defeated, but I could not stand being elected to have my election followed by a Kansas investigation. Did I not say that repeatedly?—A. Yes.

Q. Let me now call your attention to the interview with Mr. Lamb. Did you come to my room with Mr. Lamb?—A. Yes.

Q. Who was there besides myself?—A. My impression is that Mr. Conklin was there.

Q. State what took place.—A. I met Mr. Lamb in the office of the Park Hotel. He came in at perhaps 11 or 12 o'clock at night and asked me if you were in your room. I told him I thought you were, for I had been there a short time before. He said he would like to see you, and I told him we would go up. In going up stairs to your room he stopped in the hall a moment and told me the result of his visit with Mr. Eldred that evening. I told him it would be useless to see you in regard to anything of that sort; that you had already condemned it in my presence, and that you and your friends ought to frown it down at once, but if he chose to see you about it we would go in. We did so. Mr. Lamb stated to you (Mr. Carpenter) the interview that he had with this gentleman. As he has said, you were somewhat excited, and condemned it severely; said that you could not, and your friends must not, listen to any such proposition, and that if you were elected at all it would have to be with clear votes, and that if a penny of money were used in the election, you would not take your seat in the Senate. You made the remark in a characteristic way, "If we go down we will go down honorably, and with all our colors flying."

Q. Did you have any conversation with Mr. Conklin about collecting some money to pay the expenses of a hall, or something of that kind?—A. No. I had no direct conversation with Mr. Conklin. I was present when Mr. Keyes and Mr. Conklin had a conversation about some money.

Q. State that conversation.—A. I met them either in one of the corridors or in the office of the Park Hotel; they were talking together. As I came up, I heard Mr. Keyes say to Mr. Conklin, "We are needing money to carry on this canvass; it is an expensive canvass." The matter of expenses was talked about, and a reference made to the large number of rooms we were hiring and the large number of people who were coming and going, and the gentlemen that we were sending away to bring in friends of the members of the legislature. Conklin told Mr. Keyes he would go away and get some money, and Mr. Keyes told him he wished he would.

By Mr. CARPENTER:

Q. Was anything said about collecting anything from the whisky men?—A. No, sir; not a word.

Q. Did Mr. Conklin state that he would go and get some money?—A. He stated he would go and get some.

Q. Where did you understand, if you understood at all, he was going to get the money from?—A. I did not understand where. There was no statement made as to that.

Q. There was no intimation that it was about to be collected from whisky men?—A. Not at all. My supposition was that he was going among his friends, or perhaps among the Milwaukee business men; men of means.

Q. Let me ask you whether, if I, during the last ten days of that canvass at Madison, had wanted to use money, I could not have borrowed \$25,000 in twenty minutes?—A. You could.

Q. I mean from men not connected with the liquor business?—A. Certainly.

Q. You understood, then, that if Conklin went to Milwaukee, he was to go to the businessmen of Milwaukee, and not to any particular class?—A. There was nothing said about whom he was to go to at all. I simply supposed that he was to go among them, for I had said to Mr. Sanderson and Mr. Angus Smith once or twice that I thought the business-men

of Milwaukee were not paying their share of the senatorial campaign expenses ; that you and your friends, a few men, were paying the most of the expenses.

Q. Reflect upon one point a moment. Did Mr. Keyes first say to Conklin, "We must have money," or was it Conklin that first said that to Mr. Keyes ?—A. Mr. Keyes, I think.

Q. Are you positive about that ?—A. I am not positive about it.

By Mr. CATE :

Q. Mr. Keyes did say to Mr. Conklin at that time, "We have got to have money to carry on the campaign ?"—A. Mr. Keyes said that it was necessary we should have money.

Q. Was there one word said between Mr. Keyes and Mr. Conklin as to the persons from whom Conklin should get the money ?—A. There was not.

Q. Then, it was a mere inference of yours as to where the money was to come from ?—A. That was all.

Q. Based upon nothing ?—A. Based upon the conversation to which I listened between those two gentlemen.

Q. But there was nothing said upon which it was based ?—A. No.

Q. What office did you hold at that time ?—A. I was postmaster at Ripon.

By Mr. CARPENTER :

Q. You have not been indicted, have you ?—A. No, sir.

By Mr. CATE :

Q. You were frequently in Mr. Carpenter's room, were you ?—A. Yes.

Q. He was a good deal indignant over this proposition of Mr. Lamb's ?—A. He certainly was.

Q. Did Mr. Carpenter tell him that he had frequently advised his friends that such things could not be tolerated ?—A. He told him that he had heard, or that reports had come to him that money could be used for such purposes successfully, and he vehemently condemned it.

Q. Had you ever heard anything prior to that time ?—A. I had, sir.

Q. By whom did you hear it ?

The WITNESS. Do you mean in the way of propositions of money ?

Mr. CATE. Yes.

A. I never heard it directly.

Q. Was the propriety of using money canvassed among the prominent men there ?—A. No, sir.

Q. Not at all ?—A. Not in my presence.

Q. Did anybody ever talk with you about it ?—A. No.

Q. Did you ever talk to anybody about it ?—A. No.

Q. How came you to hear it ?—A. There were rumors in the air.

Q. Simply in the air ?—A. Yes.

Q. Nothing came before you about it, however ?—A. No.

Q. You do not know how Mr. Carpenter came to discountenance such matters ?—A. When the matter came up in his room when I was present, he discountenanced it.

Q. Did such matters come up in his room ?—A. Somebody said in his room, on one occasion, that money could be used.

Q. Then it was a fact that this matter had been talked up between Mr. Carpenter's friends ?—A. No, sir ; not in the sense in which you put the question. They had not talked it up in that light.

Q. Had you any conversation with Mr. Lamb before you went to Mr. Carpenter ?—A. Yes.

Q. Did he disapprove or approve of it ?—A. He disapproved of it.

Q. Did Mr. Eldred talk with you ?—A. No, sir ; I did not see him.

Q. You said to Mr. Lamb that Mr. Carpenter had disapproved of it always ?—A. Yes.

Q. You had heard him disapprove of it before ?—A. Yes.

Q. If it was a fact that Mr. Carpenter had disapproved of it, and all these other gentlemen as well, what reason was there for going to see Mr. Carpenter ?—A. Mr. Lamb said he wanted to tell Mr. Carpenter about it anyway, and I went along.

Q. Is it not a fact that there were prominent men there who proposed to finish the election in that way ? Did you hear anything of that kind ?—A. No.

By Mr. CASWELL

Q. Was there a single friend of Mr. Carpenter's who urged or advocated the use of money to secure his election ?—A. No, sir ; not that I know of.

By Mr. CARPENTER :

Q. Mr. Cate asked you if the propriety of the use of money was not frequently discussed. How was it as to the impropriety of using money ?—A. That was discussed frequently. I think I was as intimately connected with the senatorial contest as anybody there, and I should have known if anything of that kind was discussed by Mr. Carpenter's friends.

Q. The point I want to get at is whether the impropriety of the use of money was not frequently discussed ?—A. Certainly it was.

By Mr. CATE:

Q. Then the question of using money in that campaign was talked of among Mr. Carpenter's prominent friends?—A. It was said by parties that money could be used for such a purpose. That statement was made.

Q. It was talked of among his friends?—A. Invariably.

Q. You say "invariably;" it was up frequently, then?—A. It was up, perhaps, half a dozen times.

Q. Do you know whether any money was used by Mr. Carpenter's friends without his knowledge, for the purpose of forwarding or influencing his election?—A. No.

Q. Do you know anything about his expenses of the campaign there?—A. I do not know what the sum-total of the expenses was.

Q. You do not know where the money came from?—A. I can tell where some of it came from.

Mr. CARPENTER. (To Mr. Cate.) You asked him whether any money had been expended to procure my election.

Mr. CATE. Yes.

Mr. CARPENTER. He understood you to mean by buying votes.

The WITNESS. The money that was used in the campaign was used for legitimate purposes, for the legitimate expenses of the campaign, such as hiring parlors and rooms and sending missionaries out among the heathens.

By Mr. CATE:

Q. Do you know whether Mr. Conklin went to Milwaukee or not?—A. He went away; I do not know whether to Milwaukee or not.

Q. How soon after this interview with Mr. Keyes did he go away?—A. I am unable to tell you. I did not see him either that evening or the next day.

Q. Did he return shortly after?—A. Yes.

Q. Was it understood that he had made a raise of some money?—A. I did not hear anything about it.

By Mr. CARPENTER:

Q. During that last two or three weeks, you say my rooms were filled with people. Were there a good many democrats among them?—A. There were.

Q. They were not all republicans, by any means, were they?—A. Not at all.

Q. And when you refer to these things being in the air, you mean, I suppose, that sort of talk and rumor that passes around in a room full of people, all excited and all anxious; is that what you mean by things being in the air?—A. The room was frequently filled, and it happened often that more prominent democrats were present than republicans, as all the gentlemen know who were there, and of course rumors will float around in a large crowd of people.

Q. After the combination was formed between the democrats of the legislature and the bolting republicans, were not almost all of the leading republicans about Madison indignant at the combination, and in sympathy with my election?—A. Yes.

Q. And many of the more prominent democrats were as indignant as the republicans?—A. Yes.

WASHINGTON, D. C., June 29, 1876.

HENRY C. PAYNE sworn and examined.

By Mr. CARPENTER:

Question. Where do you reside?—Answer. In Milwaukee, Wis.

Q. What is your position there?—A. I am postmaster at Milwaukee, at present.

Q. When were you appointed?—A. I was nominated to the Senate on the 4th day of February last.

Q. On the recommendation of whom?—A. I was recommended by Governor Ludington, and my name was sent to the President, as I am informed since, by Mr. Cameron.

Q. You recollect the little excitement that was called the campaign of 1874, do you?—A. Yes.

Q. Speaking of the fall campaign prior to the November election, I want you to state to the committee, fully, what connection you had with that campaign, what position you held in the republican club, and what you did, as fully as you can, in your own way. State how funds were collected, as far as you know: how they were disbursed, and all about it.—A. I was chairman of the republican congressional committee of the fourth congressional district of Wisconsin at that time.

Q. Was Mr. Ludington the candidate who was running for Congress at that time?—A. Yes; at that election. I was also secretary of the Young Men's Republican Club.

Q. Who was the democratic candidate at the beginning of that campaign?—A. Samuel

Rindskopf. I was also a member of the finance committee of the Young Men's Republican Club.

Q. Had you been, for six years prior to that time, my friend and supporter?—A. I had.

Q. Politically and personally?—A. Yes.

Q. Was I in the habit of writing to you for advice in regard to local appointments while I was in the United States Senate and prior to the campaign of 1874?—A. You were.

Q. There is one letter, which I believe you have in your possession, in regard to the removal of Burpee, which I would like to have you produce.

The witness produces the letter.

Mr. CARPENTER. Read that portion of it which refers to the subject of the removal of Mr. Burpee.

The WITNESS, [reading.] "Washington, April 24, 1874. Dear Payne: \* \* \* What do you think about the removal of Burpee? I am receiving letters from different parts of the State urging me very strongly to have him removed, saying that he hurts the party, is unpopular, &c., &c. Burpee, on the other hand, has some strong friends, who want him retained. I wish you would write me frankly what you think of it, and, before doing so, talk with Erskine, Stevens, and all our friends there and see what is the general opinion on the subject, and write me at once. Truly yours, Matt. H. Carpenter."

Mr. Cate requested Mr. Carpenter to produce the letters referred to as received regarding Mr. Burpee.

Mr. CARPENTER. [To the witness.] There is another letter which, as it is partially connected with this Senatorial fight at Madison, I will ask you to read.

The WITNESS, [reading.] "Washington, D. C., March 21, 1874. My dear Payne: Yours of the 18th received, for which accept my thanks. Whether I shall or shall not be a candidate for re-election depends entirely upon the wishes of the republican party. I am perfectly willing to go in and make a canvass of the State as a candidate for the Senate, if my friends desire me to do so. I am certainly not coward enough to desert the party in stress of weather, nor selfish enough to shelter myself from the storm, leaving my friends exposed. If, on the other hand, the men who have the right to be consulted are of opinion that I have become unpopular in consequence of back-pay or anything else, it is my duty to stand aside and not be a drag upon the party. So the whole matter is with you and my other friends to determine what course shall be pursued. Looking simply to my pecuniary interests, I should not be a candidate. It is impossible for me to save a cent, and I have to work like a slave night and Sunday practicing law here in Washington to get the means of eking out my salary so as to meet my bills. This compels me to work very hard, for which I get no reward, except kicking and cuffing from Maine to California; so that, personally, I am not dying to be re-elected, but, as I said before, the matter rests entirely with our friends. If they desire me to run, I shall; and, if not, I shall not. Washburn was here the other day, and I had a long and pleasant conversation with him. He assured me that all I had seen in the papers or heard in conversation in regard to his being a candidate for the Senate was without his authority and against his wishes. I cannot believe he is such a hypocrite as to talk in that way to me and still be announcing himself at home as a candidate. I have not the slightest fear of Mr. Washburn. If my friends want me to run, I shall run. Again accept my thanks for your letter, and believe me yours truly,

"MATT. H. CARPENTER.

"H. C. PAYNE, Milwaukee, Wis."

Q. In regard to the campaign of 1874, let me ask you in that connection if you did not have charge of my interests specially and particularly in that campaign; that is to say, if I did not submit everything to you and leave it to your judgment; if not, to whose did I?—A. I must say that I believe you submitted every proposition to me that you thought was necessary.

Q. Was I away from home most of the campaign?—A. Most of the time you were away.

Q. Did I not make some thirty or forty speeches throughout the State that fall?—A. Yes.

Q. And those kept me considerable time away from home?—A. Yes.

Q. When I happened home of a Saturday night, or sometimes for an occasional day, did I not make a habit of calling upon you, and give you any memoranda that I might have made or received affecting the campaign, and from memory sometimes give you all the suggestions, hints, and advice that I could as bearing upon the fight, and ask you to look them over and exercise your judgment about them?—A. I believe you did.

Q. I want you to go on and state all about the campaign funds that you raised in Milwaukee for the general election of that State in November; and state how those funds were raised, how kept, whom you raised them from, and how you disposed of them?—A. In that canvass, both before and after the election, I raised and expended about \$2,600 for the canvass in the fourth congressional district.

Q. Where Mr. Ludington was then a candidate for Congress?—A. Yes.

Q. State whom you received it from.—A. I think it will be proper, in order to get a clear apprehension of this, that I should first state the fact of Mr. Ludington's being a candidate for Congress.

Mr. CARPENTER. Explain the matter in your own way.

The WITNESS. Mr. Ludington was put in the field as a candidate for Congress as an independent republican. His canvass was inevitably, to some extent, connected with the canvass of the various candidates for members of the legislature. I made an arrangement with Mr. Ludington, or his committee, or both, that out of the funds that I should raise in that canvass I would pay all the printing-bills and the regular election expenses connected with the distribution of ballots.

Q. In the whole district?—A. In the whole district.

Q. And did so, did you?—A. And did so. I believe I paid all those bills. That was all taken out of the money that I had collected or should collect from certain parties. Mr. Ludington's friends were to be allowed to raise what money they could from the republicans of the city, and that money was to be devoted exclusively to the interests of Mr. Ludington. He stated that he thought it would be too much to ask of him to pay the entire election expenses without help from republicans who were equally interested with him. Of this sum of \$2,600, I raised previous to the election about \$2,000. I mean that it was given to me, and the larger part of that sum was contributed by Federal office-holders in the city of Milwaukee—the postmaster at Milwaukee paying some, the collector of internal revenue paying some, the collector of the port, the pension-agent, the United States marshal, and some of the subordinates of those officers. Mr. Keyes, as has appeared in evidence here I believe, wrote to some of the officers in Milwaukee, or perhaps to all of them, asking them for contributions to the State canvass. My attention was called to that communication by some of the Federal office-holders, and I told them that I thought we needed the money in Milwaukee, or some of it at any rate, and I would write to Mr. Keyes telling him that I thought he ought not to ask the Federal officers at Milwaukee to contribute money to such an extent for the State canvass. He replied at once that we could divide it—send part of it to him and keep a part in Milwaukee. These various Federal officers contributed various sums. Of this amount, Mr. Erskine, the collector of internal revenue, paid me, I believe, \$125, and sent the balance of the contribution, as I understood, to Mr. Keyes, at Madison. The subordinates in the post-office—there was but one man, I think, in the post-office (the deputy postmaster)—paid, I believe, \$100 to me, or brought me his check for it.

Q. Let me ask you in that connection whether it has been customary for years to raise such funds from that class of persons and everybody else of whom you could get money properly?—A. As far as I know, I believe it was.

Q. How long have you been connected with campaigns, particularly in Milwaukee, either as a paying member or a disbursing member?—A. I have been a paying member ever since I have voted, pretty nearly.

Q. That is, every year you have contributed to a campaign-fund?—A. Yes; I have been in the habit of doing so, but I never held a Government office until this spring. Mr. Roddis, a gauger, came to my office early in the canvass and said that he desired to contribute some money to this election and was willing to contribute \$100. He said also that he thought the balance of the gaugers and store-keepers in that building would pay some, and remarked that he would speak to some of them about it. A few days after that Mr. Weissert came to my office and said that Mr. Roddis had spoken to him about raising money. Mr. Weissert was the deputy collector. Let me add here, that previous to this time, as I believe, Mr. Burpee, the revenue-agent, (Mr. Conklin's successor,) had collected money in this same way.

Q. From these revenue-officers?—A. From these revenue-officers. Mr. Weissert said that he was the only officer in the force who saw all these men often, and he would undertake to see what the men would give—that is, to ask them to contribute to the canvass. From time to time Mr. Weissert brought me sums of money which he stated had been paid to him by these various Government officers—Mr. Ellis, Mr. Taft, I think Mr. Hovey, and the other officers generally; I do not remember all the names. He collected somewhere in the neighborhood of \$800. I never made an assessment upon any one of these men, directly or indirectly, or intimated to them that they must pay any sum of money whatever.

Q. Or intimated or threatened them in any way whatever, as that they would be removed from office if they did not contribute?—A. Nothing of the kind in the slightest degree. There was never such a thing as a mention or a thought of anything of the kind. There was no conversation or intimation upon the subject between myself and any Government officer whatever.

Q. Was there between yourself and me?—A. No; never between yourself and me, directly or indirectly, in any form, shape, or manner. When the canvassing got pretty hot, Mr. Fitzgerald, another gauger, came into my office one day without any previous warning to me and asked how things were getting along. I told him it was pretty warm. He said that we had had a pretty lively time down in the Third ward, (where he lived,) and said, "Here is \$175 that I want to be expended in the Third ward; \$75 of it is from me and \$50 from Valentine and \$50 from Griffiths." These were two store-keepers. He said, "The Third ward is my ward, and I take an interest in it and want to see Kershaw elected."

Q. Mr. Kershaw was a candidate for the legislature?—A. Yes. These contributions I speak of now, I believe all came from the Government officers. I think there was about \$2,000 in all that was handed to me by the Government officers at Milwaukee.

Q. Prior to the election in November?—A. Prior to the election. I paid the printing-bills and all bills of that class that were presented to me. I was chairman of the congressional committee and chairman of the finance committee of the organization that conducted the canvass. After I had paid the bills, I found there was a deficiency of about \$600. I had paid the money out, and I was out of pocket about \$600 or \$650. (I believe the latter was the extent of the sum.) In regard to that deficiency, after a while I went over to Mr. Carpenter and told him I was out of pocket that much, and was pretty well played out and used up from the canvass, and Mr. Carpenter said, "How much shall I pay of that?" I told him I did not know. "Well," said he, "how much shall I pay; say what I shall pay, and I will pay it." I jokingly said to him, "Let me see how many members of assembly have been elected in Milwaukee." We counted them up and there were six, and I said to him, "I guess you had better give me \$300." He said to me "All right." I believe that was the sum.

Q. To make up the deficiency?—A. To make up the deficiency. This was late in November and after the election. Mr. Carpenter paid me his check, and then I left him and raised the balance of the money from private citizens. I don't remember now exactly who. I have omitted to state that Mr. Thomas O'Neill, who was a candidate for the legislature at that election from the eleventh assembly district of Milwaukee County, was a distiller. He paid me \$100, which he said he wanted to go toward paying the election expenses, as he was a candidate. That, I believe, covers all the money, in amount \$2,600, that we received and paid out in that canvass.

Aside from the \$100 paid by O'Neill, was there a cent, to your knowledge, contributed to that fund by any man engaged in the whisky business?—A. To my knowledge, no distiller, rectifier, or other man engaged in the whisky business ever paid one dollar.

Q. Did you ever talk with them about it?—A. They were never asked by me, for Mr. Carpenter or for myself, to pay one single cent to that canvass in Milwaukee for the election of members of the legislature.

Q. When did I first learn, to the best of your knowledge, that O'Neill had contributed \$100?—A. You sent for me last fall and asked me about it.

Q. In October, was it not?—A. Later than that, I think.

Q. It was just before I came to Washington, before Christmas?—A. Yes. You said that there were reports abroad, and that the newspapers had stated that large amounts of money had been contributed by those distilleries in Milwaukee for your election, and that they claimed that you knew about it, and asked me what were the facts in the case. I told you that O'Neill had paid \$100, and that that was the only sum paid to me, or paid to my knowledge in connection with that canvass.

Q. Did I ever request you to call upon any whisky man for any contribution whatever?—A. No, sir; you never did, and I never called upon any whisky man for any contribution whatever.

Q. Did Mr. Keyes, to your knowledge, ever get a shilling from any whisky man in Milwaukee previous to the 1st of November?—A. Not to my knowledge.

Q. For that campaign or anything else?—A. No, sir; nor at any other time, so far as my knowledge extends.

Q. I believe Mr. Keyes was then chairman of the State central committee?—A. Yes.

Q. Did he ever request you to call upon any whisky man for a contribution?—A. No, sir; he never did. He never asked me to raise any money for that canvass that I remember. I was not a member of the State central committee at that time.

Q. If Mr. Keyes had received money from those distillers, or had been raising any money in Milwaukee at all, except from the officers, you would have been likely to know it?—A. I think I should have heard of it.

Q. You did hear of his writing to the officers about money?—A. Yes.

Q. And you never heard of his writing to anybody else?—A. I never did.

Q. Let me call your attention to a matter which I passed over. Do you recollect an interview between yourself and myself in regard to Mr. Ludington's being a candidate and to a rumor on the street that I was really favoring Mr. Rindskopf?—A. I do.

Q. State that conversation.—A. I had been discussing the question with some friends in regard to the propriety of having Mr. Ludington run as a candidate for Congress in that district. A rumor reached my ears in some way that Mr. Carpenter was favoring the candidacy of Mr. Samuel Rindskopf. Immediately upon your (Mr. Carpenter) return from the country, I went to your office and I said to you, "Mr. Carpenter, I have been told that you are favoring the election of Mr. Rindskopf to Congress. Now, I have a right to know if that is true. I do not propose to take any part in any such programme. I do not believe it is for the interests of the party, and I do not believe it is to your interest. I do not regard it as a programme that should be carried out. My proposition is that Mr. Ludington should be called out here and be run as an independent candidate for Congress, and I do not propose to consent to any such proposition as to favor Mr. Rindskopf's candidacy." You said to me, "I do not favor Mr. Rindskopf's candidacy. I have never spoken to Mr. Rindskopf on the subject, nor to any of his friends, and you are authorized to say for me that I utterly repudiate any such proposition." These are in substance your words, "If Mr. Ludington can be induced to run, it is the thing to do by all means." I told you that I thought it could be

done. You said, "I am going right out of town and shall not have time to see Mr. Ludington. I wish you would see him and say to him from me that I shall esteem it a personal favor if he will allow himself to run as a candidate." I suggested to you that I thought it would be well to write Mr. Ludington a letter, and you sat right down and wrote a letter to Mr. Ludington.

Q. And gave it to you to deliver to Mr. Ludington?—A. Yes.

Q. And you did so?—A. I did so; and as a result of negotiations, Mr. Ludington became a candidate for Congress.

At this point the committee took a recess for an hour.

WASHINGTON, June 20, 1876.

After recess, the examination of HENRY C. PAYNE was continued, as follows:

By Mr. CARPENTER:

Question. You have already testified about raising funds. If I recollect aright, you said that you never asked a distiller or rectifier to contribute a cent. Let me ask you if I ever requested you to do any such thing?—A. No, sir.

Q. Did I ever, at any time, instruct you that you should represent to any of these officials that they must support me in order to save themselves, or anything of that kind?—A. No, sir; not the slightest.

Q. As a general thing, how was the appointment of these men in the revenue-service brought about?—A. Generally by petition.

Q. What kind of petition?—A. Petitions signed by the business men of the city generally.

Q. Do you not know that the young men of the republican club there used to select the men whom they thought fitted for these places and recommend them to me?—A. Yes, sir; there was such an understanding.

Q. What was done with the money which you raised—how was it expended?—A. It was expended for legitimate campaign purposes.

Q. None of it was used to your knowledge to buy any votes?—A. No, sir; not a cent.

Q. What does the phrase "legitimate campaign purposes" cover—hiring halls, paying bands for music, printing bills, &c.?—A. Yes, sir; I believe that I paid bills to the extent of nearly \$1,500 to the various newspaper printing-offices for printing of various kinds, and for posting bills, &c. One reason for the enormous amount of these bills was on account of the large number of tickets that it was necessary to print in order to distribute them through the congressional district; I had to cover the three counties and had to print tickets for the various counties, candidates for the assembly, who were not friends of yours.

Q. But who were republicans?—A. Yes. In one case, one of the candidates was a republican, but was not friendly to you. He was running as a known opponent to you. In another case I had tickets printed for two republicans that were running in one ward. One of them was no friend of yours. I had their tickets printed without regard to the views of the candidates. If there had been only one man running in a ward who was a republican, and who was opposed to you, I would have had the tickets printed for him all the same.

Q. In other words, the fund was used as a general campaign-fund, and not in my specific interest?—A. It was used as a general campaign-fund, in connection with that canvass, and with the election of members of the legislature, which comprised all the canvass that there was at that time.

Q. Was not Mr. Sam. Rindskopf nominated for Congress by the regular democratic convention?—A. He was.

Q. Some months before that he had been prosecuted for a violation of internal-revenue law?—A. I believe he had been.

Q. Notwithstanding that prosecution, what was Sam. Rindskopf's general standing among business men in Milwaukee down to and through the campaign of 1874?—A. I think he was very well thought of.

Q. He was recognized as a gentleman at least?—A. Yes; I think so.

Q. By all business men?—A. I do not know anything to the contrary. That was my opinion.

Q. Was it not the general sentiment among the people of all parties in Milwaukee that he had had injustice done him in that proceeding?—A. It was generally thought that he was rather more sinned against than sinning.

Q. After his trial at Madison, do you know of any efforts that were made to do something in his behalf here in Washington? If so, tell what they were as showing the estimate held of him in Milwaukee.—A. About the 18th of December, 1874, Mr. Herman Nunnemacher came to my house on Marshall street, Milwaukee. It was about 10 o'clock at night. He said that he wanted me to go to Washington in behalf of Sam. Rindskopf, to see if something could not be done to obtain a new trial for him.

Q. That was after the verdict?—A. I think he told me of the verdict at that time. I do

not think that I knew of it before; he said that he did not want to have Sam. Rindskopf to go to state prison, and he wanted me to go to Washington to see if anything could be done to obtain a new trial for him. I told him that I did not want to go to Washington, that it was at the close of the year, and that I was about closing up the business year, and did not want to leave home. He said that I must go. He was very urgent about it, and said, "His friends will give you \$1,000 for your services if you go there." I told him that I could not go; that I did not want to go to Washington at all, and that I did not know anything about the case, and was not interested in it. He said, "You must come down to the office to-morrow morning; I want to see you." When I got to the office in the morning, I found a large number of gentlemen there, and was immediately importuned by them to go to Washington, and see if something could not be done for "Sam." I told them I could not go to Washington, and could not leave my business. Finally they brought me this petition:

*"To the honorable the members of Congress for the State of Wisconsin:*

"GENTLEMEN: We, the undersigned, members of the Wisconsin legislature elect, from Milwaukee County, respectfully request that you use your utmost endeavor to procure a new trial for Samuel Rindskopf, against whom a jury has rendered a verdict of guilty upon an indictment for conspiracy against the United States revenue-laws, with intent to defraud the Government.

"Some of the leading papers of our State have asserted that Mr. Rindskopf's indictment and trial is the result of a conspiracy of his enemies.

"Your petitioners are confident that it will promote justice to grant a new trial in said cause, and we are also confident, from assurances given us, that new and material testimony will be produced fully showing said conspiracy and clearly establishing the entire innocence of the defendant, Samuel Rindskopf.

"THOMAS O'NEIL.  
 "CHAS. H. LARKIN.  
 "LEMUEL ELLSWORTH.  
 "PETER FAGG.  
 "W. H. JACOBS.  
 "L. A. HARRISON.

"S. W. VAN SCHAICK.  
 "W. J. KERSHAW.  
 "F. T. ZEITLER.  
 "B. SCHLICHTING.  
 "JOHN BLACK."

Q. Mr. John Black was the democratic senator from Milwaukee County?—A. Yes; and so was Mr. Jacobs.

Q. Who was Mr. Charles H. Larkin?—A. He was the democratic member-elect for the fifth assembly district of Milwaukee.

Q. What other democrats signed that petition?—A. Peter Fagg and F. T. Zeitler.

By Mr. CATE:

Q. Did not Peter Fagg become something else besides a democrat?—A. I think he did; he became converted, I believe. He became a republican at the election last winter. Mr. F. T. Zeitler was the member from the second district, and a democrat. These comprised all the members of the house and of the senate from Milwaukee County, with the exception of one whose name was not to the petition, because he was out of the way somewhere when he was called upon.

Q. What did you do with this paper?—A. They labored so hard with me, and brought such a pressure to bear upon me, and so many other business men spoke to me about it, that I said I would go to Washington for Sam, and I finally consented to go. I was told to see the various members of Congress here in relation to the matter. I told those gentlemen in Milwaukee that it was utter folly for me to come to Washington with any such paper or for any such purpose, as this was not the proper place and nothing could be done for Sam. Rindskopf in Washington, but they would not hear no; and finally I came to Washington. I met Mr. Carpenter, I think, at the Ebbitt House and walked with him to his office. I told him what I had got, and showed him this paper. I also had some letters, which I did not read, but I handed them to him and he read them. They were from various business men in Milwaukee; some of them not politicians, but business men. I cannot say what the contents of the letters were, except on information. I handed them to Mr. Carpenter, and handed him this paper. Mr. Carpenter told me that this was a subject and the matter was in such shape that nothing could be done about it in Washington. I told him that I agreed with him exactly, and so far as I know, nothing was done and not a single move made in the matter. I did not ask Mr. Carpenter to do anything, as my own judgment was that nothing whatever could be done.

Q. Did I not tell you at that time in that connection that it would be an improper thing for me to move a finger in the matter?—A. Yes, sir; you did.

Q. Did I not say that after trial in court, if I were the judge, and a man should interfere to get a new trial, I would commit him for contempt?—A. Yes, sir.

Q. And that I would not do toward Judge Hopkins what I would not permit him to do toward me if I were judge?—A. Yes, sir; you spoke to that effect.

Q. And that I would not have anything to do with it?—A. No, sir.

Q. Did they pay you the \$1,000 for coming here?—A. No, sir; they did not.

Q. Did they pay you anything beyond your expenses?—A. I agreed to come for my expenses. When I got back I went to Mr. Wirth. By the way, I should explain that I was to go on the train instantly; that no time was to be lost. They said they would have a man at the depot who would pay my expenses. Mr. Wirth came to the depot and handed me a package of money, and said that that was money to pay my expenses. He did not say how much it was. I took it.

Q. How much money was there in that package?—A. Between four and five hundred dollars. When I got back I went to Mr. Wirth for a settlement. In the mean time I had discovered that I had met some losses in my business by my absence, and I told Mr. Wirth that I had suffered some losses, but I wanted to have a settlement with him about my expenses. He said, "That is all right," and he would not listen to me. I said, "I guess that is all right, too," and I kept the money.

Q. You did not pay \$1,000 or \$1,500 to me, as the newspapers charged?—A. I believe something of the kind was said by the papers. I never paid you one single cent in the matter.

Q. And that is all there is in that transaction?—A. That is all.

By Mr. CASWELL :

Q. At the time these collections were made from revenue-officers in Milwaukee for the general campaign of 1874, or for the senatorial campaign that followed, was it known or suspected by the public that these officers were defrauding the Government?—A. No, sir; I think not—not to me; nor to the public, to my knowledge.

Q. You had heard no intimation of that kind?—A. No, sir.

Q. When did it become apparent that the internal-revenue officers there were defrauding the Government?—A. It came out in the developments after these seizures.

Q. It took place when?—A. On the 10th of May, 1875.

Q. Long after the senatorial campaign?—A. Yes, sir.

Q. How long after?—A. The campaign that we were speaking of was in the fall of 1874—September, October, and the first part of November—and the seizures were made on the 10th of May, 1875. The senatorial contest in Madison was in January, 1875.

Q. When was it first known that these officers were defrauding the revenue?—A. I do not think it happened immediately on the seizures. I think it came out in the developments that followed the seizures.

Q. These officers assisted in the seizures to a large extent, did they not?—A. I suppose they did.

Q. At the time these revenue-officers made this contribution of money, both in the general campaign and the senatorial campaign that followed, they stood perfectly well before the public, did they not?—A. Yes, sir.

Q. They were above suspicion, so far as you know?—A. Yes, sir.

Q. Did you have any conversation with Conklin about this money which he collected in the senatorial contest?—A. No, sir.

By Mr. KEYES :

Q. Did you ever converse with him on the subject in any way?—A. I had a conversation with Mr. Conklin some time during the summer, after the seizures had been made. One day he and I went out on the same train, and he spoke about the money being collected at Madison.

Q. What did he say?—A. My recollection of it is that in the general conversation he said, "Of course you did not know anything about this." I said, "No, I did not know that I ever heard about it before." He said, "There is nothing wrong about it. Mr. Keyes did not know where the money came from." That was my recollection of the conversation, in connection with revenue-matters, among other things, in the conversation. It came out in connection with the raid made upon Mr. Keyes, Mr. Carpenter, and myself—in a general conversation.

WASHINGTON, D. C., June 29, 1876.

W. A. NOWELL sworn and examined.

By Mr. CASWELL :

Question. State your residence and occupation.—Answer. I reside in Milwaukee, and have resided there thirteen years. I was commissioner of public works in 1873, and 1874, and 1875, and up to May, 1876.

Q. You had quite an extensive acquaintance there?—A. Very large indeed.

Q. Do you know many of the internal-revenue officers who have been spoken about here?—A. I think I know all the internal-revenue officers personally.

Q. Was it known or suspected by the public in the fall of 1874, or in the winter following, during the senatorial campaign, that these internal-revenue officers were defrauding the Government in any way?—A. Not to my knowledge.

Q. Did you ever hear the thing brought in question?—A. No, sir; I never heard a suspicion of it expressed.

Q. So far as you knew, they stood fairly before the people?—A. Yes, sir; some of them particularly high with all parties.

Q. Do you know David H. Griffith, a store-keeper?—A. Yes.

Q. The gentleman who was a witness here?—A. Yes.

Q. Did you have any conversation with him about the time that he was subpoenaed to come here as a witness?—A. I did. He came to my house on a Saturday evening, and stated that he had received a subpoena to appear at Washington. He showed me the telegraphic summons which he had received, and I asked him if he knew what the object was. He said he understood the committee was investigating the conduct of the whisky trials at Milwaukee. It was at the time when certain papers of Milwaukee, or at least one paper, and a number of individuals had been asserting that Mr. Carpenter and Mr. Keyes and Mr. Payne were involved in the whisky frauds in some indirect or indefinite manner. Being an intimate and personal friend of Mr. Payne, and knowing Mr. Keyes and Mr. Carpenter, I felt some interest in asking Mr. Griffith what he could testify to. He stated to me distinctly and repeatedly, in answer to my questions, that he knew nothing whatever which could implicate Mr. Carpenter, Mr. Keyes, or Mr. Payne.

Q. Did he say to you that he was willing to tell you everything that he knew?—A. Yes. He expressed his willingness to tell me everything that he knew.

Q. Did he understand what was the subject of the investigation, and what they were driving at?—A. He seemed to understand it.

Q. What did he tell you on the subject—that it was aimed at Mr. Keyes and myself?—A. In the conversation he was very garrulous about his prospects of a nice trip to Washington at the Government expense.

Q. Did he make any reference to the statement which he had made?—A. Yes. I asked him how it came about that he had been summoned, if he knew nothing about it. He said that he had been "stuffing the boys," "blowing a little." I think "stuffing the boys" was one of the expressions he used; and he said he was afraid that the matter had got to Washington. He appeared from his conversation to feel quite nervous about it. I advised him in the first place to go around and see Mr. Gerry Hazleton, the United States district attorney, to find out from him, if possible, what the object of the investigation was, and what the Government expected to prove by him, and that then he would be satisfied as to what they wanted him for. He said that he would do so, and would come back and see me. He came the next morning about 9 o'clock to my house, and I understood him to say that he had not seen Mr. Hazleton, but that he had ascertained that he was wanted to testify in these whisky frauds, and to tell what he knew about matters, particularly relating to Mr. Carpenter's, Mr. Keyes's, and Mr. Payne's connection with it. He would not tell me where he got that information, but said that he had obtained it since he saw me previously. He also told me that he had ascertained from his wife, or from his family, that a Mr. J. B. Shaw had been to his house and asked his folks whether a summons had come from Washington for him. That is the substance of the conversation, except that I advised him to come to Washington and tell the truth.

Q. Did he tell you how much money he had contributed?—A. Yes; I had forgotten that. He told me that all the connection he ever had himself with political matters was to pay a contribution of \$50 for political purposes during the campaign of 1874; that he had subscribed that amount and had paid it willingly.

Q. To whom did he say he paid it?—A. I do not think he told me to whom. I do not recollect now.

Q. Did he give you to understand that \$50 was all that he paid?—A. He gave me to understand that that was all that he paid; I recollect that distinctly, because I know that it was stated afterward that he had paid more than that. Whether it was stated by himself or some one else I do not recollect.

Q. Did he say anything to you about the statements which he had been making, and which were going around the country—whether there was anything in them?—A. No, sir; he would not tell me what the details were, but he said that he had been "stuffing the boys;" that he had been "blowing around some," and that he was afraid what he had said had got to Washington.

Q. Did he not state that the idea that he had been paying a good deal of money was not true?—A. I do not recollect that he gave me the details of any of the circumstances. I understood afterward what the stories were which he had been telling.

Q. Did he not tell you that he absolutely knew nothing about the matter?—A. Except about the matter of his subscription for political purposes. He could not tell me anything else. That was all he knew about it. I learned afterward from certain parties in Milwaukee that he had made other statements.

Q. Did he make any allusion in his statement to Mr. Keyes having come over to the New-Hall House and received money from Mr. Nunemacher?—A. No, sir.

Q. He did not speak to you about that?—A. No, sir.

Q. Nor pretend to know anything about it?—A. No, sir.

Q. The only collection that he knew of was that he had paid \$50?—A. That is all.

Q. You have been familiar with the running of politics in the city of Milwaukee?—A. Yes, sir.

Q. Do you know whether it has been the custom there to make contributions among officials on both sides in the campaigns?—A. I know it to be the case.

Mr. CATE. I admit that all the way through—that it is customary.

Q. Did he tell you, in substance, that he did not know a single thing against Mr. Carpenter or Mr. Keyes?—A. He did, and he repeated it emphatically to me.

Q. And ridiculing the idea of his knowing anything about it?—A. Yes; the most prominent idea that he conveyed to me in the conversation was that he was going to have a nice trip to Washington at the Government expense, and that he did not know anything to tell when he got there.

Q. Do you reside in the First ward of Milwaukee?—A. I do.

Q. Do you know of any vote in that ward being bought with money during the campaign of 1874?—A. No, sir.

Q. For any republican running for the legislature?—A. No, sir.

By Mr. CATE:

Q. Or for any democrat?—A. I do not know of my own personal knowledge or observation of any vote being bought for a democrat.

By Mr. CASWELL:

Q. Do you know the men who run the Commercial Times, intimately?—A. Intimately.

Q. Who are they?—A. H. A. Chittenden, W. H. Bishop, and E. B. Northrop.

Q. Do you know whether they have taken a prominent part in pushing this investigation?—A. I know that they have.

Q. Do you know their Washington correspondent?—A. He is said to be Mr. Cate, member of Congress from the eighth district.

Q. Did they ever inform you that Keyes was sure to be indicted before he got through with this thing?—A. Yes.

Q. Do you know whether there was a pointed "drive" made at him by these parties, to procure his indictment, before the Cincinnati convention?—A. I was informed by one of the persons whom I have mentioned—one of the editors of the Commercial Times—that an endeavor had been made to get him indicted in Milwaukee, prior to the Cincinnati convention; that it had been defeated by the officer there, and that they thought they should be able to get Mr. McKenney indicted for not getting Mr. Keyes indicted.

Q. Do you know how the Rindskopf nomination, as democratic nominee for Congress, was brought about in 1874?—A. I know that he was the nominee of the democratic party.

By Mr. CARPENTER:

Q. You say that you have lived in Milwaukee for thirteen years, and have had a general acquaintance with the business men and politicians?—A. Yes; I have a very large acquaintance in Milwaukee.

Q. Before the fall of 1874, Mr. Samuel Rindskopf had been prosecuted for violation of the internal-revenue law?—A. I do not recollect exactly the date of his prosecution; I think he had been prosecuted before that.

Q. State whether, notwithstanding that prosecution, Mr. Samuel Rindskopf did not stand well, and was not regarded with great favor and kindness by the general business public of Milwaukee.—A. He was a general personal and business favorite in Milwaukee among most of the business men and citizens.

Q. Is he gentlemanly in his manner?—A. He is a very pleasant gentleman, indeed.

Q. What is his name in Milwaukee among all parties?—A. "Prince Sam."

Q. He has been always a favorite of the business men in Milwaukee?—A. Yes, sir.

Q. And was up to and throughout that campaign?—A. Yes, sir.

By Mr. CATE:

Q. Are you acquainted with all the prominent business men of Milwaukee?—A. I think I have as large an acquaintance in Milwaukee as any citizen of that city.

Q. Are you thoroughly acquainted with the run of city politics there?—A. Yes; I have been in office.

Q. What are your politics?—A. I am a republican, reserving the right to "scratch."

Q. You have been an open, out-spoken friend of Mr. Carpenter all the time?—A. Yes, sir.

Q. You have been one of the leading men in his city?—A. No, sir; hardly a leading man. I did everything in my power to assist him.

Q. It is then known that you are a strong Carpenter republican?—A. That is my reputation; it would do me injustice if it was not.

Q. His enemies made a confidant of you, did they not, and told you all their plans?—A. I do not think they did.

Q. Chittenden and Northrop seem to have made a confidant of you and told you their plans, and who their Washington correspondent was?—A. I did not say so.

Q. Who did tell you who their Washington correspondent was?—A. I prefer not to answer that question.

Mr. CATE. I insist that you shall answer it.

The witness was directed to answer the question.

A. E. B. Northrop, of the Commercial Times, has informed me that they were continually in communication with Mr. Cate, and that he kept their paper posted upon all matters relating to this investigation, and that they were your correspondents, and prime movers in the Mary Merritt investigation.

Mr. CATE. We do not want anything here about the Mary Merritt case.

The WITNESS. You forced the answer out of me.

Mr. CATE. Confine yourself to this investigation.

The WITNESS. It is the general matter of Washington correspondence that I refer to.

Q. And they have informed you of all these things?—A. They informed me of them.

Q. Then you can answer my question which I put to you; it is, whether Mr. Carpenter's personal enemies, knowing that you were his personal friend, made a confidant of you and told you all their plans? That is the idea you wish to convey?—A. I have not stated that.

Mr. CATE. That is fairly to be inferred from what you did state.

The WITNESS. I am not drawing inferences. I am stating facts.

Q. Were you at Madison during the senatorial campaign?—A. I was there a few days, twice. I was at Madison both times, partly on that business.

Q. How long have you known Mr. Griffith?—A. I have known Mr. Griffith since the summer of 1872.

Q. What have your relations been to each other?—A. Friendly.

Q. Have you had intimate business relations?—A. No, sir.

Q. How did he happen to come to you to make a confidant of you in relation to this matter?—A. I did not ask him.

Q. Do you know of anything that induced him to come to you in the matter?—A. I do not know what the inducement was; I presume that he showed that dispatch to a great many people; he is a kind of man who is very apt to show a dispatch of that kind to anybody he meets.

Q. Did he say to you that he had ever had a conversation with Keyes?—A. I do not recollect that that came up. He said he knew nothing about any connection of theirs.

Q. Did he mention their names?—A. He did, and so did I.

Q. Did he say whether he ever had had any conversation with Keyes or not?—A. I cannot recollect now the exact words of the conversation with Griffith. He is a very garrulous man; my impression is (though I will not swear to it positively) that he told me he did not know Keyes personally.

Q. Do you know anything about Griffith having been a member of the republican State convention at any time?—A. I do not recollect that he was. I have no doubt that he knew Mr. Keyes by sight.

Q. You have no doubt of that, and still you say that Griffith said he did not know Keyes?—A. He said that he had no personal acquaintance with him. What I mean by that is, where a man draws near and enters into conversation with another.

Q. Do you recollect whether Griffith was a member of the republican State convention?—A. I do not recollect.

Q. And yet you have known him for a great many years?—A. Yes; I have known him. but I cannot recollect the names of all the members of State conventions in Wisconsin; it would be a remarkable thing if I could.

Q. Did Mr. Griffith say anything to you about Mr. Payne?—A. Yes; I questioned him particularly about Mr. Payne.

Q. But was it about Mr. Carpenter?—A. He knew nothing against Mr. Carpenter.

Q. Did you question him pretty sharply on that point also?—A. I questioned him more sharply about Mr. Payne than about any of the others.

Q. Did you examine him pretty closely in reference to Mr. Keyes?—A. No, sir. I had been informed by persons connected with the Commercial Times that they had been urged by parties in Milwaukee to make a particular drive at Mr. Payne, and I wanted to know if Griffith knew anything about it.

Q. Did Griffith give you information about any of the facts or circumstances connected with any internal-revenue frauds at that time?—A. No, sir.

Q. Did he mention the names of Wirth or Nunemacher or Conklin to you?—A. He may have done so.

Q. What is your idea as to whether he did or not; did he tell you anything about his going to the Newhall House to see Mr. Keyes?—A. No; I had not heard of that circumstance.

Q. He did not mention it?—A. I think not.

Q. Did he tell you about some telegram from Mr. Keyes requesting some money?—A. No, sir.

Q. Was he particular in his relation, or did he simply say in general that he knew nothing against these men?—A. He said positively and repeatedly that he knew nothing against these men, and that he knew nothing of their connection with whisky frauds or whisky money.

Q. Have you seen his testimony here?—A. After the date of that conversation with Mr. Griffith, I saw in the Commercial Times what purported to be Mr. Griffith's statement here. I read it, but I could not recall the date.

Q. He said to you that he had been "stuffing the boys;" what did he mean by that?—  
A. He did not tell me.

Q. What did you think from his conversation that he meant?—A. I did not ascertain from his conversation what he meant, but I did from conversation with others.

Mr. CATE. I am not asking you about your conversation with other people.

The WITNESS. He did not make a statement as to what boys he had been stuffing—as to who they were.

Q. But he conveyed to you the idea that the statement he had prepared was false?—A. He did not say that he had prepared any statement.

Q. You knew that he had made some statements?—A. I was not aware at that time that he had made a written or fixed or definite statement of any kind.

Q. Then the term "stuffing" meant talk?—A. I supposed that it meant that he had been sitting around some newspaper-offices or beer-saloons and gulling people, aggrandizing himself in his own opinion by telling things that had no foundation or truth.

Q. But which were calculated to mislead?—A. Rather calculated to mislead.

WASHINGTON, D. C., June 30, 1876.

Cross-examination of E. W. KEYES.

By Mr. CATE:

Question. Are you acquainted with Mr. Griffith?—Answer. I do not remember to have ever seen him in my life.

Q. Do you remember to have seen him at the State convention?—A. No, sir; I do not think I did.

Q. Were you here when he testified?—A. No: I wish I had been, because if I had been present he would never have committed perjury as he did.

Mr. CARPENTER. I wish it noted in the record that when Rindskopf, Wirth, and Griffith testified, neither Mr. Keyes nor myself were present, and neither of us heard their testimony, or knew what they had testified to until after they left.

Q. You never sent a telegram to Mr. Wirth or Mr. Nunemacher for funds?—A. No.

Q. Did you ever send to anybody in Milwaukee for money?—A. I don't remember that I ever did.

Q. Did you ever write a letter intended for these men, saying that you must have money?—A. I don't think I did.

Q. Nothing of the kind to Wirth, Nunemacher, or Griffiths?—A. No, sir.

Q. Or any of the officers?—A. I think I have possibly, to Mr. Erskine. I don't remember any other man to whom I did.

Q. Do you think it is improbable that you ever have written to anybody but this Mr. Erskine?—A. Not unless it was to Mr. Payne.

Mr. CATE. The party who testified about it did not testify to whom that telegram was directed.

The WITNESS. What was the telegram?

Mr. CATE. It was that you were to have some money.

The WITNESS. I don't care who mentions it, it was not so.

Q. Do you deny ever sending any telegram saying that you wanted money?—A. To any distiller, I do.

Q. To any person?—A. I have no recollection of ever sending a telegram to Milwaukee to any one.

Q. But it is not impossible that Griffith saw a telegram from you to somebody for money?—A. It was not from me. I never sent one of that kind.

Q. In your evidence you speak of Conklin's faithlessness as a public servant; when did you become aware of such faithlessness?—A. After his arrest.

Q. Of what did the faithlessness consist?—A. Of course I could not swear to it, but I got my impressions entirely from Dixon and McKenney.

Q. Then your statement was wholly based on what you have known, since his arrest?—A. Yes.

Q. And upon nothing that you knew before?—A. No.

Q. As far as you know, he was a faithful public servant?—A. All that I have learned as to his faithlessness I have learned from Dixon and McKenney subsequent to his arrest.

Q. What time was it you ceased your hitherto friendly association with him?—A. I referred to an interview I had with Judge Dixon, who told me he thought Conklin was guilty.

Q. When was that?—A. The first time I saw Judge Dixon after his arrest.

Q. Before or after he went to Canada?—A. Before he went to Canada, I think it was.

Q. Judge Dixon then thought he was guilty?—A. Yes.

Q. Did you consult with Mr. Conklin after that in regard to the proper course for him to pursue; did you meet him at Mr. Carpenter's office?—A. I went up to Chicago Monday evening. I think I arrived there at half past eight.

Q. What time was it that you severed your connection with him after learning that he was guilty, as you say?—A. That was the time. The last time that I saw him in Milwaukee was this same time that I saw Judge Dixon.

Q. Did you see Judge Dixon after Mr. Conklin left, or was it before?—A. I could not state positively.

Q. If it was after he had left, then there was no occasion for your severing your friendly relations with him. He had already gone?—A. I mean I did not write to him. He wrote to me, I think, once or twice.

Q. How happened you to get an interview with him in Canada; was it at your suggestion or at his?—A. I think it was at mine.

Q. You did write to him?—A. I wrote to him from Washington. I was advised that he was in a scheme or conspiracy, or whatever you may term it, against me, and I was advised that it might be well enough as I came home from the East to stop and see him and see what he had to say. I went to him previously, I believe.

Q. When you saw him in Canada, did you speak to him about that scheme or about that subject?—A. There was not much said between us. He got aboard the train at London road an hour or so with us. Before we got to Detroit, he started out by saying that he did not want to talk.

Q. The result was the journey was unproductive of any results?—A. I think he said to me that I was opposing his immunity. I told him I had not opposed his being granted immunity, or his going back; I didn't know that I had any objection to it, but I was willing that the truth should be told. I told him he knew perfectly well that there was not a thing against me in connection with whisky frauds.

Q. You referred in your evidence to men in Milwaukee who are actually corrupt and willing to add perjury to their other crimes?—A. I referred to members of the whisky ring.

Q. Who are they?—A. Wirth and Griffiths.

Q. Who else?—A. I don't know whether I could include Mr. Rindskopf in that or not; I think Wirth and Griffiths have sworn to that which is not true.

Q. Are they properly included?—A. I said, to members of the whisky ring.

Q. Who else?—A. I think those are the only ones I had in my mind.

Q. It is considerable of a suspicion to talk of "men in Milwaukee," &c., and then only include two men.—A. I said members of the whisky ring.

Q. Do you mean any others besides Wirth and Griffiths?—A. Yes, sir; there are a great many of them that have given out certain things. Mr. Rindskopf also has repeatedly asserted certain things against me which are not true—induced to do so by some means or other, I don't know what.

Q. What do you mean by saying there was a company formed in Milwaukee of men who are notoriously corrupt, and eager to add to their other crimes the crime of perjury?—A. I refer to those whisky-ring members.

Q. Can you name anybody but Wirth?—A. I cannot tell the names, but I think it will apply to any of those parties who have been convicted; that most of them would swear to anything.

Q. You have simply reference to those persons who have been complained of for violation of law, and have been convicted?—A. I have reference to the baser element of the Milwaukee whisky ring.

Q. Is there any difference?—A. I think so. I understand that Mr. McKenney says so. I believe that some of the men whom he received evidence from told the truth. There are others who have falsified repeatedly, and I would not believe them.

Q. How often do you think Mr. Hoag saw you in relation to Conklin?—A. I think once or twice.

Q. What did you say to his statement that Conklin should stay in Canada until after the next presidential election, and that then you would get him back?—A. I say I have no recollection of his telling me that.

Q. Do you deny that you ever told him that?—A. I would not deny that in a general way; I might have said something like that.

Q. What do you say about his statement that he said, "Now, Keyes, can we rely upon that?"—A. I don't remember anything of that kind. I don't think he ever said that to me; I am certain he did not.

Q. He was anxious, was he not, to get your influence in favor of Conklin?—A. He did not appear to be very anxious.

Q. He called upon you two or three times about it?—A. He did not call upon me; we happened to meet on the train.

Q. Did you give him any assurance that you would lend them friendly aid to Conklin at some time in the future, to have it all straightened up?—A. I might possibly have said that I would do anything that I reasonably could that was proper for me to do.

Q. Did you feel friendly toward him, and feel as though you would like to assist him in any way?—A. I cannot state whether it was at this time or not.

Q. That was before you heard the rumor that you and Mr. Carpenter would be inclined to help him?—A. My general idea is to help anybody in trouble as far as I reasonably can.

Q. What did you mean by saying you would sever your friendly relations?—A. I mean that I did not communicate with him.

Q. Still you were ready to help him, and you were prepared to say that you could get him out all right after the next presidential election?—A. I don't think I ever told him anything of that kind. Whatever I said was said in the hurry of passing along in the cars, and did not impress me as of any consequence one way or the other.

Q. That was not the first time he had spoken to you about it, it seems?—A. I don't remember of his ever speaking to me more than once.

By Mr. CASWELL :

Q. I wish to call your attention to one statement you made in your cross-examination : that you were aware, or believed, that there was an organization—a whisky ring to some extent—and that some money was raised for political purposes in 1873?—A. Yes, sir.

Q. To aid the republican or the democratic party?—A. The democratic party—to aid that great reformer, William R. Taylor.

Q. When this money was brought to Madison and handed to you by Conklin, in the senatorial campaign, was there any secret made of it, or was it spoken of or talked over quite publicly among the friends?—A. I understood it was generally known. Conklin said publicly, as I remember, that he would collect some money, and I guess it was generally known that he would do so. It certainly was generally known that I paid the bill at the hotel.

By Mr. CARPENTER :

Q. You have spoken of your belief that there was a conspiracy formed in Milwaukee against you?—A. Yes, sir.

Q. What persons do you understand are in that conspiracy?—A. C. S. Hamilton was the head of it, as I understand it; A. F. Thompson, A. Finch, E. H. Brodhead, J. B. Shaw, and the editors and proprietors of the Commercial Times.

By Mr. CATE :

Q. Are those all?—A. Those are all I can name as the prominent parties—the parties whom I can remember now.

Q. What makes you think there was any conspiracy against you?—A. Because I was informed some time ago by a party in Milwaukee that he was satisfied that a conspiracy existed there against me, and, I think, against Mr. Carpenter. I think, however, I have rather been the objective point in the matter, from several sources of information that I have had.

Q. What are the politics of those whom you have named; that is, with whom do they train—the republican or the democratic party?—A. With the republican when it suits them, and not with the republican when it does not suit them.

Q. You think that Messrs. Finch, Brodhead, and Thompson have trained with the democratic party; when have they done so that you know of?—A. I have heard that they have frequently bolted the republican nominees.

By Mr. CARPENTER :

Q. Did they not train with the democratic party in the senatorial contest?—A. Entirely so, and bolted your nomination.

Q. And were in consultation with the democrats and bolters to keep up the conjunction?—A. Yes, sir.

By Mr. CATE :

Q. The word "conspiracy" is rather significant; what have Asahel Finch and Mr. Brodhead done to give you to understand that they were in the conspiracy against Mr. Carpenter and yourself?—A. It has become thoroughly impressed upon my mind by facts that have been stated to me by parties in Milwaukee.

Q. Then you are willing to say that it is by rumors only?—A. By letters which have been written to me by parties whom I know.

Mr. CATE. I call for those letters.

Q. State to me any effort which anybody has told you of which implicates these parties in a conspiracy against you.—A. Judge Dixon has told me.

Q. What fact did he give you?—A. He said that they had interested themselves improperly or unfairly to procure our indictment—our prosecution, or to procure our being smirched.

Q. What I want to get at is Judge Dixon's language, and not yours. Is the language just given your own language or Judge Dixon's?—A. That is my own.

Q. What was Judge Dixon's language?—A. He said in terms he thought there was a conspiracy.

Q. Was that the language he used: "I think there is a conspiracy against you"?—A. I think he wrote it to me.

Q. Did he say that Mr. Finch and Brodhead and others were in a conspiracy against you?—A. I don't think he named those parties.

Q. Did he name any of them?—A. I think he named Hamilton.

Q. Did he name anybody else?—A. I could not say positively any more than I have.

Q. What evidence have you that Mr. Finch and Mr. Broadhead are engaged in a conspiracy against you or Mr. Carpenter?—A. It has been stated to me by—I don't know whom, but I think by the Hon. George B. Smith, of Milwaukee, that he was satisfied there was a conspiracy against me.

Q. Who told you that Mr. Broadhead and Mr. Finch were engaged in it?—A. It was stated to me that they said I would not be permitted to go to Cincinnati.

Q. Who told you that?—A. Mr. Sanderson.

Q. What other evidence have you that they were engaged in the conspiracy against you?—A. I understood they were hostile to me.

Q. Is that all the evidence you have that Mr. Broadhead was in a conspiracy against you?—A. That is all that I think of now, and my general knowledge and understanding.

Q. This is simply a sort of impression.—A. It is a very strong impression.

Q. It is rather indefinite, is it not?—A. It is quite well defined in my mind.

Q. Can you name any other fact or circumstance going to show that Mr. Broadhead is in the conspiracy against you?—A. I have heard of his being in close consultation with Mr. Hamilton, and other revenue-officers who are inimical to me. All those things went to make up that conclusion in my mind.

Q. Whenever you saw any of those men in consultation you were apt to infer that they were plotting against you?—A. Not necessarily, but I knew they were plotting in this matter.

Q. Tell me of any fact or circumstance which you think fairly justifies you in saying that those gentlemen—respectable gentlemen, as you know them to be in Milwaukee—formed anything that could be termed a conspiracy against you and Mr. Carpenter—a conspiracy involving moral turpitude.—A. I have a letter from a prominent gentleman on the subject.

Q. Do you think you have any testimony which could be gotten under oath here from any reliable person upon that point?—A. I understood from George B. Smith that they could be indicted and punished for conspiracy.

By Mr. CARPENTER :

Q. You mean Finch, Broadhead, Hamilton, and Thompson?—A. Yes, sir; that is, that he was satisfied that the conspiracy existed against me among those men.

By Mr. CATE :

Q. Did he say so?—A. I don't know that he said so, but it was frequently talked over.

Q. Have you any evidence that you can produce here to be placed under oath to show that these respectable gentlemen of Milwaukee were guilty of conspiracy against you?—A. I have been here a great deal. I give you my own conclusion.

Q. You think you are justified in giving that?—A. I think so.

[Mr. Cate asked that the letter which the witness states he received be read.]

The WITNESS. I will read that portion of it which refers to the conspiracy. Speaking of Mr. C. S. Hamilton, it says: "His conduct in this Conklin business, to say the least of it, I consider to be very unjustifiable and wrong. Such malice as some of the parties connected with this disreputable business have displayed I never before dreamed of; and that there has been a conspiracy of malice as wicked as any connected with the whisky fraud, I can hardly doubt." That is an extract from the letter signed by L. S. Dixon, and dated Milwaukee, June 27, 1876.

By Mr. CARPENTER :

Q. He is counsel for the Government in these transactions, is he not?—A. Yes, sir.

Q. And ex-chief-justice of Wisconsin?—A. Yes, sir; he was for fourteen years chief-justice of Wisconsin. That is one of the reasons why I am satisfied that the conspiracy exists against me. I had talked with him before about it.

By Mr. CATE :

Q. That only refers to Mr. Hamilton?—A. Yes, sir.

By Mr. CARPENTER :

Q. And it also refers to other persons without naming them?—A. Yes, sir.

Q. Has it not always been understood, when this matter of conspiracy was charged or mentioned between you and Mr. Smith, or between you and Judge Dixon, or others, that it referred to Hamilton, Broadhead, Finch, and that little knot of men?—A. There is no question about it. Their identity has been established for a long time.

Q. You say that Judge Dixon refers not only to Hamilton, but to Finch, Broadhead, and Thompson?—A. I think he does. I think he understands it perfectly well, and is familiar with it all.

Mr. CARPENTER. To save any misunderstanding hereafter, I now apply to this committee for a subpoena for each of these persons, Luther S. Dixon, J. C. McKenney, Hamilton Ludington, A. Finch, and for each member of the grand jury who served in the United States courts, either district or circuit, in January term, 1876, in continuation of our defense. Our proposition will thus be ahead of any proposition on the part of the Government, and, if it is intended to subpoena any witnesses for the Government, our application will be the first to be passed upon. I will hereafter furnish a list of the members of the grand jury.

WASHINGTON, D. C., June 30, 1876.

SYLVESTER J. CONKLIN recalled.

The WITNESS. I desire to make a short statement in relation to the testimony of some witnesses here as to myself, before these witnesses go away, as I apprehend that some of them may be going to night. In relation to the testimony of Mr. Coleman and Mr. Lamb, I have this to say: that I said to them after stating the circumstances as to the witness, Mr. Rehm, in the Munn trial, that if I were a juror in such a case I should leave his testimony out and not consider it; and the same as to men who expected immunity from the Government, upon condition that they were to furnish testimony to convict some one. If I did not explain, or they did not understand, the terms of my immunity, they may have inferred that I belonged to the latter of the two classes to which I had referred, and that I did not expect to be believed; but I certainly did not intend and would not knowingly have used to them any language that I supposed would convey an impression to their minds that I would not testify truthfully. I have no doubt, after hearing my letter of immunity read, that they are satisfied I did not intend them to understand me to say I would not testify to the truth. I certainly would not, if I had my senses, announce that I did not intend to fulfill the primary conditions of my immunity.

Some witnesses, speaking of the money raised during the senatorial fight at Madison, have testified that I said I was going to Milwaukee to raise money. I did not go to Milwaukee to raise that money, and I did not collect it. I simply said what I have stated, to Mr. Keyes, and then went, I think, to Mr. O'Neal and Mr. Nunemacher, who were then at Madison. Nunemacher went to Milwaukee and returned with the first money, and Mr. Wirth handed me the second at Madison. This is my recollection. Following close on the heels of this transaction came the other I have related, of my going myself to Milwaukee to see if I could arrange with some one to buy Thompson's stock in the Sentinel. I did not tell Mr. Keyes anything about that trip previous to my going, and I have frequently so stated since. I think the parties whose recollection seems to differ from mine on this subject, (as to my going to Milwaukee,) who think I went to Milwaukee or was going there to get money, have heard me relate both, or at least the last transaction, and now confound the two. I never had occasion heretofore to explain the difference, and persons have confounded the two transactions, and allege that I said that Mr. Keyes sent me to Milwaukee to buy Sentinel stock, when he knew nothing about it until I reported it to him; and I think the same is true of those witnesses who think that I stated to them that Mr. Keyes knew nothing about who collected that money. I did not know what persons contributed to raise that money, and have probably said so. I only know that I went first to Mr. O'Neal, and then he and I to Mr. Nunemacher, who was then at Madison, and subsequently the money came as I have stated. That was all I then knew about from whom it was obtained in Milwaukee. I supposed that they would go to their associates to raise it. It now appears, I think for the first time, from evidence given before this committee, that a considerable part of it at least was contributed by revenue-officers in Milwaukee. I cannot call to mind the conversation related by Mr. Payne. I saw him often, and we had brief conversations. I presume I have talked with him upon this subject, but I apprehend I was talking with him as to who furnished this money, and not as to who went after it, and nothing else about it, and said to him that Mr. Keyes knew nothing about it; for indeed I knew nothing about it, and never knew as much about it as I have learned from the testimony taken before this committee.

WASHINGTON, D. C., June 30, 1876.

ELISHA W. KEYES sworn and examined.

The WITNESS. I am a resident of Madison, Wis., and have resided there for many years; am now, and have been since 1861, postmaster at that place. For the last seven years or thereabout have been chairman of the Republican State Central Committee for Wisconsin. In the winter of 1873 and spring of 1874 I became convinced that there existed in Wisconsin a formidable conspiracy to defraud the revenue, and that it was being carried on successfully through the aid and connivance of revenue officials. So thoroughly satisfied was I of this fact, that I set about proving it by good and sufficient evidence. On or about May 19, 1874, I filed with the Commissioner of Internal Revenue a communication addressed to that official, wherein I charged the existence of these frauds upon the revenue. At the same time I placed in the possession of the Commissioner affidavits of reliable parties fully substantiating the charges made; also accompanying the communication and affidavits was a letter from six members of the Wisconsin delegation in Congress, stating that they had examined the affidavits, and were of the opinion that A. E. Burpee, then revenue agent for Wisconsin, ought to be removed; and further stating to Commissioner Douglass that if he concurred in that opinion, they would recommend the appointment of L. J. Conklin. In May or June of that year Mr. Burpee was removed and Mr. Conklin appointed. It is proper to state in this connection that about one year previous to this time Mr. Burpee was for the first time removed and Calvin Cheney, of Watertown, was appointed in

his place. Mr. Burpee, after strenuous efforts on his part, got himself re-instated. In the mean time Sam. Rindskopf, of Milwaukee, who was the acknowledged leader of the whisky ring in Wisconsin, was indicted for conspiracy to defraud the revenue at Madison, in the western district of that State. During the latter part of the year 1874 he was tried at Madison for the offense, convicted and sentenced. Soon after the enactment of the revenue laws, Mr. Burpee was appointed agent for Wisconsin, and acted in that capacity down to the time of his removal, in May, 1874. Many good citizens of Wisconsin who were impressed with the belief that the revenue laws were being violated and our revenues defrauded could not reconcile this state of things with the theory that Mr. Burpee was a faithful and efficient officer of the Government, and therefore a very general desire was manifested throughout the State for his removal. Burpee was removed and many thought we had a faithful and efficient officer in his place. Rindskopf had been convicted and sentenced, and paid the penalty of his offense. It was thought that the warning would be heeded by the violators of the revenue laws; that the ring would be broken to pieces and their guilty practices abandoned. Such, however, did not prove to be the case. It is true that in a great measure public suspicion was quieted, but few, if any, supposed that the enormous frauds were still being perpetrated. It seems, however, that the machinery had been kept in operation and was in full blast when the crash came in the spring of 1875. I speak from a Wisconsin stand-point, and especially give my own impressions and conclusions. So much as introductory to the charges sought to be made against me. My position has always been one of open and defiant hostility to those engaged or suspected of being engaged in violating the revenue laws. I was charged generally by the democratic press of the State with having instigated the Rindskopf prosecution. I never turned the guilty practices of such law-breakers to a political advantage. I never received a cent of *campaign fund* from the so-called whisky ring, or any member of the same, to my knowledge, nor did I ever for private purposes. No distiller or rectifier in Milwaukee or elsewhere ever paid me a single dollar for campaign or other purposes, and I never made or authorized to be made any assessments of any name or nature upon or collections from these classes of persons. No revenue officer in Milwaukee, except collector of internal revenue, ever paid to me any sum whatever for political purposes, (campaign uses.) During the senatorial contest in Madison in the winter of 1875, I was an active supporter of the re-election of Senator Matt H. Carpenter. It became necessary during the progress of that contest for me, as the representative of Senator Carpenter's interests, to incur certain liabilities for hotel bills, &c., for many of his numerous supporters who came up to Madison to urge his re-election. Mr. Carpenter and his friends were guilty of the crime, if it be one, of being poor. At one time about the sum of \$1,500 was charged against me, for the purposes above stated at the hotels of that city. To me the question became a serious one as to how these bills were to be paid. The matter was considered by several gentlemen who were friends of Senator Carpenter. At this juncture S. J. Conklin, unsolicited on the part of myself, and as I believe of any one else, came forward and said he would especially take it upon himself to raise some money to aid in the liquidation of these bills. He did raise some money for that purpose, disbursed part of it himself, and paid to me two sums of money, equal in amount to \$950, as I have it down in my memorandum made at the time. Every dollar of this money so received by me was applied toward the payment of the bills heretofore alluded to. Mr. Conklin never intimated to me, and I never knew or suspected that any portion of it came from any improper source whatever, or from any whisky ring or member or the same. I do not remember to have seen either Wirth or Nunnemacher at Madison at that time, and should not have known them if I had. I supposed the money was contributed principally, if not entirely, by Federal officials in the city of Milwaukee. I never knew from Conklin or any one else who were the contributors to this fund; never saw any list of them.

Mr. Conklin, during his term of revenue service, never intimated to me, directly or indirectly, that he knew of any violations of revenue laws in his district, or that they were being violated, or that he suspected as much. On the contrary, he repeatedly and frequently assured me that everything was running straight; that the distillers and others dare not conduct their business unlawfully, as they knew full well they could not do it. I had no knowledge or suspicion ever that the contrary was the case.

Mr. Conklin says on one occasion I used this language to him, "*If you get that appointment, we can make some money out of it.*" I never made use of such an expression to him, either in language or import. It is not true, and it has no foundation whatever. No conversation ever took place between us of a corrupt character in reference to revenue matters.

Conklin never reported to me that Wirth and Nunnemacher had "fixed" one member of the legislature for Carpenter with money. I never heard of this transaction until I saw it in his statement. Any such suggestion would have been condemned by me at once. It is not true that I advised Mr. Conklin to leave the jurisdiction of the court. He stated emphatically that he should not go away.

Mr. Conklin produced letters of mine; one, dated November 20, 1874, he swears had reference to the Rindskopf case. It shows on its face that such cannot be its interpretation. I am positive it had no reference to revenue matters whatever.

Another letter, dated November 18, 1875, meant this and nothing more. The raid had

been made; some of the revenue officials had been dismissed. At the date of the letter Conklin still held his position; he had assisted in the seizures. He had disclaimed to me all knowledge of or connection with the frauds, and desired to retain his official position.

As I remember, I talked with McKinney about him, who probably replied to me, if nothing appears against Conklin, and he should render the prosecution valuable assistance in the seizures, he might not be removed, and that he (McKinney) would make no effort against him.

In reference to the letter dated November 19, 1875. From the time of the seizures in May up to the date of this letter, over six months, no charges had been made against Conklin, and no testimony had been discovered against him; his friends thereby being confirmed in their first impression that he was not implicated in any participation in the frauds. Nevertheless, he was nervous, and claimed to be apprehensive, while protesting his innocence, that some false testimony might be manufactured against him. The only idea and purpose of the letter was to state that no injustice would be done him. The facts of the matter will sustain this explanation.

The whole statement and testimony of Mr. Conklin in reference to Mr. Sam. Rindskopf's case is very remarkable, indeed. He never had anything to do with this case in an official capacity, from its inception or during its prosecution, and whatever outside part he took in it was simply officious, intermeddling, and wholly without authority.

In common with many others, I was in favor of its vigorous prosecution. After conviction, my judgment concurred with many others, that a severe term of imprisonment ought not to be imposed, it being the first case of the kind under the law in Wisconsin, and I believe in the whole country. I know such was the general opinion of the bar at Madison. But I never attempted in the least degree to influence the judgment of the court in his favor to defeat the ends of justice. The prosecuting attorney was not in favor of the court imposing a term of imprisonment, and so stated to the court at the time sentence was pronounced.

I never said to Conklin that I would, in consideration of Rindskopf's support of Carpenter, help him get his case continued or compromised. Rindskopf was the regularly nominated democratic candidate for Congress in 1874, and after his withdrawal from the canvass, and Mr. Lynde was substituted in his place, he continued, as was generally understood, to give his support to the democratic ticket, and it was absurd to suppose that any aid could be obtained from him for the republican ticket. All of Mr. Conklin's theories and speculations of and concerning Mr. Rindskopf and his case, as made to appear in his statement and testimony, so far as they implicate or reflect unfavorably on me, are without any foundation whatever.

The published statement and testimony here of D. H. Griffith, so far as it relates to me, is false in every particular. I never had any conversation with him at Madison or elsewhere about illicit distilling; never said I would do what I could for him. I don't remember ever meeting him. I do know that I never heard of such a man till I saw his statement. It is not true that Herman Nunnemacher, Wirth, or Griffiths ever visited my room at the New-hall House, in Milwaukee, for the purpose of paying me money or for any other purpose; neither of them was at my room at that hotel or at any other place; neither of them ever paid me money there, as stated by Griffiths, or at any other place. The whole statement and testimony is a fabrication from beginning to end. Neither is it true that in December, 1874, or January or February, 1875, or any other time, I sent a telegraphic dispatch to Herman Nunnemacher, as stated by Griffiths, or to any other distiller or rectifier, asking for money; and all of Griffith's testimony and statement with regard to this pretended transaction is absolutely false. In further proof of this, I will state that, June 19, 1876, I sent the following dispatch to telegraph-office, Madison, Wis.: "Answer if you have any record of dispatch purporting from me to Herman Nunnemacher, Milwaukee, in December, 1874, or January, 1875. E. W. Keyes." I received in answer the following: "Madison, Wis., June 19, 1876. Hon. E. W. Keyes, Washington, D. C.: Have no record of such dispatch in December, 1874, or January, 1875. Chas. E. Boss, Mang. W. U. Tel. Co."

In addition to this evidence, it is a notorious fact that a full showing has been made to the Government officials by the telegraph company and office in Milwaukee of all dispatches bearing in the least degree upon the revenue frauds in Wisconsin or elsewhere, and that a report was made under oath, with the original dispatches or copies of the same. No such dispatch as sworn to by Griffiths and others appeared in the number.

The whole theory and purpose of Mr. Conklin's statement and testimony is to tone down the enormity of his own offense, and his utter faithlessness as a public servant.

He endeavors to make it appear that all his efforts were made to accomplish political results by, through, or under me. In this he manifests some shrewdness, but the deception is plain. The fabric which my enemies have attempted to build up through him will not for a moment stand before the sunlight of truth, and I have no fears that a single honest and intelligent person anywhere will place any reliance upon his statements where they in any way cast an unfavorable reflection upon me.

By his own admissions his evidence is purchased, given for a consideration, under a contract entered into between himself and those claiming to represent the Government. By this contract he is forced to attack us by false theories and statements, manufactured and imposed upon him as the price of his immunity, instigated and urged on by the principal actor, C. S. Hamilton.

So soon as I was informed by Messrs. McKenney and Dixon, Government attorneys, that the evidence of his complicity in the revenue frauds was undoubted, I severed all communication or association with him, with the exception of seeing him in Canada on my return from the East.

As soon as Mr. Carpenter and myself ascertained his true character and dropped all intercourse with him, he assumed an attitude of hostility toward us, and opened negotiations with our personal enemies. He at once set about the preparation of his statement, on which, by the representation of C. S. Hamilton, as I am informed and believed, he obtained immunity.

I saw him in Canada because I had learned that a conspiracy was on foot to procure immunity for him if he would aid and assist the conspirators with false statements to blacken my character.

I was confirmed in my opinion that a base conspiracy was already formed in Milwaukee having for its grand object the purpose of destroying my good name and reputation. The parties engaged in this conspiracy have called to their assistance the basest elements of the Milwaukee whisky ring—men notoriously corrupt, men ready to accept the position of servile tools to the conspirators, and eager to add to their other offenses the infamous crime of perjury, actuated to this course in order that they may shorten their own terms in the penitentiary, which they are fully aware is yawning to receive them.

This has been made clear by the investigation, and those engaged in the conspiracy, as I am justified in terming it, are shown up to the public in their true light.

By Mr. CASWELL :

Q. Mr. Hoag has testified something in relation to your statement that Conklin had better remain in Canada until after the presidential election. What do you say about that conversation?—A. I think I remember having met Mr. Hoag once or twice as I passed through his place on my way from Madison to Milwaukee. He either got on or off the train there on one or more occasions. I understood him at that time to be Mr. Conklin's special friend, a sort of general agent of his in his matters. Up to that time, I think, I had never met him, and had no acquaintance whatever with him. I know that he seemed anxious to talk with me about Conklin. I do not recollect that I ever made use of any such expression as he testified to—that Conklin had better remain in Canada until after the presidential election. I am quite confident that I never made use of the vulgar expression that he swore to here.

Q. Had you any objection to Conklin's return?—A. No, sir; I never said to any person that I objected to his return or to his obtaining immunity. I never supposed that I had anything to fear from his return. I always said to everybody with whom I conversed I was perfectly willing Conklin should return and tell the truth, and the whole truth. Subsequently I was assured by friends of mine that a claim was being set up to have Conklin return and tell something more than the truth, but even then I did not interpose any objection or obstruction in the way of his obtaining immunity.

By Mr. CATE :

Q. How early did you become satisfied that there were frauds committed on the internal revenue in Wisconsin?—A. I think in the early part of 1874—perhaps in the winter of 1873.

Q. From whom did you obtain that information?—A. I became satisfied in my own mind during the campaign of 1873 that there were some strange proceedings being carried on by the manufacturers of whisky in the city of Milwaukee.

Q. You considered that Burpee had some part in them?—A. Not particularly in regard to what I said now.

Q. In regard to those early frauds which you discovered early in 1874?—A. I have reference particularly now to a very large amount of money that was being raised for political purposes in the campaign of 1873.

Q. When was Burpee removed?—A. I think he was finally removed in 1874; he had been removed a year previous to that time.

Q. At one time you made some representation to the Department against him, in which you set up the pretended frauds at the Middleton distillery?—A. I did file a communication in which I referred to those frauds.

Q. What were the charges which you made against Burpee in that communication?—A. I do not know that I can state them exactly.

Q. Were they not confined almost entirely to the Middleton distillery transactions?—A. No, sir; not particularly. It was in relation to some high-wines that were shipped from a rectifier in Madison to Rindskopf's brothers in Milwaukee.

Q. They came from the Middleton distillery?—A. I presume so.

Q. Is it not a fact that the whole charges against Burpee in that communication of yours to the Department were in relation to the Middleton distillery, claiming that he had been remiss in his duty?—A. I can show you what I stated.

Mr. CATE. That is just what I am asking you about; why do you not show it?

The WITNESS. Do you wish to see the communication?

Mr. CATE. That would be the best evidence.

The WITNESS. If you call for it, I will show it.

Mr. CATE. I do call for it.

The witness presented and read the following communication :

" WASHINGTON, D. C., May 19, 1874.

" COMMISSIONER INTERNAL REVENUE:

" SIR: It is charged that Charles H. Bunker, rectifier, &c., of Madison, Wis., on or about the 15th February last, shipped to Rindskopf Brothers, Milwaukee, a lot of high-wines gauged as whisky; that the same was so shipped to defraud the revenue, and received by Rindskopf Brothers with full knowledge, &c.

" That one Weisart, deputy collector, discovered the barrels in the condition aforesaid, and called the attention of Revenue Agent Burpee to the same, at or about that time. That it was the duty of the said Burpee to have reported the facts of this transaction *specially* and *immediately* to your office, which he did not do, to the great scandal and disgrace of his office, and to the detriment of the revenue service.

" That the facts subsequently developed by this transaction show the existence of a great conspiracy, extending throughout Wisconsin, under the leadership of Rindskopf Brothers, to defraud the revenue; and that it has been successfully carried on for a considerable time, through the knowledge and connivance of revenue officers. Of this there is abundant proof.

" It is submitted to you in all candor that the doings and carryings on of these whisky marauders, in open and shameful defiance of law, has only been done by the gross carelessness and neglect of said Burpee, in the discharge of his duty; even if he is not suspected with complicity in the same; as he is charged by Rindskopf with being bought up and owned by him.

" In view of the foregoing statements, and the general knowledge and belief throughout Wisconsin that the administration of the revenue law thus, by some of your agents and subordinates, is a disgrace to your Department, and in behalf of common justice and a defrauded revenue, I appeal to you to cause the instant removal of A. E. Burpee, believing, as I do, that no reform in these respects can be truly inaugurated until this is done.

" Your most obedient,

" E. W. KEYES,

" *Chairman Republican State Central Committee for Wisconsin.*"

By Mr. CATE:

Q. Did it not turn out afterward that Burpee had prior to that communication reported the same violation of law which you allude to there?—A. I state what I know about it.

Q. Do you know whether he had or not?—A. No, sir.

Mr. CATE. Then you do not know anything about it. Answer my question.

The WITNESS. What question?

Q. Do you know whether or not Burpee prior to that time had reported to the Department that very violation of law?—A. No, sir. If you will permit me, I will make a statement about it. Before I wrote that letter, I went to the revenue bureau and made special examination myself, and with the aid of some clerk, (but I do not know now,) to see whether he had reported that circumstance. I had the particulars of that transaction from McKenney in Madison. Perhaps I learned it before I left Milwaukee for that purpose. They had also been reported to me by Mr. Harmon, the collector. I went to the office here in Washington and examined the reports, and could not find that Burpee had ever reported it, and I was informed that he had not.

Q. Then you are able to say that prior to the day of your letter, Burpee had not reported that violation of law?—A. I cannot say that.

Q. To the best of your knowledge he has not?—A. I have stated just as I found it. I understood since that he had reported it.

Q. Have you seen any report of his made prior to that time which would include that circumstance?—A. I never have seen a report of his which included that.

Q. You have examined his reports for that purpose?—A. I examined his reports about that time.

Q. What were your relations to Burpee at that time—friendly or otherwise?—A. Not very friendly.

Q. Had you already agreed upon his successor at the time you wrote that letter?—A. I think that I also placed on file at the same time that I did that letter a number of affidavits showing up the state of things in Milwaukee.

Q. To bolster up your statements?

The WITNESS. Is that what you call it?

Mr. CATE. That would be bolstering it up if the affidavits were in aid of the statement.

Q. Had you at that time concluded upon the person who was to succeed Burpee?—A. About that time a paper was filed, signed by a portion of the Wisconsin delegation, with the recommendation of a person.

Q. Of some successor to Burpee?

The WITNESS. I can read it if you wish.

Mr. CATE. Answer the question.—A. Yes, we did recommend a person.

Q. Who?—A. Conklin.

Q. How long had you known Conklin at that time?—A. Quite a number of years.

Q. How long prior to that time had you and Conklin under consideration the removal of Burpee and the substitution of Conklin for him?—A. Not at any time. This suggestion of Mr. Conklin was made before I ever heard of it or before Conklin ever heard of it. His name was talked of before he knew it himself.

Q. Then he was not personally an applicant for the office?—A. I do not think he was.

Q. You yourself preferred him?—A. No, sir; I preferred somebody else.

Q. Why did you recommend him, if you did not prefer him?—A. Because I preferred a man of experience.

Q. Did you have some conversation with Conklin when Burpee was removed and Conklin appointed?—A. I cannot say whether I did or not.

Q. How did Conklin become aware that he was proposed for that office?—A. I presume I informed him. I may have written him or I may have seen him.

Q. Do you not think that you did see him several times before he was appointed?—A. Very possibly I did.

Q. And talked with him on the subject?—A. Very possibly.

Q. And was it not one of your main objects of getting Burpee out to get Conklin in?—A. No, sir.

Q. Has there been an investigation of Burpee's delinquencies?—A. I do not know. That was not the main object with me or anybody else, to get Conklin in.

Q. That was not the principal consideration that you were at work for?—A. No, sir.

Q. Have you ever presented Mr. Burpee's case to the United States attorney for investigation?—A. No, sir.

Q. You were quite satisfied to let Burpee go, notwithstanding the strenuous efforts which you would make to punish persons for violations of law?—A. I thought it very extraordinary indeed that Mr. Burpee, during his twelve years of service, had never come in contact with distillers or manufacturers of whisky.

Q. If your views, with reference to Burpee, were such as you communicated to the Internal Revenue Bureau, seeming to indicate that you were thunderstruck at his official conduct, why did you not present his name to somebody to have him investigated? Why did you become mollified so soon after Conklin was appointed if Burpee was such a guilty man?—A. I did not say that he was a guilty man. I say that his allowing things to go on as they were going on was inconsistent with the discharge of his duty.

Q. Yes; and a great scandal to the administration of the law, &c., but you never did present his name for investigation?—A. I do not know that I ever did.

Q. You do not know that his case was ever investigated by anybody?—A. A good deal has been said about him by different parties, but I do not know that he was ever investigated.

Q. Did you never talk to Conklin about how much the office would be worth to him if he got it?—A. Yes.

Q. Did you say to him that if he got that office he could make some money out of it?—A. Not in that connection. He asked me what his compensation was. I think when he was appointed it was \$6 a day. Mr. Burpee had been getting a little more, and Mr. Conklin thought that he should get the same as Burpee. That is the only connection in which I ever had any conversation in regard to his making any money.

Q. Did not you and he talk over what could be done in an office like that?—A. No, sir.

Q. What chances there were for perquisites?—A. No, sir.

Q. Or for extras?—A. No, sir.

Q. Was that matter under consideration when you were pressing him for appointment?—A. No, sir.

Q. And did you not say that Burpee was making a mighty nice thing out of the office?—A. No, sir.

Q. And that distillers were paying him hush-money?—A. No, sir; I may have said that I thought Burpee dishonest.

Q. And did you not follow it right up by saying that he might as well have this as let Burpee have it?—A. I never had any conversation with Conklin about revenue matters of an improper or unjust character.

Q. Then the matter was never talked up as to how much Conklin should make out of the office?—A. Never, except in connection with the per diem which he was legally to get from the Department for his service.

Q. Did you not say to him, "We want somebody in the office that will do more for political purposes than Burpee, who puts all the money in his own pocket?"—A. No, sir.

Q. Then one of the principal reasons why you favored Conklin was that you understood that he was a pretty sharp manager in political affairs, and not altogether scrupulous, perhaps, as to how things were carried on?—A. I considered Mr. Conklin a pretty good working politician and an active man.

Q. Did you not take that into consideration in urging his appointment?—A. I considered him, in that respect, a better man than Burpee.

Q. Did you not wish a man there who would second your efforts in regard to the legislature more efficiently than Burpee?—A. Such a man was desirable, I think.

Q. Did you not take the further fact into consideration that Conklin would be instrumental

in furnishing means, as well as labor, to carry on the campaign in Wisconsin?—A. I do not know that I did. I do not know what you refer to. I do not think that I took into consideration anything of that kind.

Q. You simply took into consideration his efficiency as a politician?—A. He was an active worker as a republican.

Q. Do you swear, on your oath, that you did not say to Conklin, while you were considering the probability of his appointment, "Now, Conklin, if we get Burpee out and you in, we will make considerable money out of this thing?"—A. No, sir; I never said anything of the kind to him in that connection.

Q. You have heard Conklin's statement here on that point?—A. I have heard his statement.

Q. And you flatly contradict that statement of Conklin's?—A. I contradict it.

Q. You say that the democratic press charged you with inciting the prosecution against Rindskopf?—A. I saw such a charge frequently in democratic papers.

Q. The democrats complained that you were aiding to enforce obedience to the revenue-laws in Wisconsin?—A. I do not know that they did, especially in terms.

Q. Why did they find fault with you for prosecuting Rindskopf? Was it because they thought that Rindskopf was not guilty?—A. I cannot undertake to give their motives. I simply state that there were charges in the democratic papers.

By Mr. CARPENTER:

Q. Was it not charged that it was done for political purposes by you as a leading republican?—A. I presume so.

By Mr. CATE:

Q. What newspapers found fault with you for prosecuting Rindskopf?—A. I remember the Milwaukee News and the Afternoon Crescent and the Jefferson Banner. Nearly every democratic paper in the State charged that I incited the prosecution against Rindskopf for political ends.

Q. When was that prosecution against Sam Rindskopf commenced?—A. He was indicted at the June term of 1874, at Madison.

Q. What office did Rindskopf hold at that time?—A. I do not know that he held any office.

Q. Did he ever hold any office in Milwaukee?—A. Not that I know of.

Q. On what ground was it charged that the prosecution of Rindskopf was for political purposes; what force was there in that charge?—A. He was, perhaps, a favorite with the democracy. He was a prominent reformer.

Q. In what respect was he a favorite with the democracy?—A. He had been very active in the election of the reform ticket in Wisconsin.

Q. As anything more than a private individual?—A. Yes. He took entire charge of the campaign, and raised and disbursed a large sum of money in the election of 1873. That is the way it appeared to me.

Q. You do not know the facts to be so?—A. That is the way it appeared to me. I was watching things pretty tolerably close there.

Q. Did you have any conversation with Conklin about money matters at Madison prior to his paying you this \$950 in the winter of 1875?—A. I do not know that I did.

Q. Who suggested the collection of this money, you or Conklin?—A. He did. It may be that he has stated that tolerably correct. That was the time that he suggested to me that he would raise money to get a room.

Q. Where did he tell you that he had raised the money?—A. I do not know.

Q. Where did he give you that money?—A. I think that a part of it was given to me in the post-office and part of it in the Park Hotel.

Q. At the time he gave you a part of it in the Park Hotel, did he introduce a couple of gentlemen to you and say, "These are the men who furnished the money?"—A. No, sir.

Q. Did not Mr. Wirth, at the time the money was paid to you, have a conversation with you in which he told you that they had furnished that money, and that if you wanted some more they would try and get it?—A. No, sir.

Q. And did you not tell Wirth and Nunemacher at that time that when you wanted some more money you would call upon them?—A. I am positive that nothing of the kind took place. I never saw either of those men at that time.

Q. You had never been acquainted with Wirth prior to your seeing him here on the stand?—A. I did not see him here on the stand.

Q. You do not know the gentleman?—A. I should not know him if I saw him.

Q. Did anybody call with Conklin to have any conversation with you at that time?—A. Not that I know of.

Q. Where did you suppose that Conklin got that money?—A. I supposed that he collected it from the revenue officials in Milwaukee.

Q. What made you think that?—A. Because I had never known of his collecting money from anybody else.

Q. Did you ever know of his collecting money from them previously?—A. I do not know that he did.

Q. Then what do you mean by saying that?—A. Because the rich officials in the State generally made up the funds which we had for political purposes.

Q. Do you know that Conklin had been in the habit of collecting money from officials prior to that time?—A. I do not know that he had.

By Mr. CARPENTER :

Q. Did Mr. Burpee do that when he was in office?—A. I think he used to collect money.

By Mr. CATE :

Q. Did Burpee ever collect from them at any time that you know of?—A. He paid me money while he was in office. I cannot swear positively that he ever collected any.

Q. For what purpose did he pay money?—A. For political purposes.

Q. Do you know where he got it?—A. No, sir. He got it out of his bank deposit, I suppose.

Q. How did you answer Mr. Carpenter's question?—A. I said that Burpee had paid me money. I cannot say whether it was his own money or not.

Q. You cannot say whether he ever collected a dollar from officials?—A. I cannot; possibly he may have collected from some of his deputies, but I will not swear positively.

Q. Why do you suppose that in collecting money for a campaign of that character he would apply only to a particular class of persons, and not to the people generally?—A. Because that class of persons were the ones who contributed largely and frequently in our political campaign. They were public officials holding public offices, many of them pretty good paying offices, and they expected to contribute.

Q. Did not Conklin say to you that he had got it out of the whisky men in Milwaukee?—A. No, sir.

Q. Did you not ask him where he got the money, and did he not say that he got it out of the whisky men in Milwaukee?—A. No, sir.

Q. Did he not say that O'Neill and Nunemacher were here now?—A. No, sir.

Q. Was it not brought to your knowledge that he had consulted O'Neill and Nunemacher on the subject of collecting money?—A. No, sir; I have no recollection on the subject.

Q. There was no consultation between you and Conklin as to where the money came from?—A. No. I supposed that he was going to get it in Milwaukee. It may be that he used the expression "from Carpenter's friends."

Q. Do you know whether he went to Milwaukee or not?—A. I suppose he did; I do not know.

Q. Did he not hand the package right to you as he received it from somebody in the Park Hotel?—A. I think that he took one package out of his pocket and said he had not counted it.

Q. Did he not hand the other right to you from somebody else?—A. Not that I know of. I think he said he wanted to see me, and we went into some room where there was nobody else present.

Q. He did not pay you this money in the common assembly room of the hotel?—A. No. I think he said he wanted to see me, and he called me into some room. I cannot say what room it was.

Q. What is the date of that letter in which you use the expression about the wolf howling?—A. The 20th of December, 1874.

Q. What do you say that that letter has reference to?—A. I think it had reference to some political convention.

Q. Did you not make Conklin say the other day that it had reference to some convention which he had proposed to hold?—A. I suggested several things to him.

Q. You say in that letter, "The convention dodge is too thin." What convention had you reference to?—A. I suggested to Mr. Conklin several theories to refresh his memory.

Q. But you, of course, understand what the letter referred to. Do you recollect now what it had reference to?—A. Not very fully and positively. There is one thing, however, of which I am just as positive as I am that I am sitting here looking you in the eye, and that is that that letter had no earthly connection whatever with revenue matters. It had connection with some political matter in Wisconsin entirely disconnected from revenue matters.

Q. Can you not remember something that was proposed by Conklin, and which you regarded as "too thin"?—A. It may be that he had suggested a convention of Carpenter's friends before the convening of the legislature.

Q. Do you think that that is so?—A. It may be that.

Q. And you disapproved of it?—A. As I understand it, I disapproved of it, and wrote this letter. I wrote the letter in great haste, as the letter itself indicates.

Q. You disapproved of it?—A. I disapproved of the idea.

Q. What part of it was it that you were to look after? You say, "I will attend to the programme, and be responsible for the result."—A. I meant that whatever I had undertaken to do in politics, or in regard to certain matters, which I cannot very fully remember now, I would attend to and be responsible for the result.

Q. Then the only solution you can give us is that Conklin had proposed a convention which you disapproved of, and then you say, "I will attend to the programme, and be responsible for the result." What had that reference to?—A. I think it had reference to Mr. Carpenter's candidacy—his chances, &c.

Q. What part of the programme was it that you were to look after?—A. That I was to do all I could for his re-election.

Q. Do you remember the date of Sam. Rindskopf's conviction?—A. I do not.

Q. Was it not the 18th of December?—A. I do not know.

Q. Have you no means of ascertaining?—A. I have not.

Mr. CATE. I see that it was on the 18th of December, and that letter was written on the 20th.

The WITNESS. Very likely.

Q. And did you not have a conversation with Conklin as to the means of taking care of Rindskopf?—A. I do not think I had.

Q. What did you refer to in the expression, "If the wolf howls, hell will be to pay?"—A. It was then rumored throughout the State that Washburn and others who were opposing the nomination of Mr. Carpenter would, in the event of Mr. Carpenter's nomination, bolt it and endeavor to defeat his election.

Q. But that letter was evidently written on some subject on which you and Conklin had conversed, otherwise you would be more explicit in conveying your meaning. You would not have referred to three or four subjects in the same letter in that indefinite way.—A. I say in the letter that things are working well and will come out O. K., meaning thereby that Mr. Carpenter will be renominated by the caucus and will be re-elected.

Q. Taken in that connection, what meaning are we to ascribe to the expression, "But if the wolf howls, hell will be to pay?"—A. It meant that if the Washburn crowd would bolt, I did not know exactly how the thing would come out, or what would be the result so far as the election was concerned.

Q. State whether you and Conklin had not Sam. Rindskopf's conviction under consideration, and had not devised the means of letting him off?—A. No, sir. I may have talked with Conklin about it. Conklin is a man who talks a great deal, and if he comes in contact with anybody, he will talk. If he ever came near me or within hearing of me, he always talked; and I think it probably he talked about the Rindskopf case.

Q. Did you not agree to see Judge Hopkins in regard to it?—A. I did not.

Q. Did you and Conklin talk about the continuance of that case, and did you agree with Conklin that the understanding was that the case was to be continued?—A. I presume we did talk about the continuance of that case, but I was always opposed to its continuance.

Q. Did you not say that as McKenney had determined to go on with the case, there was no alternative but for him to go to trial and see afterward what was to be done?—A. I do not recollect any such thing.

Q. Did Conklin not come to see you once when you were sick and insist on something?—A. Yes.

Q. Did he not come at one time, and did not you talk to him and tell him the thing is all right, the fine will be so and so, and the imprisonment will be so and so?—A. I think it very likely that Conklin was interesting himself in Rindskopf's case.

Q. Did not Conklin talk with you on that subject by your bedside, earnestly requesting you to interfere to protect Rindskopf?—A. If I was sick enough to be in bed, I was sick enough not to talk with him.

Q. Did he not come to you at one time, and did you not say to him the fine will be so and so and the imprisonment so and so; and did he not say, "Now, Keyes, am I at liberty to say that to Rindskopf or to any of his friends?"—A. I notice that Conklin has stated that, but I have no recollection of saying any such thing.

Q. You have no recollection of ever holding any such conversation with him?—A. None whatever.

Q. Did you see Judge Hopkins in favor of Rindskopf?—A. I did not especially.

Q. Did you generally?—A. I may have had general talk with him in the court-room.

Q. Did you talk with him interceding for Rindskopf?—A. I do not recollect that I did.

Q. Did you talk with anybody in Rindskopf's favor, with the expectation that that person would talk with Judge Hopkins?—A. I do not recollect now that I did. There were six or eight Madison lawyers interested in the details of Rindskopf, and they were all anxious that he should not be sentenced to a term of imprisonment. As I said, the general impression was that he ought not to be imprisoned, and I thought so myself.

Q. What is the date of that letter in which you wrote to Conklin that you had seen Hazleton and McKenney in reference to his matters, and what was the occasion of your writing that letter?—A. On the 19th of May, 1875, I wrote to Mr. Conklin a letter, which he introduced in evidence.

Q. In one letter you say to him that you have seen Hazleton and McKenney, and you say that Conk. must be supported?—A. That was on November 19, 1875, [handing the letter to Mr. Cate.]

Q. How do you explain that letter?—A. I explain that letter as I have explained it in my written statement. I can explain it to you again. That was before Conklin was removed.

Q. Had there been any charge against Conklin at that time?—A. I think not.

Q. Had you any intimation that Conklin was to be removed except from himself?—A. I think not.

Q. He was suspicious that he was to be removed?—A. I think so.

Q. On what circumstances did he base that suspicion?—A. I do not recollect that he stated them to me.

Q. Only that he had a sort of vague idea that he was in danger?—A. Yes.

Q. And you proposed to stand by him?—A. He wanted me to, and he wanted me to see McKenney on the subject. The seizures had been made at that time, and Conklin had assisted in them.

Q. What made you advise Conklin to tie to McKenney?—A. Conklin claimed that he had done his duty, and he wanted me to state so to McKenney.

Q. Did he state to you any circumstances that led him to suppose he was in danger?—A. I do not recollect that he did.

Q. Did any other revenue-officer apply to you for that purpose?—A. No, sir.

Q. Did it not create suspicion in your mind that Conklin himself was a little crooked when he was so anxious to be protected?—A. He wanted to retain his place. As I said, this was before his removal and after the seizures.

Q. He did not give you to understand that there was any reason why he should be removed?—A. No, sir; except the general reason that might be produced against every revenue official there.

By Mr. CARPENTER :

Q. That frauds had been discovered there?—A. Yes, sir.

By Mr. CATE :

Q. Did he not suggest that some outside party might make some charge against him and give him trouble?—A. I think not, at that time.

Q. Did he afterward and before he was convicted?—A. Possibly he did.

Q. At what time?—A. Six months later, when you come to the other letter.

Q. This is May 18. In the December before that did he tell you something?—A. He did.

Q. What did he tell you?—A. That he was afraid there would be some case put up against him there; that some of them were squealing, or going to squeal, and that he was innocent and had always done his duty faithfully.

Q. Then you agreed to protect him?—A. No, sir; I did not.

Q. Did you not at that time write to him that you had seen Hazleton, and that you had said to Hazleton that "Conk. must be protected"?—A. Conklin had written to me or had seen me, and wanted me to see or write to Hazleton that he was all straight in every particular; that a long time had elapsed since the seizures, (I do not know that he stated these identical things to me;) and the idea was that he wanted everything scrutinized closely and carefully before proceedings were instituted against him. That was after he was out in December.

Q. Why did you consider it your duty, if Conklin was out of office at that time and was apprehensive that charges might be brought against him, to see the prosecuting United States attorney and to say to him, as you say in your letter, that "Conk. must be protected"?—A. I had known Conklin a good while, and I believed him to be not implicated in these frauds.

Q. Would not an investigation show him to be innocent?—A. Six months had elapsed after his removal, and no charges had been brought against him.

Q. What did you mean by the term "Conk. must be protected"? It could not mean retaining him in office?—A. I do not think that it meant all that the term would imply.

Q. But you did conceive it necessary to see the prosecuting attorney in order that Conklin might be protected?—A. I may have written a little more strongly than the circumstances justified. I had seen Hazleton and I had seen McKenney. McKenney used to come home from Madison every Sunday, and I used to ask him frequently if anything had appeared against Conklin, and what his impressions were—whether he thought Conklin innocent, &c.; and he used to tell me, from time to time, that nothing had appeared against Conklin. I told him that I would stand by him as long as he appeared to be innocent.

Q. Was not the subject-matter of Conklin's guilt, or of his complicity in these frauds, talked of between you and McKenney and between you and Hazleton, and did you not all the time insist that Conklin must be protected?—A. No, sir.

Q. That was not the subject of conversation?—A. Not in the light in which you put the question.

Q. How did you happen to apply so frequently to McKenney to know if anything had appeared against Conklin?—A. I used to see him when he came home to spend Sunday.

Q. Was Conklin more particularly a friend of yours than any of the other revenue officers?—A. I think he was.

Q. And it was out of friendship to him that you made this inquiry from McKenney?—A. Not entirely out of friendship to him, but for protection to myself. I wanted to know if there was any evidence against him or any well-grounded suspicion against him in the matter of these revenue frauds.

Q. You did not think that any evidence against him would endanger you in any way?—A. Of course not.

Q. Only because you were on friendly terms with him and were acting on the principle

that "birds of a feather flock together?"—A. I was in hopes it would prove to be that he was innocent.

Q. Then you are inclined to think that this letter of yours was written a little stronger than it ought to have been written?—A. It is possible.

Q. What would you have substituted for the word "protected"?—A. I do not know.

Q. You simply wanted to see if there was anything against Conklin?—A. That is the idea.

Q. Did Conklin frequently say or write to you to ask you to intercede in his behalf, or to stand by him after he was out of office?—A. I do not think that he put it to me in the light of standing by him.

Q. In what light did he put it to you?—A. In no other light than that which I have attempted to explain in the letter: that he was innocent, and that possibly there might be some case made against him.

Q. Did he lead you to suppose that he feared some prosecution?—A. I think I got that impression. I used to ask McKenney whenever I saw him.

Q. Did you mean in your letters to Hazleton or McKenney to suggest to them that Conklin was to be shielded from prosecution?—A. Never, in the least degree. I always said to them that if there was any evidence against Conklin, I wanted to know it.

Q. If you interceded for Conklin at all, it must have been to shield him from prosecution?—A. No, sir; it was not.

Q. Well, what was it for? What object had you in it?—A. I had no other object than as I have stated—for them to examine the testimony carefully on which they would base proceedings, to see whether it had really a strong foundation.

Q. Did you not know that that would be the result any way, and that if anything was brought against him, the evidence would be examined?—A. There was a great deal of excitement at the time, and strong suspicions everywhere, so that it was almost unsafe to take a glass of whisky there at any time, lest the whisky might be crooked and you might be indicted for it.

Q. About what time was it that Conklin was so nervous over his situation?—A. I cannot locate his nervousness at any given time. I referred to it in the letter.

Mr. CATE. I have reference to your statement this morning, in which you say that Conklin was nervous.

The WITNESS. I did not say so in my statement this morning.

Q. At what time did you refer to him as being nervous?—A. [After looking over the written statement.] I find that I am mistaken. I find that I did say in my statement this morning that he was nervous and claimed to be apprehensive lest some false testimony should be manufactured against him.

Q. That was about the time that you saw McKenney and Hazleton for him?—A. It must have been about the time that I wrote the letter for him to Hazleton.

Q. And did not his nervousness rather lead you to suspect that he was a little crooked?—

A. No, sir; he is a very nervous man, and easily excited.

Q. Then your only object in seeing McKenney and Hazleton about him was to insure a fair investigation for Conklin?—A. That is all.

Q. Were you apprehensive that without your interference he would not have a fair and impartial investigation?—A. I do not know that I was, but he importuned me to write a letter or to do something for him, and I did it.

Q. Was the main object of your writing that letter to convince Conklin that you were standing by him?—A. I always stand by a friend until I find him to be unworthy, and I think I am even likely to stick to a friend a little too long.

Q. Did you see Hazleton about it?—A. I do not know whether I saw him or wrote a letter to him. I was writing about some other matters and I mentioned this.

Q. Did you underscore in your letter to Hazleton the word "must," where you said that Conklin must be protected?—A. I do not know.

Q. In your statement you say that Conklin's testimony in reference to the Rindskopf case is remarkable. Has he had nothing to do with it? What do you mean by his testimony being remarkable?—A. I mean what he has stated so voluminously in the columns of the Commercial Times, and also in his testimony here in regard to what was said and done in and around Madison, in connection with the Rindskopf case.

Q. What fact which he testified to here do you regard as remarkable?—A. His general testimony, and so much stuff that he has thrown in, in view of the fact that he, as an officer, had nothing to do with the case.

Q. The only fact that he has testified to is as to the understanding that the case was to be continued.—A. He has spoken a good deal in his testimony about what was said and done at Madison.

Q. Tell me one fact which he testified to in reference to the Rindskopf case, which you say is untrue.—A. Bring up the circumstances yourself and I will tell you whether they are true or not.

Q. Was it true or untrue that there was an understanding between Rindskopf's friends and some parties on the other side that the case was to be continued?—A. That I cannot say.

Q. Were you aware of any such understanding?—A. I do not think I was.

Q. Did you hear anything of that kind talked about?—A. I cannot say that I did. I

know that there was a good deal of talk on the subject. I was in favor of the prosecution of the case and against its continuance, and I would not be likely to hear as much as other people might have heard.

Q. Did not the Commissioner of Internal Revenue telegraph that the case was to be continued?—A. I heard a rumor of that kind.

Q. Did you not see the telegram?—A. I do not recollect that I did. I heard Mr. McKenney state that there was such a telegram.

Q. Do you recollect saying to Conklin that Carpenter had been a damned fool or he would not put such a telegram on record, and that he must take it off?—A. I do not recollect it.

Q. Did you telegraph to Carpenter that he must change that telegram?—A. No, sir.

Q. Did you telegraph to him in regard to it?—A. I think I telegraphed to him, or wrote to him, that such a dispatch had come.

Q. Do you not recollect that the subject of continuing that case was talked of between Rindskopf's friends and others at Madison?—A. I presume it was.

Mr. CATE. Conklin says that it was, and that he talked with you about it and that he talked with others, and that he took upon himself all the blame of it. Is that the remarkable fact which you speak of in your statement?

Mr. CARPENTER. Conklin did not say that. He said that he told two of the witnesses that they need not go to Madison, and he took upon his shoulders the blame of their not having gone.

By Mr. CATE :

Q. What other circumstance is it that you say is remarkable, and which you would like to contradict?—A. I have reference to the general run of Conklin's testimony.

Q. You are not prepared to contradict Conklin's statement in regard to this circumstance?—A. No; I think I am prepared to state that a good deal of it is entirely correct.

Q. You contradict it generally, but not specifically?—A. If you call it to my attention item by item, I will tell you what I think of it, but this is like mere combating with thin air

WASHINGTON, D. C., July 7, 1876.

BENJAMIN H. BRISTOW sworn and examined.

By Mr. COCHRANE :

Question. When were you appointed Secretary of the Treasury?—Answer. About June 3, 1874.

Q. And you held that position until what date?—A. Till the 20th June, 1876.

Q. It was under your immediate supervision, I believe, that the prosecution of the whisky frauds in Saint Louis was instituted?—A. It was under the Treasury Department that investigations were carried on and the cases reported to the Department of Justice for prosecution.

Q. Will you be kind enough to give in narrative form a history of your connection with those investigations and prosecutions; when your attention was first called to the matter, what steps you took in the direction of discovering any frauds that were existing, and any subsequent action which was taken in the premises?—A. I became satisfied, pretty soon after I came into the Treasury Department, that we were not getting the full tax on distilled spirits at several important points in the West, and I undertook in various ways to institute inquiries, through the Office of the Commissioner of Internal Revenue, none of which resulted satisfactorily. Although I did receive further evidences of the existence of combinations and conspiracies to defraud the Government, in which there was reason to believe that certain officers of the Government were participants, I still was unable through the medium of the Internal Revenue Office to get hold of a thread by which we could be enabled to follow it to the end. Thereupon, I determined to use the appropriation, which was, I believe, entitled "Appropriation to punish and prevent counterfeiting and other crimes against the United States," which is usually expended under the direction of the Solicitor of the Treasury. I placed the Solicitor of the Treasury in charge of the further investigation of the matter, avoiding as far as possible the use of any officers of the Internal Revenue Bureau. Through that means we succeeded in uncovering frauds to a great extent, and in instituting a number of prosecutions, the result of which is known to the country.

Q. Do you recollect the time that active means were first taken to ferret out those persons who were guilty in connection with the whisky frauds in Saint Louis?—A. The winter of 1874 and spring of 1875; I cannot state definitely the time.

Q. Prior to the action which you, as the head of the Treasury Department, took in that respect, did you have a conference with the President, and with the Attorney-General in reference to this matter and as to the line of conduct which was to be pursued?—A. I had repeated conferences with the President, and also with the Attorney-General.

Q. The point that I wanted to get at, though, was this: at the time you first took

steps actively to prosecute those who were guilty of frauds in Saint Louis, did you have a conversation and conference with the President and the Attorney-General in reference to the matter?—A. I cannot speak definitely as to the time when I had conversations with the President and the Attorney-General; I had repeated conferences with both of them on this subject.

Q. Did those conferences extend from the time that you first commenced active operations there down to the conclusion?—A. They extended over a considerable period of time. I could not say what time. I cannot state the time with any accuracy. Perhaps I ought to say now, though, as I see what the question leads to, that the position which I held as a constitutional adviser of the President, and which placed me in confidential relations with the Attorney-General, was of such a nature that I regard all communications between us as of the highest privilege, and as communications of which I would not have the right to speak, even if I desired to do so.

Q. About what time did you have your first consultation with the President and the Attorney-General in reference to a prosecution of these whisky frauds in Saint Louis?—A. My recollection is that I conferred with the President from the time I began this investigation, as matters progressed, from time to time. I do not remember to have conferred with the Attorney-General until the cases had got into such shape that they were ready to be turned over into court.

Q. Do you recollect who was the first party indicted in Saint Louis?—A. I do not.

Q. At the time that you instituted proceedings actively to discover and punish parties guilty of frauds in Saint Louis, who was the United States district attorney at Saint Louis?—A. Mr. Patrick, I think.

Q. How long was he retained in that position after the work commenced?—A. In the absence of the records I am not able to speak with anything like definiteness; my impression is, not very long.

Q. A few weeks?—A. Certainly some weeks; it may have been longer.

Q. Who succeeded him in that position?—A. Mr. Dyer.

Q. Had you been acquainted with Mr. Dyer prior to the time of his appointment?—A. I had never known him; I had never met him at all, or corresponded with him.

Q. You knew him by reputation, however, as an active, earnest man?—A. Slightly; I knew of him as an active, earnest man.

Q. Had you been acquainted with Mr. Henderson, formerly United States Senator, who was afterward employed in the case?—A. I had not. I had no personal acquaintance with Mr. Henderson at all.

Q. At what time was Mr. Henderson employed to assist in the prosecution of these cases as private counsel?—A. Speaking from memory, I would say some time in the summer of 1875, though I cannot speak positively as to that.

Q. Do you recollect about the time that Mr. Dyer was employed?—A. I cannot state the time; it was during that year—either the spring or summer of 1875.

Q. Did you know Mr. Henderson by reputation as an able prosecutor and a man of earnestness?—A. I knew more of him as a Senator than as a lawyer.

Q. Was it at your suggestion that Mr. Dyer was named for the position of district attorney?—A. He was not originally named by me.

Q. Did you press or favor his appointment?—A. I can answer that without violating the question of privilege. I did not know Mr. Dyer sufficiently to urge his appointment until I had been advised by others—colleagues in the Cabinet and others—as to his fitness for the office.

Q. When you obtained that information from members of the Cabinet and others, you were in favor of his being nominated?—A. I cannot say that I was consulted about it. It was not in my Department, and it is not customary for the President to consult officers on matters outside of their own Department.

Q. Did you take occasion to recommend his appointment?—A. I have no recollection that I did. I did not know Mr. Dyer sufficiently.

Q. How was it in reference to Mr. Henderson's appointment?—A. My recollection is that Mr. Henderson was employed on the recommendation of the Solicitor of the Treasury, made directly to the Attorney-General. The Solicitor went out there to look after these frauds, and my recollection is that Mr. Henderson was employed on the recommendation of the Solicitor made to the Attorney-General, Mr. Glover having first declined.

Q. Do you recollect some written instructions which were issued to the district attorney at Saint Louis as to the manner of conducting these cases, &c.—A. By whom?

Q. By your Department, or by yourself and the Attorney-General.—A. The following telegram was sent by me at its date. It is addressed to the Solicitor of the Treasury, and was in reply to a telegram from him intimating that the parties wanted to make a certain compromise. I submitted this telegram to the Attorney-General and the Commissioner of Internal Revenue, and sent it to the Solicitor, who was at Saint Louis, under my directions, for he purpose of looking after the prosecutions. The following is the telegram:

"TREASURY DEPARTMENT.

"October 12, 1875.

"BLUFORD WILSON,

"Care United States District Attorney, Saint Louis, Mo. :

"It is not very easy at this distance to say what, if anything, should be conceded by the Government in particular cases in order to reap greater benefits in others. The district attorney and associates being on the ground, and in possession of all the facts, are better qualified to decide such questions. I would say generally, however, that unless important ends are to be gained in other cases, I would make no terms with any indicted party. The question in hand does not relate alone to the amount of money involved in these particular cases, but affects the integrity of the revenue, and complete success in these prosecutions would be of great value to the Government hereafter. Therefore, I would say to the parties who offer to surrender and ask terms that they should plead guilty to the charges, or to such of them as they admit to be true, make their statements to the court, throw themselves on its clemency, and submit to such punishment as the court may pronounce. I would make no agreement in advance for suspension of judgment; nor would I ask the court, after plea of guilty, to suspend sentence in any case, unless upon hearing the statement of the party in open court it should be deemed proper to use him as a witness against a greater offender. The conviction and punishment of corrupt and guilty officials are of the first importance, and all proper means to this end should be used. The Attorney-General and Commissioner of Internal Revenue concur in this view.

"B. H. BRISTOW,

"Secretary."

Q. From the time the first indictment was found in Saint Louis against any of those parties guilty of fraud, you were, I believe, in constant communication with Colonel Dyer and the private counsel who were employed?—A. I do not think I had any communication with the special counsel, and my direct communication with Mr. Dyer was rare and exceptional. My duties were so multifarious and I had so many other things to engage my attention that I trusted the correspondence of the Treasury Department to the Solicitor.

Q. Were not you kept informed by Colonel Dyer and his associates, or any of them, of every step of progress which they made in the investigations and trials?—A. I suppose I was of every important step, either by direct communication or through the Solicitor.

Q. Were not you very much interested in making a complete success of the work which you had undertaken?—A. I thought it was very important to do so, and I did all I could to make it so.

Q. And to that end, did you not keep yourself as fully informed as possible of everything that progressed in connection with the trial?—A. I certainly did, recognizing, however, all the time the fact that when the cases were in court they were more directly under the charge of another department than my own. The statutes on the subject leave the matter as to who is entitled to control such prosecutions in some confusion.

Q. When you first entered upon this work did you find the Attorney-General and the President in full accord with you in your effort to discover and prosecute the parties implicated in the Saint Louis whisky frauds?—A. I can only answer that question by probably involving the necessity of making a statement as to what occurred between the President and myself, or between the Attorney-General and myself, which, as I said before, I think is a matter of the highest privilege, of which I have no right to speak at all. I do not wish to be understood as intimating by this answer that either the President or the Attorney-General did or did not sympathize with and sustain my action as Secretary of the Treasury in the matters to which the question relates.

WASHINGTON, D. C., July 8, 1876.

BENJAMIN H. BRISTOW recalled.

By M. COCHRANE :

Q. Have you any other statement to make in connection with your refusal to answer the question proposed to you yesterday?—A. I can only say in addition to what I have said, that the question, as I understand it, relates to the state of mind of the President and the Attorney-General, which could only be ascertained by me from acts or declarations on their part; and an expression of opinion by me that they did or did not sympathize with the course pursued by me as Secretary of the Treasury, would necessarily be founded on what I had learned in such communication with them as I regard as confidential.

Q. State whether all of the conversations which you had with the President and the Attorney-General were during the meetings of the Cabinet?—A. No, sir; I would not say they were; I would say they were not.

Q. Did you frequently have occasion to converse with them in reference to these Saint Louis whisky frauds, outside of the Cabinet meetings?—A. I did.

Q. Were the interviews which you had solicited at all times by yourself, or were they the voluntary act of the President and the Attorney-General?—A. I could not say that the interviews were always solicited by myself; my impression is that the matter was sometimes introduced by other parties.

Q. In your refusal, then, to answer the question, do I understand you to take the ground that you claim that all communications which you may have had with the President or Attorney-General, or other members of the Cabinet, whether those communications were made in the Cabinet meetings or out of the Cabinet meetings, and whether the interviews were solicited by you or were volunteered by your brother officers, are privileged?—A. Confining the question to official intercourse, I do claim the privilege to extend to all conversations, whether they are conversations that occurred in Cabinet meetings, or at interviews with the President or Attorney-General, brought about either by themselves or by myself.

Q. Then any interview which you may have had on the subject during the time that you were Secretary of the Treasury, you would designate as an official communication?—A. I should say so.

Q. At any of these interviews, were the statements which were made made under the pledge of secrecy?—A. There was no special injunction of secrecy, but I regard everything which transpires between the President and the members of his Cabinet, in their official intercourse, as privileged communications.

By Mr. PLAISTED:

Q. And as confidential?—A. I should say, as confidential and privileged communications.

By Mr. COCHRANE:

Q. That, then, is your view of the matter. There was no arrangement, however, between you that such should be the case?—A. I am simply expressing my own view.

Q. There was no such arrangement, was there, that such should be the case?—A. There was none at the time in any conversation or interview that occurred between us, though I perhaps ought to add that my view on that subject is well known to the President and my late colleagues.

Q. Has there been any understanding between you and other members of the Cabinet since the occurrence of these interviews, to the effect that they were to be secret?—A. There has been no understanding to that effect so far as I know. I repeat my answer to the preceding question—that my own opinions on the subject are well known to the President and my late colleagues in the Cabinet.

Q. Has there been any suggestion, since these interviews, upon the part of the President to you, that you should keep secret any communications that he might have made to you in this connection?—A. I ought to say, in answer to that, that no suggestion which the President might have made to me would change my opinion on the subject.

Q. True: but was there such a suggestion?—A. Is not that asking the very same question that you did at first?

Q. The question is, now, was there such a suggestion since the interview occurred?—A. I can say, in answer to that, that my course upon this matter is taken upon my own suggestion, and I am acting upon my own judgment of propriety and right, and not upon the suggestion of the President or anybody else.

Q. I ask you whether, since these interviews occurred, there was any suggestion by the President to you that you should keep secret any conversations or any matters which occurred between yourself and him in relation to these cases?—A. Well, the President has certainly volunteered no suggestion to me on the subject. I have advised him of my views, or at least I did so before leaving the Cabinet. I advised him of my view of the matter; and while I am not authorized to say what his view was, I may add that no view entertained by him would have influenced my own action in this matter.

Q. Did the President of the United States, at any time since the interviews which you had with him in relation to the whisky frauds in Saint Louis, request you to keep said interviews secret?—A. I can say, in answer to that, that while I do not feel at liberty to testify to anything the President has said to me in the course of our official intercourse, I do feel at liberty to say that he did not make any such request as that to me.

Q. Did you have a conversation with the President in reference to keeping these interviews secret; and, if so, when?—A. I have had no conversation with the President in reference to keeping secret any interview that had occurred between us; but, as I have said before, I have, on more than one occasion, advised the President and my late colleagues in the Cabinet, that I did not feel at liberty to testify before a committee of Congress to any conversation that occurred between us in the course of the conduct of official business.

Q. When did you have your last interview with the President in regard to the matter of which you have just spoken—at what date?—A. I do not remember to have spoken on the subject since about the month of May, I think—somewhere in the month of May.

. Q. Have you had any communication with the President on the subject otherwise than verbally since that time?—A. I have not.

Q. Have you had any communication with him on the subject since that time through any one else than himself?—A. I have not.

By the CHAIRMAN :

Q. To bring the issue directly and prominently to the eye, I will read to you from the resolution under which this committee is acting. The resolution is: "That a special committee of seven be appointed to inquire whether any officer or official of the Government of the United States, or any person or persons in the employ of the Government or concerned therewith, has in any way advised or counseled with, or directly or indirectly, verbally or in writing, communicated to any of the defendants, or the friends or agents or attorneys of them, in the prosecutions recently tried in the city of Saint Louis, Mo., any of the plans, facts, papers, or other evidence on which the Government relied, or it was believed it would rely, in conducting said prosecutions." Now, what I wish to ask is this: whether you know any fact, whether your information be derived by virtue of your position as Secretary of the Treasury or otherwise, tending to show that either the President of the United States or any other officer of the United States, did any of the acts specified in the language I have read to you?—A. In answer to this question, referring to the language of the resolution, it seems proper to say that when a certain telegram sent from this city to Joyce or McDonald, I forget which, at Saint Louis, was discovered to be in the handwriting of General Babcock, I myself communicated that fact to General Babcock, that being the first particle of evidence that fell into my hands implicating him in any way with Saint Louis matters. I deemed it due to him that he should know the fact that this telegram had been discovered and was ascertained to be in his handwriting. I refer to the telegram signed "Sylph." I could not truthfully answer this question without stating that. I also brought to the attention of Mr. Avery, who was then chief clerk of the Treasury Department, copies of the telegrams sent me by the district attorney at Saint Louis, alleged to have been sent by Avery to Joyce and McDonald, or to one of them; and I called on Mr. Avery for an explanation of what seemed to be a suspicious correspondence between him and those officers at Saint Louis. Further than this I communicated no part of the evidence to any of the parties accused, so far as I now recollect, nor have I knowledge that such communications were made by others.

Q. Is there within your knowledge any fact inducing you to believe that such a communication was made by others to any of the defendants in those Saint Louis whisky trials—I mean a communication of the evidence, and of the plans of the prosecution with regard to them?—A. I must say that the question seems to me to be too general to admit of a specific answer. I do not suppose the committee would desire me to testify to my belief, or to suspicions that might have taken possession of my own mind. If the chairman will make his question specific as to persons, or as to facts, I will consider whether I can answer it without doing violence to what seem to me considerations of propriety and right.

Q. Without assuming, then, that at this time you had or had not a suspicion that the President of the United States or any member of his Cabinet did communicate to any of the defendants in the Saint Louis whisky trials, before the trials commenced, any of the plans of the prosecution, or the evidence that would be likely to be introduced against them, state whether you know any fact that would induce such a suspicion or belief as against the President or any member of the Cabinet, except yourself.—A. I have already said that I have no knowledge of any such communication. I mean by that, that there is no fact within my knowledge which would prove that such a communication was made.

Q. I did not ask if you knew of facts that would prove that such a communication had been made. My question was, whether you knew of facts that would induce the belief that the President of the United States, or other members of the Cabinet than yourself, had communicated to either of the defendants in the Saint Louis whisky trials, any of the plans of the prosecution, or any of the evidence that was likely to be adduced against such defendants, and if you know of any such facts, however they may have been derived, please state them.—A. Nobody ever told me that they had made such a communication, and none such was ever made in my presence. How else I could know it I cannot understand. I ought to say in addition to that, that I have some recollection that in the course of the investigation of the charges against General Babcock at Saint Louis, certain other dispatches alleged to have been sent by or to him were shown him by the Attorney-General, but which particular dispatches those were, I do not remember.

By Mr. FLAISTED :

Q. Was that in your presence?—A. Yes; in my presence. He showed him certain dispatches, but which they were, I do not recollect.

By the CHAIRMAN :

Q. I will read then further from this resolution: "Said committee shall ascertain whether any attempt was at any time made by any officer or official of the Government, other than the district attorney and his assistants, to interfere with, advise concerning, or in any way control the conduct of said prosecutions or any of them." Of course I exclude from the ques-

tion I am now going to ask you, your own supervision as Secretary of the Treasury, or the advice of the Attorney-General to his subordinates, such as the district attorney. I wish to ask whether any other officer of the Government, the President of the United States or a Cabinet officer, or other officials, attempted at any time to interfere with those trials at Saint Louis, with a view of favoring any defendant. I ask you whether, from any conversation you may have had with the President, or any Cabinet officer, you inferred that there had been, or would be, an attempt to interfere with any of those trials by the President, or any other officer, in favor of either of the accused?—A. This question requires me to state a conclusion formed in my own mind from conversations held with the President and the Attorney-General. Inasmuch as I do not feel at liberty to give any conversation which occurred between the President or the Attorney-General and myself, it would be obviously improper, as it seems to me, to state a conclusion based upon such a conversation.

Q. You misapprehend the question. I am not asking for your conclusion, whatever that conclusion may be, but I am simply asking for the facts upon which your conclusion may be predicated; that is, conversations you may have had with the President or with members of the Cabinet?—A. That brings the question right squarely before us. Mr. Chairman, I feel bound to say, in answer to this question, that I am not at liberty to repeat any conversation between the President of the United States and myself, or between the Attorney-General and myself, or any conversation which I might have heard between the President and the Attorney-General by reason of my position in the Cabinet, in relation to the conduct of the public business, for the same reasons which I have heretofore given. It is but proper that I should add again that I do not wish, by this refusal, to be understood as implying that such conversations did or did not occur.

Q. Now, has the United States Government any prosecution, or any other public matter on hand at present, or in prospect, in which the interests of the United States would be at all injured by your repeating these conversations, whatever they may have been, which you had with the President and Cabinet officers in regard to the Saint Louis whisky trials?—A. I cannot speak positively with reference to the pendency of prosecutions at this time at Saint Louis, though I think there are some untried cases there in the hands of the district attorney. My refusal to testify to alleged conversations is not based upon this ground.

By Mr. PLAISTED :

Q. You mean it is not based upon the ground of the pendency of any suits?—A. It is not based upon the pendency of any prosecution; I think that answers the whole question.

By the CHAIRMAN :

Q. Will the public interests of the United States be jeopardized in any manner by your stating those conversations?—A. I think the highest interests of the Government would be jeopardized by having the principle established that a Cabinet officer, whom I regard as a constitutional and confidential adviser of the President, might be called on to state what occurred in the course of their confidential relations.

Q. Aside from the abstract principle you have stated, my question is whether there is any matter in which the United States has an important interest, and in which it would suffer a damage if you should tell this thing?—A. That seems to me to be rather a matter of speculation which I hardly know how to calculate. I am not able to say what might be the effect of a violation of what seems to me to be an important principle.

Q. Have not the proceedings of the Cabinet of the present Administration been repeatedly published in the newspapers, and the opinions of the different members of the Cabinet given to the public through the Associated Press?—A. I can only say that they never have been by myself. I have seen a great many newspaper reports of what purported to be proceedings of the Cabinet and the opinions of members of the Cabinet. Those reports were generally erroneous; more have been erroneous than correct; and I suppose, therefore, they were mere matters of guess-work.

Q. Have you heretofore, by letter or otherwise, expressed the opinion to the district attorney at Saint Louis, and to his assistants, that the President of the United States, or any member of the Cabinet, was not in sympathy with the prosecution against any of the accused, or to the effect that the President, or any member of the Cabinet, desired or favored the acquittal of any of the accused, irrespective of their guilt or innocence?—A. I am quite sure I have written no such letter, either to the district attorney or to either of his assistants. I suppose the fact that the President desired the acquittal of General Babcock was well known to the public, and I violate no confidence when I allude to the deposition which the President gave in the case, in which he expressed his confidence in General Babcock, and from which it was apparent that he desired his acquittal.

By Mr. PLAISTED :

Q. Do you mean that the President desired his acquittal, whether innocent or guilty?—A. No, sir; I do not say that. I do not remember whether the matter was ever the subject of conversation between the district attorney or any of his assistants and myself or not.

By the CHAIRMAN :

Q. Have you any other reason to believe that the President desired the acquittal of Gen-

eral Babcock, except the deposition which he gave in the case?—A. If by this question the chairman desires to bring out conversations between the President and myself on this subject, or the results of any such conversation, I must respectfully decline to answer it.

Q. Did the conversations to which, you allude, and of which you decline to speak, occur at Cabinet meetings or on other occasions?—A. I would answer that generally and specifically, too. I repeat, I do not feel at liberty to speak of any conversation with the President about official business, whether it occurred in the Cabinet meetings or at any other time.

By Mr. PLAISTED:

Q. You have stated that there was no expressed injunction of secrecy as to the counsels of the President and his Cabinet officers; please to state whether it was not always understood that such conversations were confidential.—A. I have always so understood it, and have been very much surprised at the different course pursued by one other Cabinet officer in regard to this matter.

By the CHAIRMAN:

Q. Will you repeat the conversations between you and the President on this subject?—A. I decline to do so.

WASHINGTON, D. C., July 10, 1876.

HOMER T. YARYAN sworn and examined.

By Mr. COCHRANE:

Question. In what business were you last engaged?—Answer. I have been engaged in the internal-revenue service. I was chief of revenue-agents.

Q. How long did you occupy that position?—A. I was designated as chief on the 19th of June, 1875.

Q. Had you been in the employ of that department prior to that time?—A. I have been revenue agent for three or four years; I have been in the service altogether since November, 1870.

Q. Is that revenue service under the charge of the Department of the Treasury?—A. Yes; under the Secretary of the Treasury. I have been particularly under the charge of the Commissioner of Internal Revenue, but he is under the Secretary.

Q. Then the Secretary is the head?—A. He is the head.

Q. When did you leave that position?—A. I resigned on the 30th of June, 1876.

Q. What was the cause of your resignation?—A. A request from the President of the United States to the Acting Secretary.

Q. What was that request?—A. I saw the note and read it, and as near as I can recollect it read, "Mr. Conant: The President directs me to say that the resignation of Mr. Yaryan will be expected on the 30th instant." It was dated the 28th, I think, of June. That is the substance if not the exact words.

Q. Do you know what prompted that note from the President?—A. No, sir; not at that time. Of course, I have my opinion about the matter, but I have no knowledge, except hearsay, as to what prompted it.

Q. State what facts you know in reference to the matter.—A. Well, I have been before the President on two occasions prior to this. I have known for several months that the President was not kindly disposed toward me. I attribute it to several of his friends having poisoned him in regard to me. In January last, I think, (or probably about the first of February—the exact date I could give if I had my memorandum,) the President sent the note over to the Secretary of the Treasury.

Q. At this time your position was what?—A. Chief of revenue agents. I had charge of all the revenue agents and of their movements. In February last, Secretary Bristow called at the Commissioner's Office, and had with him a note—a memorandum rather—in the handwriting of the President, which read as follows: "Senator Spencer says Yaryan told him that he had traced the whisky frauds to the White House, and had then turned it over to the Secretary." The Commissioner and Secretary had a conference, and the Commissioner sent for me, and read the note to me. I said that it was entirely false, and I would like to have Senator Spencer sent for. The Commissioner went for him. He said to my face, in the presence of the Commissioner, that he had told the President that. I then explained to him what conversation we had had, and what I had said to him. I suppose you do not care about hearing that.

Mr. COCHRANE. Let us hear it.

The WITNESS. I said to him, "Mr. Spencer, let me explain the only conversation I have had with you on the subject of whisky frauds. You remember you met me at the Arlington Hotel, and called me into the private room, and after talking about Revenue-Agent Beach, and his having been indicted, and what he should do, you turned to the subject of the late whisky frauds, and asked me whether I thought Avery was guilty. I replied to you that I thought he was. Then you asked me whether I thought Babcock was guilty. I replied

to you that Babcock had not yet had his trial, and that it was a matter I did not talk on, and I would have to refer him to the Secretary." I then said, "Now, after refreshing your memory, do you still say I told you I traced the whisky frauds to the White House?" He said, "Yes; that is my recollection." The conversation, of course, resulted in our separating there. The President wanted me to call upon him, and desired the Commissioner to bring me over. I went over to the President and related to him my conversation with Senator Spencer, as it had occurred, and then told him my position was such as to excite some kind of enmity. I said that men would try to injure me; that my every act was aggressive, and that I hurt no one that did not have prominent friends; that I supposed he understood my position. I will remark here that he had had a great many complaints from prominent men, members of Congress and Senators.

Q. About what?—A. About me. He did not say what, but complaining of me, and that was my answer to it.

Q. When did this conversation occur?—A. My recollection now is that it was in February, just before the trial of Mr. Babcock; it may have been in January, but it was along in that neighborhood, either the latter part of January or fore part of February.

Q. What was the President's reply to your suggestion?—A. The President, after hearing me through, said, "Mr. Yaryan, I am entirely satisfied. I am glad I have had this interview. I understand your position;" and then entertained us with conversation on social matters.

Q. And that was all that was said in regard to it?—A. Yes. Then the second time was on or about the 4th of May, I think, or along in the early part of May. The Secretary came again to the Commissioner. I did not hear what passed between the two; but after he had gone the Commissioner said to me, "The Secretary says that the President has again complained of you; says that Senator Sargent, Senator Logan, and other Senators have been there to complain about you." I said, "What have I done?" He says, "I do not know." Then he said he would go and see the President. He went over that day, I think, or the next day, and came back and said the President would like to see me—had expected me over with him; that he had listened to his explanation, and was entirely satisfied. I went over again with Bluford Wilson, the Solicitor of the Treasury, and had another talk with the President; and without naming anybody he said that he had had a number of complaints. I asked him what the complaints were, and said I would be very glad to meet them. He did not reply what the complaints were, but spoke of my having removed or having recommended the removal of W. B. Moore.

Q. Who was W. B. Moore?—A. He was a customs Treasury agent, under the Solicitor. I explained to the President that I had recommended his removal because for months past he had been proclaiming in the streets that I was a corrupt man. I said that he was a Treasury official, and if he knew of any corruption it was his business to prefer charges to the Secretary. If he knew of none he should be discharged for circulating such slanders; that he had proclaimed it so loud that one of the House committees had heard it, and had him summoned before them, and when examined into it was found to be all hearsay evidence. He knew nothing against me. The Solicitor discharged him, or asked for his resignation. The President's reply was, "I take no stock in Mr. Moore; I care nothing about him. I shall not ask for his re-instatement." I left the President, supposing that my case was again settled. I heard nothing further of it until this note came to the Acting Secretary about the 25th of June. The Commissioner of Internal Revenue, Mr. Pratt, asked me how long it would probably take me to close up my affairs. I said it would certainly take me a week or ten days; so he went over to the Acting Secretary, as he told me, and requested him to visit the President and have my resignation postponed for ten days. The Commissioner told me that the Secretary had informed him that the President said in reply that he had twice restrained himself, and that he expected me to go on the 30th; so I tendered my resignation, and it was accepted.

Q. Mr. Pratt specially requested that you should be retained, did he not?—A. He told me that he did. I do not know. I did not hear the conversation between him and the Acting Secretary. He told me, however, that he had specially requested my retention for a week, or ten days.

Q. State whether that retention would have been important or proper.—A. It was so important that I staid at my own expense and fixed matters up, rather than see the Government suffer. I staid at my desk until they were straight.

Q. State whether there would have been suffering to the Government if you had not staid.—A. There would have been. There were matters pertaining to the movement of revenue agents and to work that they were on, which no person, probably, knows but myself; matters, partly finished, which my successor, whoever he should be, should know about before my leaving. I considered it of great importance to the Government that whoever took my place should know the condition of things.

Q. When Mr. Bristow was appointed Secretary of the Treasury what position did you occupy?—A. I was then a revenue agent.

Q. When did he assume that position?—A. I do not know. That is very easily ascertained. It is about two years ago.

Q. Was it under Secretary Bristow, and by reason of his influence, that you were ap-

pointed chief?—A. No; I can tell you, probably, how I was appointed chief. When Commissioner Pratt was tendered the position of Commissioner, Secretary Bristow called me into his room, and said, "You know Senator Morton well?" I said, "Yes, very well." He said, "I wish you would write him to urge Mr. Pratt to accept; and I wish you would add to the note that I request him to urge Commissioner Pratt to recommend you for Deputy Commissioner of Internal Revenue." I thanked him and wrote the letter as he had requested. Senator Morton, I believe, wrote a letter to Commissioner Pratt. He came on. There was some hitch about the appointment of a Deputy Commissioner of Internal Revenue. It was a peculiar appointment. When they came to look into it there was an act of Congress—

Mr. COCHRANE. We do not care to go specially into that.

The WITNESS. Well, sir, at any rate they had some difficulty in appointing me, and I was calling upon the Commissioner with Bluford Wilson, and the suggestion was made that I be appointed chief of revenue-agents or designated as such. There is no such office in law. I am a revenue-agent proper, but designated by the Commissioner as in charge of all revenue-agents, and in order to fix the title they suggested chief of revenue-agents. The Commissioner asked me if I would accept the position. I told him that if my pay was increased so that I could afford to stay in Washington I would do it. Secretary Bristow approved highly of the arrangement.

Q. How long had you, at the time of your appointment as chief, been serving in the capacity of agent?—A. I had been in since 1871.

Q. Your experience, then, at the time was quite large, was it?—A. I had traveled probably (as I figured it up) something over two hundred thousand miles as revenue-agent in the United States.

Q. You had a thorough knowledge at that time of the workings of the Department?—A. Yes; I believe I had.

Q. Do you know about the time that the investigation was vigorously conducted of the alleged whisky frauds in Saint Louis?—A. Yes; I know a great deal about it.

Q. About what time was an earnest investigation instituted by Secretary Bristow?—A. The preliminary work began about the first of February, 1875.

Q. Was it pushed vigorously?—A. It was pushed vigorously from that time up to the time of his leaving the Treasury Department.

Q. Will you be kind enough to state what connection you had with the investigation of those whisky frauds, and what you know in reference to the matter?—A. I will start out by saying that since October, 1872, up to the time I had positive knowledge of frauds at Saint Louis I believed in the existence of a whisky ring in Saint Louis. It was not my specialty, the detection of whisky frauds. My specialty was collectors' offices, and that was one of the reasons why I suppose I did not go into it more earnestly before being requested to do so by Secretary Bristow. But in October, 1872, I was sent to Saint Louis by Commissioner Douglass, or rather a note was sent to me by Commissioner Douglass, (while I was at my home in Richmond, Ind.,) with orders to visit New Orleans, La. The note said that I was to meet B. P. Brasher at Cincinnati on public business, saying nothing about what business. I have that note. I went to Cincinnati as requested and saw Brasher. He said to me that he had been in Saint Louis; that they were about to arrest him there; that he had gone back to Washington, and had asked the Commissioner to send somebody that he could rely upon with him, and that Mr. Gavitt, a revenue-agent, and myself had been designated to go with him.

Q. What was he going to be arrested for?—A. Why, now it turns out that he went there and tried to levy blackmail, and they were getting out a warrant for him.

By Mr. PLAISTED:

Q. They were getting out a warrant for him at that time?—A. At that time they were going to combine against him, and then he came for me. I will give you the whole history, so that you will understand the whole motive in sending me. It was a very shrewdly-planned affair, and well worked up by those who had planned it. I will now have to go back a little, and say that, in July, 1872, I met Mr. Brasher at Saint Paul, Minn., and, without any preliminary words or beating about the bush, he said to me, "Yar-yar, I know where there are a lot of frauds, and I propose to make all I can while I am in the service. If you will go to Saint Louis and begin an examination of the books of distillers, I will follow you, and say to those distillers that I know that you (Yar-yar) can be stopped for ten or fifteen thousand dollars." My reply was, "Brasher, you certainly don't know me." Said I, "We will leave out of the question the honesty part of it, and I simply say to you that I have not been in the habit of examining distilleries, and it will be looked upon as rather strange my volunteering my services to examine them." "Well," he says, "I am going to make what I can." Said I, "Very well, Brasher." When I met him at the hotel, as requested by Mr. Douglass, I said to him, "Brasher, is your plan now to try to carry out that scheme that you proposed to me in Saint Paul?" He said, "No, sir; I am now in solid earnest. I went to Saint Louis and they threatened to arrest me, and now I propose to unearth the frauds. I want you to come with me." Said I, "Very well; then you can have my assistance." We went to Saint Louis, Brasher, Gavitt, and myself,

and found things in a terrible condition. We found all the foot-prints of fraud there, enough to satisfy any revenue-officer that fraud was being committed. We wrote out a joint report, which is now on file in the Department. Mr. Brasher was to take it on. I was to go on to New Orleans about my business, and when telegraphed to was to come back and help him still further in the matter. Our examination created a great deal of excitement among the revenue-officers in Saint Louis—Joyce, McDonald, Fitzroy, and all those men who since then have become notorious. The manner in which these men acted satisfied me as much as anything else of the existence of a whisky ring. I went to New Orleans. Brasher went to Washington, and I heard nothing more of the affair until the following April, (1873,) this being in October. I thought it very strange that I should hear nothing further of it. I came back to Washington and asked the Commissioner what had been done in the matter, and he told me that Brasher had made out his report and gone back; that he had made a report that there were no frauds there. I then said to him, "That man Brasher is a scoundrel; he made a proposition to me to levy blackmail upon these men, and I have no doubt he has sold out." He said, "Mr. Yaryan, I am satisfied that he is a scoundrel." Said I, "Why don't you turn him out?" Said he, "I can't." Said I, "You are Commissioner of Internal Revenue." Said he, "Yes; but I can't fight a Cabinet officer." Said I, "What do you mean by that?" Said he, "Mr. Delano is holding Mr. Brasher." Said I, "Have you told him that he is a scoundrel?" He said, "Yes; but he still insists upon holding him in." "Very well," said I; "then I shall file an affidavit in regard to Mr. Brasher."

Q. What time was this?—A. I had had these conversations with Mr. Douglass from time to time along through the year 1873. In September, 1873, I wrote a letter to the Commissioner of Internal Revenue, and detailed the conversation I had with Brasher, where he made a proposition. In January, 1874, I think it was, I filed an affidavit, swearing that Brasher had made these propositions, Brasher being in the service. I then went in to Mr. Douglass and said, "I have filed my affidavit; either I am a perjurer, or Brasher is a scoundrel, and should go out." "Well," said he, "I have done my duty; I have tried to turn him out, but Mr. Delano will not permit it." "Very well," I said, "I cannot, of course, blame you for not fighting a Cabinet-officer." Brasher bragged about his influence with Mr. Delano, and said he would go out when he got ready.

By Mr. PLAISTED:

Q. Did he brag this to you?—A. No, sir; he boasted of his influence with Mr. Delano—not, however, after I had filed my affidavit. I will say here that I went to Mr. Douglass two or three times, and gave him my suspicions of the existence of a whisky ring in Saint Louis. Mr. Douglass, on one occasion, said, "Well, Yaryan, I can't do anything; they have too much influence over there," pointing toward the White House—meaning McDonald and Joyce. I told him I knew they had, but that I thought the President believed that they were honest men, and did not know or believe there was a whisky ring there, and if he did know, he would not back them up.

Q. Did you state to Mr. Douglass at any time prior to this, or at this conversation, the facts which you had learned at Saint Louis?—A. As I said to you, we made a report; I subsequently called up the report—after all this whisky excitement was up, wondering how it was that that report could be suppressed, and I found this indorsement on the back of it, in Mr. Douglass's handwriting: "They request verbally, through Mr. Brasher, that no action be taken on this report at present.—B." I sent up to the files or sent up to Mr. Dana's room; Mr. Dana keeps the files.

Q. Did that report show the facts which you had learned in reference to whisky frauds?—A. That report showed the grossest irregularity in the manner of keeping books at the distilleries, and showed enough to convince any revenue officer that frauds were being committed there. There was enough evidence in the report to have prosecuted every distiller for failing to keep his books as required by law. The indorsement upon that paper was a very strange one. Mr. Brasher was sent back immediately. That report was filed away, and Mr. Brasher was sent back to Saint Louis. He undoubtedly deceived Mr. Douglass by telling him that I had requested him to be sent back, and that no action should be taken on that report. The distillers now tell their story, and that is, that he came back and said, "Here is a report made by Yaryan and myself; you will have to pay me \$10,000, or I will bring Yaryan back." They saw they were in trouble, and they paid him \$10,000 at one time, and, I think, the testimony is that they paid him \$10,000 again. At any rate, he collected one \$10,000. I went to Mr. Douglass several times, and told Mr. Douglass of my suspicions of frauds at Saint Louis, and proposing to detect them for him, but he never entered into it with any enthusiasm; but in January, 1875, I detailed a plan to Mr. Chapman, the head of the stamp division. I said to him that if he would lay this plan before Mr. Douglass and use his influence to permit its being carried out, and get Mr. Douglass's order of assent to its being carried out, we could detect the frauds in Saint Louis in two weeks' time. The plan was very simple; that was to go to Saint Louis, and hire men to watch the distillers, and count the packages and see where they went to, and in that way keep track of the business done by those distillers.

WASHINGTON, D. C., July 12, 1876.

HOMER T. YARYAN recalled.

The WITNESS. When I concluded my testimony the other day, I was speaking of having detailed a plan to Mr. E. R. Chapman, of the Internal Revenue Bureau, which I wished him to submit to Commissioner Douglass, for the purpose of unearthing the frauds at Saint Louis, which plan in brief was that I should go to Saint Louis ostensibly on railroad business; that I should visit McDonald and Joyce and suggest to them that we had better write a letter asking for Chapman to come out and have a pleasant time, which they would fall in with; that I would write a letter to the Commissioner, asking that Chapman be sent out to assist me in the railroad work, and after we got to Saint Louis, we were to employ men to watch the distilleries night and day, counting the number of packages that were removed, and having them followed to their destination, and then send a daily report to some trusted officer in Washington, who would make a comparison with the records of the Revenue Bureau, and see how the number of barrels upon which the tax was paid compared with the memoranda we had obtained by watching.

By Mr. COCHRANE:

Q. When was this?—A. This was about the middle of January, 1875. I will say here that my reason for sending Mr. Chapman was that I thought he had more influence with Mr. Douglass than any one else, and would be able to convince him of the necessity of taking some steps, and would show him that matters were in a very serious shape in Saint Louis, and were liable at any time to explode and injure his administration. Mr. Chapman went to the dwelling-house of Mr. Douglass, and when he returned he told me he had laid the plan before Mr. Douglass, and that his reply was, "You had better let them alone for the present. I am arranging other plans," or something to that effect. When Chapman repeated this answer I felt indignant, and I walked directly to the office of the Solicitor of the Treasury.

Q. Who was he?—A. Mr. Bluford Wilson. I think I can also repeat the conversation that occurred between us. I said to him, "Major, if you really want to tackle something worthy of your skill, I can furnish you the information upon which to do it." He replied that he was always ready to find anything that was corrupt, and wanted to know what it was. I said to him that I had every reason to believe that a great whisky ring existed in Saint Louis. He smiled when I made this remark, and said, "I have information from other sources which leads me to the same conclusion which you have come to; tell me what you know about it." I then detailed to him my visit to Saint Louis in 1872, the manner in which Joyce and McDonald were living in Saint Louis, the fright that they always showed when any revenue officer came there, the intimacy between those officers and the distillers and rectifiers, the readiness with which they explained any little irregularity that was found which reflected upon the distillers, and he took down what I said in writing. The Secretary was then confined to his room at the Arlington Hotel with a sprained ankle.

Q. What Secretary do you mean?—A. The Secretary of the Treasury, Mr. Bristow. Mr. Wilson took it down and read the letter that he had written to the Secretary to me, and I said to him, "I doubt the propriety of your sending letters around; the Secretary may drop that letter and somebody may get hold of it." He then put a postscript on it, "Please destroy this letter when you have read it." He sent the letter by the messenger, and for the present I heard nothing more about it. In this same conversation, I said to him, "I will now tell you something strictly confidential, something that I do not desire repeated, and I may hurt your feelings, for I do not know your relations with the parties that I am about to talk of." Said I, "I believe that General O. E. Babcock is in the whisky ring." He laughed again; he said, "Your remark does not surprise me." I think those were his exact words. I saw by his conversation that he had some information in regard to operations at Saint Louis. I went back to the Internal Revenue Office, and received orders that day to visit New York City on railroad business. It was several days after this, while I was in the supervisor's office in New York City, that I received a note from Solicitor Wilson to meet him at an office on Beaver street, I think—at any rate, his brother's office. I went down with the messenger, and found Mr. Brooks, of the secret service, and Mr. Washburn, and the Solicitor, all in the office. The Solicitor said to me, "I have seen the Secretary; we have talked the matter all over, and have determined to make a move on the whisky ring at Saint Louis, and I want your help." Said he, "I have employed a number of men out there to watch the distilleries, but they are green men, and need some person to instruct them; can you go out to Saint Louis without letting the Internal Revenue Bureau know what your business is?" I replied that I could; that there was railroad business to settle all over the country, and that I would make that an excuse. He then asked me if he should let Mr. Washburn into the secret, and I told him certainly, and Washburn was called over to us, and told what was on foot. It was then determined that Mr. Brooks should go to Chicago and Milwaukee, and I to Saint Louis; that we would co-operate with one another, and either needing the other's assistance would send for him. With this arrangement, I parted from the Solicitor and came over to Washington. I said to Mr. Douglass that there was important railroad business in Saint Louis, and for him to please give me

an order to go there. The order was written out, and in a day or so I started for Saint Louis without any one, except the Solicitor and the Secretary and Mr. Brooks, knowing what the object of my visit was. This was about the first of March—possibly the 5th or 6th—1875. Before leaving, the Solicitor told me who was operating the force in Saint Louis. Mr. Fishbach and a man employed by him were the persons who had employed the force, and who were watching the distilleries, and he directed me to call upon these gentlemen when I got there. After arriving in Saint Louis, I tried to communicate with these parties, but found them very distant and apparently afraid of me. I wrote to the Solicitor that I could do nothing with Mr. Fishbach or Conley, and that I should leave; that I feared they were making a mess of the work there; that they had already been so indiscreet as to put the distilleries on their guard. However, I looked over the ground thoroughly, and detailed a plan to the Solicitor that if their present arrangement should fail I was willing to undertake. I met Joyce and McDonald daily, and was examining railroad books, and they were very well satisfied that I was there on railroad business, and not on whisky business. I left Saint Louis and went back to my home at Richmond, Ind., but received a telegram from the Solicitor that I must go back. So I returned to Saint Louis, and began my own plans for detecting them. Mr. Holmes, of the Internal Revenue Bureau, had been sent out by the Solicitor to make copies of the distillers' and rectifiers' books; this he was doing at the Lindel Hotel, and I made an excuse to McDonald and Joyce that I thought I would go and help Holmes a while, I thought I would like to stay around Saint Louis a while, and that would be a good excuse. So I went down to the room where Holmes was keeping the books and critically examined the books of the distillers. Mr. Stag, a wholesale liquor dealer in Saint Louis, had given me an intimation which he thought would be a clew to some of the crooked operations. Bingham Brothers had purchased of him three hundred barrels of whisky, and cautioned him particularly to put it on his book the day they purchased it, and they had not carried it away. I took up this lot of three hundred barrels of whisky, and tried to trace it on Bingham's books. I found no entry there, and searched over other books, and found it in the book of F. C. Veeder, rectifier. I went down to the collector's office, procured the returns of Mr. Veeder, and in a few minutes discovered that that identical lot of spirits had been emptied, and the ganger had certified that he had destroyed the stamps. I walked over from there to Mr. Stag's liquor store, and saw the spirits in the store. So I knew that then I had the key to the frauds, and I announced that I should go to Washington. I got on the train, came to Washington, laid the case before the Secretary and the Solicitor. It was determined I should go to New York City and draw off a transcript of the books of the liquor-dealers there, and then compare them with the returns in the office; all of which I did, and disclosed this enormous conspiracy. In three or four days, by hard work, in the Solicitor's Office we traced probably three or four thousand barrels of illicit whisky. These facts were all laid before the Secretary. I should add also that our examinations in this way developed frauds at Chicago and Milwaukee. When we had obtained all these data, and had laid them before the Secretary, he determined on this movement against the whisky ring. I was detailed to go with the force to Saint Louis. Other forces were sent to Chicago and Milwaukee, and on the 10th of May the seizures were made. I then returned immediately after that to Washington, and there met the chief of the division of revenue agents, and began the preparation of the testimony against the whisky ring by another overhauling of their returns and the records of the bureau.

Q. You have stated that in your first conversation with Solicitor Wilson you told him that you were of the opinion that Babcock was connected with this ring. Will you state all the facts you then knew which tended to show that fact?—A. In my visits to Saint Louis I had had frequent conversations with McDonald and Joyce, and learned from them their great intimacy with General Babcock. Joyce showed me a pile of letters—I should say twenty—from General Babcock, written to him, and in one of the letters—it was a matter of pride with him, I suppose—he allowed me to read a portion where there was a very cordial invitation to go to Long Branch and stay a month, or all summer if he wanted to. I knew that Joyce did go to him. I know that they appealed to General Babcock whenever they were disturbed in any way; at least, they claimed to appeal to him, and claimed to have great influence with him. All this led me to believe that he was connected with the ring. I also knew that General Babcock had been to the Commissioner's Office in behalf of revenue matters in Saint Louis. The Commissioner told me that General Babcock had been there once; but I will give his exact language. He said to me: "General Babcock called one day at the office, and asked if any revenue officer was about to leave for Saint Louis. I said no, there were none. General Babcock replied: I have got an express package, and if anybody goes to Saint Louis, I want you to let me know; I desire to send out that package." Mr. Douglass laughed, and said he knew what the express package meant, especially when he (Babcock) had passes from all the express companies. Said I, "Did you understand that to mean that he expected you to notify him when any officer went to Saint Louis?" He said he did. All this led me to believe that General Babcock was in the conspiracy at Saint Louis, but I have nothing but moral evidence of it.

Q. When was it that McDonald and Joyce were arrested?—A. McDonald and Joyce were not indicted until along in August, 1875, I should say, probably two or three months after the seizures.

Q. Do you know of the President having been made acquainted with the development of

these frauds at Saint Louis after you had developed them?—A. I only know that the Secretary told me he had laid all the facts before the President.

Q. Did you ever have any conversation with the President in reference to these matters?—A. Not in reference to the whisky frauds.

Q. Did he ever send for you and request a statement from you in reference to them?—A. No, sir.

Q. What, if anything, do you know in reference to the dismissal of McDonald from his position of supervisor of internal revenue?—A. I have read the statements of McDonald's interviews which he published, and I cannot tell you how I knew at the time that he tendered his resignation. Probably I learned it from the Secretary. I remember now that I learned it from the Commissioner of Internal Revenue, Mr. Douglass. He met Supervisor McDonald about the last of April, 1875, before the raids, and McDonald told him, so Mr. Douglass repeated to me, that he had given his resignation to the President.

Q. How long did the President hold the resignation?—A. That is a matter of record there in the office, but I know that McDonald did not resign until some time after the seizures on the 10th of May. I should say, from my best recollection, that it was about the 20th of May.

Q. And when was his resignation placed in the hands of the President?—A. Along before the first of May it may have been, or the middle of April.

Q. What position did Joyce hold?—A. He held the position of revenue agent.

Q. When did he resign?—A. It is my impression he resigned on the first day of June.

Q. Do you know that his resignation was in the hands of the President before?—A. No; I do not think it was.

Q. Prior to this time, yourself, the Secretary of the Treasury, and the Solicitor of the Treasury were all aware of the existence of these gigantic frauds?—A. Yes, sir.

Q. At what date were you clearly satisfied of the existence of these frauds, and had you made satisfactory developments in relation to them?—A. We had convincing moral evidence of the existence of a whisky ring in Saint Louis, probably along in February, but it probably would not have convicted anybody in court. The documentary evidence was obtained about the 1st of April—the evidence that you could go into court with and justify the seizure.

Q. At that time, was it made clearly apparent that McDonald and Joyce were prime movers in these frauds?—A. In this way, that it is impossible for a gigantic fraud of that kind to be perpetrated, and extend over any very great period of time, without the knowledge of the supervisor and revenue agent who were right there.

Q. Did Secretary Bristow or you, or Mr. Bluford Wilson, have any doubt of the complicity of McDonald and Joyce in these whisky frauds as early as April?—A. None. I speak particularly for myself, and I judge from the remarks of the Secretary as to what their opinion was. It never was a question, in our conversation, as to their guilt.

Q. When was General Babcock indicted?—A. It was after McDonald, and, I should say, the 1st of September, 1875.

Q. When was he tried?—A. In February, 1876.

Q. State whether, from the time that you went to Saint Louis, in the latter part of February, and obtained information which satisfied you of the existence of these frauds, down to the time when Secretary Bristow left the Treasury, you were in constant communication with him.—A. Yes, sir; I saw him in those days almost daily.

Q. State whether you were familiar with all his actions in reference to these cases, and the earnestness which he evinced in the pursuit of this whisky ring.—A. I think I was. He talked very freely with me, and always would confer with me when there was any movement.

Q. He regarded you as the man who had discovered the evidence, and as his main standby in the matter?—A. It would be going, probably, a little too far for me to say that. From his expressions to me, he had confidence in me, and of course knew what I had done.

Q. He knew you had had supervision of the whole matter?—A. In conjunction with Solicitor Wilson—yes, sir.

Q. State whether, during the progress of these whisky trials, you met with any opposition of any kind upon the part of the President or any one connected with him. Go on and state the facts.—A. I will say that, in the removal of officers and the appointment of good officers, there were difficulties in getting prompt removals and satisfactory appointments, and the conclusion I drew from my conversations with the Secretary was that it was not his fault.

Q. State whether the Secretary was in the habit, and did on a number of occasions, complain to you.—A. I will not say complain; I will say that the Secretary of the Treasury, when I have urged the removal of officers that I believed to be corrupt, in an explanatory way—I assume to show me that he was not failing to support me—has made such remarks as this: "Mr. Yaryan, I am doing the best I can in this matter;" or "I have urged this matter, and it now is with the President;" remarks of that kind.

Q. Did he ever say anything to you about any lack of sympathy upon the part of the President or any member of the Cabinet? You, of course, are perfectly free to speak of these things.—A. I do not wish to violate any official confidence that the Secretary reposed in me, except just so far as I am compelled to disclose those official confidences. I have no

objections, personally, to telling anything that Secretary Bristow said to me, and yet those things were said in official confidence, and at the time, as I considered it, were never to be repeated.

Q. It is alleged that certain prominent officials, instead of being in full sympathy with the Secretary of the Treasury, the Solicitor, yourself, and others, engaged in the prosecution of those guilty of frauds in Saint Louis, made efforts to shield and protect those guilty of crime. I now desire you to state, not voluntarily, but in obedience to the order of the committee, what fact you know, if any, tending to show the truth or untruth of these allegations. State any conversations you had with the Secretary of the Treasury in this behalf.—A. I do not wish to detail them unless I am compelled. Of course, if I cannot help it—

Mr. PLAISTED. You can help it; there is no law to compel you to do it.

Mr. COCHRANE. I beg to differ with you. There is a law that will compel him to answer this question.

Mr. PLAISTED. There is another point. There is no court on the face of the earth that would permit such a question to be asked, if objected to.

Mr. COCHRANE. There I differ with you again.

Mr. PLAISTED. Mr. Bristow is not on trial here.

Mr. COCHRANE. I understand that.

Mr. PLAISTED. If he was on trial you could get in his declarations. If you want to try certain other high officials you cannot get in Bristow's declaration.

Mr. COCHRANE. You are privileged to answer the question if you see fit. It is a question put by the committee. It is not a voluntary answer given by yourself.

The WITNESS. I have no objections to giving you my conclusion from all the intercourse with Secretary Bristow, without going into conversations with him. I have no objections to giving the conclusions that I have come to in regard to that matter.

Q. Without waiving the question, go on and state your conclusions.—A. My conclusion, after a year's intercourse with the Secretary, has been that he was not heartily supported by the President in those prosecutions.

Q. Without stating specifically who told you so, can you give us any facts, either of your own knowledge or from what you have heard, leading you to believe the President of the United States was not in sympathy with the prosecution, or any fact tending to show that the President tried to shield any party charged with those crimes?—A. I know of no facts except inferences I draw from actions taken on matters that I know had been presented to the President.

Q. What action did the President take in reference to different matters, or any matter connected with these prosecutions, which would indicate a desire on his part to shield those officers?—A. If you do not wish to close my evidence to-day, I would like to have till to-morrow to decide as to my answer.

Mr. COCHRANE. You can have until to-morrow.



WASHINGTON, D. C., July 12, 1876.

ELIAS WM. FOX sworn and examined.

By Mr. COCHRANE:

Question. Where do you reside?—Answer. Saint Louis, Mo.

Q. What is your business?—A. At present I am engaged in the publication of a newspaper.

Q. What is the name of that newspaper?—A. The Saint Louis Evening Dispatch.

Q. What is your age?—A. Forty-seven.

Q. How long have you resided in Saint Louis?—A. Twenty-six years.

Q. Were you one of the grand jury which found an indictment against General O. E. Babcock for complicity in the whisky frauds?—A. Yes, sir.

Q. How long did you have that case of General Babcock under consideration before the grand jury?—A. Directly and indirectly, several weeks.

Q. About what month or months were you considering that?—A. During some part of November, 1875. My impression is that the grand jury were in session about five weeks.

Q. You had of course other whisky cases before you?—A. Yes, sir.

Q. The principal attention of the grand jury was confined, was it not, to those whisky cases?—A. The major part of the time was occupied in that way, although there were indictments found in other departments.

Q. That was the principal matter?—A. That was the absorbing topic.

Q. Had you been acquainted with General Babcock prior to that time?—A. Yes, sir.

Q. How long had you known him?—A. Four or five years; that is, I had been introduced to him four or five years before.

Q. Were you acquainted with the President of the United States?—A. Yes, sir.

Q. And were you on friendly relations with him at that time?—A. Yes, sir.

Q. How long had you known General Grant?—A. I made his acquaintance when he was colonel.

Q. About how many years ago?—A. It was the opening of the war I knew of him, but I did not make his acquaintance until he moved with his Illinois regiment into Missouri. I had no intimate acquaintance with him—at least I did not feel that he would remember me—until after he became a general.

Q. Did you have any communication with any party related to General Grant or his family during the pendency of these matters before the grand jury?—A. No, sir.

Q. Were you in Washington City before the indictment was found against General Babcock?—A. No, sir; I came to Washington City. The grand jury adjourned early in December. I came here soon after the holiday season in January, 1876.

Q. When did the trial of General Babcock take place?—A. My recollection is that it took place in February.

Q. It was before the trial that you were here?—A. Yes, sir.

Q. Did you call to see the President when you were here?—A. Yes, sir.

Q. How often?—A. A few times.

Q. How many times do you suppose?—A. I do not remember. I have known him for a number of years. I have called on him regularly when I have been here.

Q. You called on him a number of times, did you?—A. Yes, sir; I was in Washington three months.

Q. How soon after your arrival at Washington did you call on him?—A. I saw the President the very day of my arrival. I arrived here on Sunday and took a walk through the park, and I met him walking with some commodore. He stopped and shook hands with me, and introduced me, and invited me to call on him, or made some remark of that sort, and I did call the next day.

Q. You called on Monday?—A. Yes, sir; I called on Monday.

Q. Did you meet him in the grounds of the Executive Mansion?—A. No, sir; I met him on the sidewalk near the entrance to the park, where the Mills statue is. I was passing through the park, and saw him passing just as I got there.

Q. Was General Grant aware at this time that you had been a member of the grand jury?—A. I presume he was.

Q. Did he subsequently mention to you that he knew the fact?—A. I do not know that he did; I do not recollect of his speaking of it. He may have done so.

Q. What, if any, conversation did you have with the President of the United States in reference to the Babcock matter on that first interview?—A. It was very short. I do not know that I had any when I first went there. I may have done so. I will not be quite positive whether it was the first interview or not, but there was something said about the Babcock case.

Q. You are quite sure of it, and it is very natural that something should be said about the case?—A. My best recollection is that on the first call something was first spoken about the Babcock trial.

Q. Do you recollect about what it was?—A. I think I might recall it by thinking it over.

Q. I do not ask for the exact words, but give us the substance of what occurred at that first interview?—A. Well, I think the main point was the conversation about Henderson's attack in his speech in the Avery trial. I think that was the substance of it.

Q. You think that was the main subject of the conversation?—A. Yes, sir.

Q. What, however, was said in relation to the Babcock matter? Was there anything said at that time or any suggestion made that you had been concerned in the grand jury in the matter either by yourself or the President?—A. My recollection is that the conversation was mainly in regard to Henderson's attack, and in the conversation, something was said about Dyer, the district attorney. Very little was said about Babcock.

Q. But the fact was mentioned that you had been on the grand jury and were familiar with the matter?—A. I think the President knew I was on the grand jury.

Q. I want to get at what was said in reference to Babcock at the interview.—A. He said very little about it.

Q. What was that little that he did say?—A. My best recollection is that he listened and heard what I had to say and said very little, if anything, about it.

Q. He said very little?—A. Very little, indeed; he let me do the talking.

Q. What did you say about it?—A. I did not say so much about Babcock as I discussed the surroundings.

Q. What about Babcock did you say?—A. I do not think I said much about Babcock; it was the surroundings of the case, as far as related to Dyer and Henderson that I spoke about.

Q. You say you do not think you said much; what was that little you did say?—A. The main point that I remember and the impression it made upon my mind in regard to the conversation was in regard to Dyer and Henderson—not what took place before the grand jury, or about Babcock's guilt or innocence, which was not discussed.

Q. At that interview?—A. No, sir.

Q. What was said about Babcock?—A. I do not know as he said a thing.

Q. What did you say about it?—A. I think I said his dispatches placed him in an unfavorable light before the country and required explanation.

Q. What were the dispatches that you had reference to?—A. The telegrams that were published in the Avery and McDonald trials—the Avery trial especially.

Q. And also other telegrams that were produced before the grand jury?—A. They were the same telegrams.

Q. But there were some additional ones.—A. Not that I remember; I think they were all published. I think that the telegrams that were given to the grand jury in that case were submitted in less than ten minutes to the court below in the Avery trial, and published the next morning.

Q. What, if anything, did you say in reference to any other facts or circumstances which were proven as to the effect they would have upon General Babcock?—A. I did not discuss it much.

Q. What did you say in that relation?—A. It was a passing remark.

Q. I understand that fully, but I want to get just what you said in reference to the other testimony in the case as bearing upon the effect it would have on General Babcock.—A. I did not comment much upon the testimony; it had been published, and I supposed if the President wanted to he had read it; it was a very short interview—a very few minutes.

Q. You spoke, did you, of the other testimony, in addition to the dispatches.—A. I do not know that I did; I may have said something about it.

Q. I wish you to try and remember that. You state you recollect that you spoke in reference to the dispatches. Be kind enough to state whether you also spoke in reference to the other facts which were proven before you in a general way.—A. I do not think they were discussed at all; the subject that was uppermost in my mind and made the most impression was in regard to Dyer and Henderson.

Q. Were the facts that were proven before the grand jury, in addition to the dispatches, spoken off?—A. I do not know that there was anything spoken of except what had been published or not; there may have been something, or may not.

Q. You do not recollect?—A. I do not recollect; I would have to trace it up systematically in my mind and recall the conversation; it would be a little difficult to do that.

Q. During the course of this conversation, in which you say the main feature was the discussion in reference to Henderson's attack, and Dyer, and the general action of Henderson and Dyer, did you have occasion to speak of their action, so far as the general conduct of matters was concerned, both in the trials in court and the proceedings before the grand jury?—A. Yes, sir; I did.

Q. What did you state to the President in that connection?—A. It is a little difficult to remember the exact words.

Q. What was the substance of what you stated?—A. I commented upon Mr. Henderson's address in the Avery trial, and his attack in that address upon the President, and said that I regarded Dyer as but a sort of second edition of Henderson, holding all his feelings of animosity against him, and that I believed Dyer was unfriendly to him, and I knew Henderson was.

Q. Will you give us the substance of what you said in that connection of the reasons upon which you based your allegation?—A. I said to the President that I thought that Dyer's action before the grand jury was unprofessional, and that his general talk was of such a character that I checked him two or three times, and told him that I thought he was going beyond his duty. He volunteered statements to such an extent that I interrupted him and demanded that he be sworn.

Q. What general action did you speak of?—A. His general demeanor and language.

Q. What did you give the President about it?—A. About as I have given it to you.

Q. In other words, what statement did you tell the President that Dyer had made, and what acts did he do specifically upon which you founded your judgment?—A. General talk, and statements that he made before the grand jury, and his manner.

Q. You gave the President what they were, and then stated to him that from those you concluded he was not guilty?—A. I gave my opinion.

Q. You gave him statements of what Mr. Dyer had said?—A. Just what I gave the President I do not remember, but I know how I felt, and I presume I expressed myself decidedly upon it; perhaps I intended to.

Q. The question that I put was a plain one. You have already stated what you said to the President as regards your conclusions in this matter. I want to know whether you stated to the President the facts upon which you based those conclusions; did you tell him what the district attorney had said and what he had done before the grand jury to justify yourself in the opinion which you had expressed?—A. Precisely what I said to the President I do not remember. In all my conversation with him, I felt that I had the right to talk with him as freely as I would with the district attorney, as I regarded him as the head of the Government, while the other was a branch from it. That was my idea. Our conversation was a short one and he was a listener and said very little, but I think I can recall the facts first rate if I have a little time to follow up the thread. This is a number of months ago.

(Question repeated.)

A. I made the general statement as stated. I did not go into detail of my reasons, ex-

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cept that in the Henderson matter I did go into detail more particularly. Still I might, in thinking this matter over, think of something I had told the President. I do not know. I would not be positive about it.

Q. When did you have your next conversation with him?—A. Might have been ten or twelve days afterward.

Q. In any of the conversations which you had with the President prior to the trial of Babcock, did you state to him any facts which were proven before the grand jury?—A. I did not express to him any more than I would to any one else my opinion, that I remember of, as it was published, except these expressions of opinion that I have spoken of.

Q. Did you at any of the conversations between yourself and the President, prior to the trial of Babcock, talk over with him or suggest to him the facts which had been proven before the grand jury?—A. I do not now recall anything different from what I have stated. It is barely possible that I said something else, but I do not recall it.

(Question repeated.)

A. I do not now recall any additional fact than what I have alluded to as to the nature of the conversation. I may have said something. I will put my mind upon it, and I will answer that question more fully, if I can recall any.

Q. Were there any witnesses examined before the grand jury prior to the indictment of Babcock, and in his case?—A. Yes, sir; certainly there were.

Q. Do you recollect how many?—A. The testimony taken before the grand jury in the whisky cases, was not only in Babcock's case, but in McDonald's and McKee's and McGuire's; they seemed to be interwoven; all had more or less bearing upon the other; there was additional testimony in the Babcock case, as you know, from the telegrams that were published.

Q. That testimony was submitted to the grand jury, was it?—A. Yes, sir.

Q. Did you at any time, in any conversation with the President, advert to that testimony which was taken before the grand jury?—A. I spoke of the testimony as published in the Avery case and the McDonald case, and it was the substance of what was before the grand jury.

Q. Did you speak of the testimony, as having been taken before the grand jury?—A. I had no motive to do so.

Q. But did you?—A. I do not know just what my phraseology was; I had no motive to do so, because it was before the world five weeks before I came here.

Q. You have stated that you felt free to talk with the President of the United States just as you would have talked with the district attorney?—A. Yes, sir; I did.

Q. State whether in the various conversations with him in reference to this matter, you were influenced by that feeling?—A. The general fact that I regarded him as the Executive of the Government must have influenced my mind.

Q. You sought to conceal nothing from him, did you?—A. Well, there was no attempt at concealment and no attempt at detail at all, because I had very little time to do it in, and my mind was directed to those points to which I called your attention.

Q. You sought to conceal nothing from him, did you?—A. Just what the state of my mind was at that moment, I cannot tell.

Q. You can now certainly recollect whether or not you sought to conceal any facts from the President of the United States or whether your desire was to discuss the matter freely and openly with him?—A. Well, there was no time to discuss it. It was a very few minutes at the most that I had there. Gentlemen were coming into the room, and the general conversation I had with him bore upon the points I have named.

(Question repeated.)

A. I do not think he asked me any questions; there was not much discussion about it.

Mr. COCHRANE. I will have to insist that you, as a witness before this committee, shall answer the question.

Mr. PLAISTED. As it seems to me, you are insisting that he should answer the question as you would like to have it.

Mr. COCHRANE. Not at all.

(Question repeated.)

The WITNESS. My best understanding of the frame of mind that I was in at that interview is as follows: To explain to him the status of Henderson and Dyer. The testimony that had been taken before the grand jury I assumed that he had read weeks before in the papers.

Q. Did you seek to conceal any fact from the President of the United States?—A. My best recollection is that as everything had been made public, there could not have been any such feeling on my mind. I did not go there to give him details. I do not remember of any such impression on my mind that I was trying to conceal anything.

Q. Are you now prepared to swear that you did not, at any of the conversations which you had with the President of the United States, detail to him the facts upon which you based your conclusion that Henderson and Dyer were unfriendly?—A. I think I did; there were facts outside of the grand-jury room.

Q. Are you now prepared to swear that you did not detail to him facts which occurred in the grand-jury room?—A. I have stated in former answers how Mr. Dyer acted in general terms; that is the general way I talked to the President about it. If those are facts, then I stated facts. Those were my opinions growing out of his actions.

Q. Are you prepared to swear that you did not go to the President of the United States and detail the facts which had appeared before the grand jury?—A. I am.

Q. Did the President of the United States not ask you, when you stated that Henderson and Dyer were unfriendly to him, to detail the facts upon which you based that opinion?—A. No, sir; I do not think he asked me the question.

Q. Did he express to you what his views were in reference to the guilt or innocence of Babcock?—A. No, sir.

Q. Did he express to you what his views were in relation to the friendliness of Henderson and Dyer?—A. I think he commented on Henderson some; very little, though.

Q. Did you, in speaking of the unfriendliness of Colonel Dyer, say anything about any testimony which he introduced before the grand jury against Babcock, and which you thought was improper testimony to be introduced?—A. I do not recall anything further than I have stated; there may have been some additional fact that I have not stated. I have not followed it closely in my mind. I would not say that there was not; there might have been; to my best recollection, I have given the gist of it.

Q. You know Colonel Dyer?—A. I do.

Q. Have you ever had any conversations with Colonel Dyer?—A. Yes, sir.

Q. Did not you tell Colonel Dyer that you thought you had a right to communicate the facts to the President of the United States?—A. Yes; I think so now.

Q. And that you did so communicate them?—A. No, sir; I told the President that I thought he was unfriendly.

Q. Did not you tell Colonel Dyer, after having so told him, that you had given the President the facts which had occurred before the grand jury and alleged that you had a right so to do, as he was the President of the United States?—A. I told him that I regarded that I had that right, but I did not tell him that I had given the President the details before the grand jury. I told him that I had told the President I regarded him and Henderson as unfriendly toward him.

Q. You are quite clear that you did not tell Mr. Dyer you had told him?—A. I know I did not.

Q. Are you acquainted with Mr. Brodhead?—A. Yes, sir.

Q. Have you had any conversation with him?—A. It seems to me I have had a very slight conversation, but I do not know exactly what occurred.

Q. Did not you have a conversation with Mr. Brodhead on this very subject?—A. Well, it can hardly be called a conversation. I may have passed him and had a moment's talk with him and something came up. I do not know but I asked him the question. I do not know but that I put that very question to him, if I had not the right. I rather think I did.

Q. Did not you ask Mr. Brodhead whether you did not have the right to communicate to the President of the United States, he being the highest official in the land, the facts which occurred before the grand jury?—A. I do not know as I put it in that way, but I think that was the idea; I did not have a connected conversation with him. It was a sort of a passing remark, and I do not think he will say that we had any. I think I asked him something about it.

Q. You think that was the substance of it?—A. That was the idea; but I did not go into any formality with him about the thing. I met him on the street, and I guess I asked him the question in some form.

Q. Was this before or after your conversation with the President?—A. It was within four weeks—three or four weeks.

Q. Did you have any communication with the President of the United States while you were upon the grand jury?—A. No, sir.

Q. Directly or indirectly?—A. Neither directly nor indirectly.

Q. Did you have any communication with any one else, outside of the proper officers of the court and the grand jury, in reference to what occurred before the grand jury?—A. No, sir.

Q. You are quite clear about that?—A. I am quite clear about it. I saw Mr. Henderson's testimony, printed here some three months ago, in which he intimated that I had communicated through Mr. Bernard. I never did it.

Q. Did you have any conversation with Mr. Bernard while you were upon the grand jury?—A. I met him at the marshal's office. The marshal was changed, and when Marshal Leffingwell went he took the marshal's office there, and I met him some time during the day and had some conversation with him, but not upon those matters.

Q. Was the matter of Babcock never adverted to by you and him, and never spoken of during that time?—A. I never communicated anything in regard to Babcock to him, nor he to me.

Q. Was there anything said about Babcock in any way?—A. Babcock's name may have been used in conversation. I am not prepared to say that I did not use the name of Babcock in conversation with him.

Q. Then, you do not recall what conversations there were?—A. I do not; no, sir.

Q. Who was Bernard?—A. He is the bank-examiner.

Q. Is he a relative of the President or a connection?—A. I think he married a relative of the President's wife.

WASHINGTON, D. C., July 13, 1876.

ELIAS W. FOX recalled.

By Mr. COCHRANE :

Question. I asked you a question yesterday, a copy of which you took with you. Have you that copy ?—Answer. Yes.

Mr. COCHRANE. Be good enough to read it.

The WITNESS, [reading.] "Q. I want to know whether you stated to the President the facts upon which you based that conclusion. Did you tell him what the district attorney had said and what he had done before the grand jury to justify yourself in the opinion you expressed ?"

Mr. COCHRANE. You said yesterday that if you had time for reflection you might recollect more distinctly what had occurred. Will you be good enough now to answer the question ?—A. My best recollection is that in presenting my views to the President, I referred to the action of the district attorney, and may have stated some things he said before the grand jury ; precisely what they were I do not recollect. I also stated some facts which had come to my knowledge as a citizen, independent of any knowledge I derived as a grand juror.

Q. What were those facts which you stated, which came to your knowledge as a citizen ?—A. The fact most prominently in my mind, bearing upon the conversation, was the speech of Senator Henderson, in the trial of Avery. Before he commenced his argument I had a little conversation with him, (Senator Henderson,) and he asked me to lend him my watch, as he had left his at home. I handed him my watch. Said he, "You call for it, or I shall forget to return it." After he had made the speech, and the judge had made the charge, and the jury had passed out of the room, I went up to Senator Henderson, who was seated by the table, and asked him for my watch. He handed it to me. I then remarked to him that he had used his sharpest blade upon the President. The blood rather went to his head, and although he made no response, there was a sort of twinkle in the eye that indicated to me that he did not dispute the proposition. I think I brought that point to the attention of the President.

Q. What other facts did you state ?—A. I had a theory in my mind in regard to the action of the Senator, and whether I went over it fully with the President or not, or whether I simply hinted at it, I am not positive. I am perfectly willing to state it, if the committee desire it.

Mr. PLAISTED. You need not do so, unless you stated it to the President.

By Mr. COCHRANE :

Q. What other facts did you state to the President ?

The WITNESS. As regards the district attorney ?

Mr. COCHRANE. In any regard. As to Babcock, what did you say ?—A. I did not talk much about Babcock. I made the statement which I yesterday gave in my testimony.

Q. What was that ?—A. That those telegrams needed explanation.

Q. What else did you say about Babcock ?—A. Very little.

Q. Was there anything else ?—A. I might have said something else.

Q. Do you remember of having said anything else ?—A. I do not now recall anything ; I think that was the essence of it.

Q. Was the question of the guilt or innocence of Babcock spoken of between you and the President ?—A. No, sir.

Q. In any way ?—A. No, sir ; he did not express himself as to that, nor did I.

By Mr. PLAISTED :

Q. Was your action on the grand jury spoken of ?—A. No ; he did not ask me about that.

By Mr. COCHRANE :

Q. Was there anything said about the probabilities of conviction or acquittal of Babcock ?—A. Not to my present recollection.

Q. During these several interviews which you had with the President, extending over a period of three months, did you call upon him for any purpose of business ?—A. Yes, sir.

Q. What ?—A. I called upon the President and asked him to appoint my son as consul to some point in Germany.

Q. Did you suggest that to him on the first interview—on the Monday interview ?—A. No.

Q. When was that suggested ?—A. A couple of weeks, I think, or ten or twelve days after the first interview.

Q. When was your son appointed to that position ?—A. I think his nomination went in some time in March. It went in on the same day, and in the same batch, with the nomination of Mr. Richard H. Dana as minister to England.

Q. And when did this conversation take place ?—A. Some time in January.

Q. Did the President promise to appoint your son ?—A. I went to the President and told him that my son—

Mr. COCHRANE. [Interposing.] I am not now asking you what you said, but simply whether the President *agreed* to appoint your son?

The WITNESS. I want to relate the circumstances.

Q. I want to know, simply, whether he promised or assured you that he would appoint your son?—A. Well, he made no positive promise, but his manner all indicated, and I felt, that he would. There was a way in which he received it by which I felt it to be just as good as though some men had said, "Yes, I will."

Q. Did you have any other business than that with the President?—A. For a number of years, whenever I have come to Washington, I have always called on the President.

Q. I ask you whether you had any other business with him during those three months which occasioned you to call upon him?—A. I had.

Q. What was it?—A. I went up there once and introduced a lady that was a daughter of an old friend of his at Sacket's Harbor, and who wanted a position in the Department.

Q. Did she get it?—A. He gave her a note or memorandum to Mr. New, the Treasurer, but she was not appointed.

Q. She has not since been appointed?—A. I believe she has been appointed this summer, some time. Mr. Erastus Wells, the member of Congress from that district, went with me to the Treasury Department with her. While in the Treasury Department she spoke about her father, of Sacket's Harbor, having been a great friend of the President, and I said, "It would be first-rate if she would go up and see the President." We went up there and I introduced her. He just wrote a little memorandum to Mr. New, but that failed.

Q. You had known her previously?—A. Yes; she lives at Kirkwood, Mo., and is a very worthy lady. She was recommended by the Bishop of Indiana, and others.

Q. Did you have any other business matter with the President during these three months?

[Mr. PLAISTED objected to inquiry as to every little matter about which the witness might have spoken to or saw the President, upon the ground that it has nothing to do with the subject under inquiry. The objection was overruled.]

A. I had business there several times, and sometimes I called socially.

Q. Did you have any other business than that you have indicated?—A. The only personal business I had, so far as my own immediate interests or that of my family was concerned, was the appointment of my son as consul. I represented to the President that my son had had a malarial fever, and my physician told me that a change of climate would do him good; and I knew he was competent. I presented the case to the President, and he told me he would investigate it and see what he could do. I called two or three times in regard to that. Finally I got a telegram wanting me home; and I went up to the President's mansion on the morning on which I had to leave, and wrote him a note, saying, "I leave for Saint Louis to-night; what are the prospects for my son?" He sent me a card back, saying, "Brunswick, Germany; nomination goes in to-day."

Q. Did you have any other business with the President than that you have indicated?—A. I think I have indicated all the business I had with him. If there were other things, I do not now recall them; still, I may have gone up there on some other matter.

Q. You do not now recall any other matter about which you went to him?—A. I do not now recall; and still, in those three months I may have gone on some other matter.

Q. Can you give us any idea of how many visits you did pay the President during these three months?—A. Three to four or five times.

Q. Did you not see him more than that?—A. I do not think I did over five times.

Q. Did you not see him as many as eight or ten times?—A. I do not think I did, unless you count the time I met him on the sidewalk, the first time I got here. That might make six.

By the CHAIRMAN:

Q. When did you say your first interview with the President was had?—A. Early in January.

Q. That was before the Babcock trial?—A. Yes; he had been indicted about five weeks.

Q. In that interview, did you relate to the President what evidence had been given before the grand jury against Babcock?—A. No; I stated yesterday that the evidence was all published five weeks before I came here.

Q. The evidence before the grand jury all published?—A. It was all published in this way: The McDonald trial and Avery trial were pending during the session of the grand jury, and generally the testimony went into the trial below, and was published in the morning papers. I think the entire testimony was published long before I came on here.

Q. And all the testimony given implicating Babcock?—A. Yes; as far as I can remember, it was all published.

Q. And you did not tell over to the President the evidence?—A. I may have spoken something, as I said before—

Q. [Interposing.] Did you give him the names of any witnesses who would probably be sworn against Babcock, who had not sworn before?—A. No, sir.

Q. You did not?—A. No.

Q. If the President told Attorney-General Pierrepont that you did tell him over the evidence given before the grand jury, did he or did he not tell the truth?—A. I do not know what he told the Attorney-General.

Q. If he did tell the Attorney-General that you told him over the evidence that was given against Babcock before the grand jury, I ask whether he told a truth or told a falsehood?—A. You have heard my answer to the first question. I may have stated some facts that occurred before the grand jury, but I did not state it as communicating it, because it was all published. If there was any fact that I stated in connection with it, and you will call my attention to it, I will tell you whether I said it or not. I claim I had a right to speak to the President as much as I would to Mr. Dyer, and would have no hesitancy in doing so, but it was a short interview, and I do not recall any special point. I do not think the President would lie about it. If he has made any representations to the Attorney-General that I said a certain thing, I have no doubt he told the truth.

By Mr. COCHRANE :

Q. Your recollection on the subject is not as definite as it might be in reference to what you did communicate?—A. Why, I cannot remember the detailed words that I used.

Q. Have you seen the President of the United States since you have been in Washington on this visit?—A. Yes; I saw him yesterday.

Q. Have you seen him since your examination of yesterday?—A. No, sir.

Q. When you saw him did you state what you were here for?—A. I just made the remark that I was subpoenaed here.

Q. Did you say by whom?—A. No.

Q. Did you say for what purpose?—A. No, sir.

Q. Did he?—A. No, sir; he never asked a question about it.

Q. Did he make any statement to you?—A. No, sir.

Q. Did he ask you what you could prove, or anything of that kind?—A. No, sir; not a thing about it.

Q. Did you communicate with him in any way since you were here yesterday?—A. No, sir; neither directly nor indirectly.

Q. Did all the evidence which appeared upon the trial of Babcock go before the grand jury?—A. My impression is that there was a good deal of testimony presented on the trial that was not before the grand jury.

Q. Was it not spoken of before the grand jury?—A. I said there was considerable testimony, as far as my recollection of reading the trial was concerned, that was brought out on the trial that was not before the grand jury.

Q. Was not all the testimony spoken of before the grand jury?—A. I think not, sir; that is my recollection.

Q. Have you such a recollection on that subject that you could speak confidently?—A. I did not read the trial accurately, but I tried to read it. I got the papers.

Q. But you would not undertake to say?—A. I would not undertake to say; but I saw a good many things that I thought were not before the grand jury.

Q. Can you specify any particular matter now?—A. No; I could not, without reading it over; but that was the impression made on my mind.

Q. Is your son still occupying the position to which he was appointed?—A. Yes.

By Mr. PLAISTED :

Q. How old is your son?—A. Twenty-two years of age.

Q. Is he a young man of education?—A. Yes.

Q. Where was he educated?—A. At the Pennsylvania Military Academy, at Chester.

Q. Has he any knowledge of German?—A. Yes; he reads German and writes it, and is able now to speak it pretty well.

Q. How long have you resided in Missouri?—A. Twenty-six years.

Q. How long is it since you identified yourself with the republican party?—A. I was an original free-soiler—a friend of Frank Blair's in the early fight there, and have stuck to it ever since.

Q. Have you held any offices, political or civil?—A. I was a member of the legislature of Missouri—the 23d general assembly.

Q. What position did you occupy there?—A. I was chairman of the joint committee on State credit.

Q. What did that position involve?—A. Well, the State was forty million dollars in debt, and we raised a special committee to consider that question. I was chairman of that committee.

Q. Did you hold any other political office?—A. Yes; I was chairman of the republican State central committee in 1866, when we carried the State for the republican ticket.

Q. You organized the State, did you?—A. Yes.

Q. What is your business?—A. I am now engaged in the publication of an independent newspaper, the Saint Louis Evening Dispatch.

Q. What business positions or relations have you held there?—A. I was a merchant there for twenty years. I was president of the Board of Trade at one time.

Q. Were you a member of the National Board of Trade which met at Boston?—A. I was president of the National Commercial Convention which met at Boston in 1863. That was a convention of the Boards of Trade of the country.

Q. You have always been an active republican in your State, have you?—A. Yes, sir; I think I can safely say that.

Q. How many indictments were found in Saint Louis, while you were a member of the grand jury, against the members of the whisky ring, so called?—A. The first indictments were against McKee, one against McDonald, one against Babcock, and several others. I don't remember all. Those were the prominent ones.

By Mr. COCHRANE:

Q. Was an indictment found against Avery?—A. Yes; he is another.

By Mr. PLAISTED:

Q. In your opinion was there sufficient evidence before the grand jury to warrant indictments against those who were indicted?—A. That was a matter of discussion. The grand jury took the advice of the law-officers of the Government, and under their advice, as to the law in such cases, I felt justified in voting for the indictments, and did vote for all of them.

Q. What was the law as laid down?—A. My recollection is that it was that there should be probable cause.

Q. That was given you as instruction, was it?—A. That was the opinion given.

Q. It did not require the same amount of proof to find an indictment as to warrant a conviction?—A. My understanding was that in order to find an indictment you did not need to have testimony sufficient to convict beyond a doubt.

Q. That was the instruction you received?—A. That was the opinion they gave us, to my best recollection—that it didn't require that amount of proof.

Q. Do you know whether or not the transfer of two of the Saint Louis revenue-officers was ordered by the President?—A. I have no personal knowledge of it.

Q. Were not some two revenue-officers in Saint Louis transferred to San Francisco?—A. I only know what I read in the newspapers.

Q. You have no personal knowledge of it?—A. No.

Q. Have you any knowledge of it from the President or any other official?—A. I don't know but that I may have heard something about it, but I do not recall it. Still I remember reading about it. I believe there was a transfer ordered of McDonald to Philadelphia or somewhere else, and I think a Mr. Tutton was to go to Saint Louis. I know nothing about it, however, outside the newspapers.

The witness expressed a desire to hear read the questions put by the chairman, and the answers thereto, which, being read, he desired a change noted to the following:

"Question. And you did not tell over to the President the evidence?—A. No, sir; I may have spoken something, as I said before."

The witness desires that answer to be made to read as follows:

'No, sir; I did not detail the evidence. I may have spoken of some portion of it corroborative of the point I was making.

Adjourned.

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WASHINGTON, D. C., July 14, 1876.

HOMER T. YARYAN recalled.

By Mr. COCHRANE:

Question. At the close of your examination the other day, I asked you a question substantially as follows: State any and all facts tending to show that the President or any other officer of the Government was not in sympathy with the prosecution of the whisky trials at Saint Louis, or which tend to show that there was an effort made upon the part of any official to shield any party indicted at Saint Louis from conviction or punishment.

The WITNESS. Do you confine your subject-matter to Saint Louis?

Mr. COCHRANE. Well, you may state in reference to the matter generally.

The WITNESS. At Saint Louis or other places?

Mr. COCHRANE. Yes.

The WITNESS. And any facts which in my opinion lead to it?

Mr. COCHRANE. Yes.

The WITNESS. So far as it applies to the President, the following facts seem to me to be evidence that he was not in sympathy with the prosecution: His delay in removing the following officers who were obstructing the prosecutions of the whisky rings, viz: District Attorney Ward, of Chicago; District Attorney Hubbell, of Milwaukee; District Attorney Van Dyke, of San Francisco; Supervisor Munn, of Chicago; Collector Maguire, of Saint Louis; his failure to remove Collector Sedgwick and Supervisor Foulke, of San Francisco; his removal of Henderson, the assistant counsel at Saint Louis, and his retention in office of Babcock; his dismissal or forced resignation of nearly every officer who has taken an active part in the prosecution of the whisky conspirators; the importuning it required to obtain the celebrated indorsement, "Let no guilty man escape," and his anger at its publication;

the length of time the resignation of McDonald was held before being accepted, and the fact that he was not dismissed after confessing his guilt.

Q. Do you recollect the time when that rather remarkable letter was published, known as the circular-letter, which had been issued by the Attorney-General?—A. Yes; I was on my way to Saint Louis to attend the Babcock trial when I saw its publication.

Q. In a newspaper?—A. Yes.

Q. Do you recollect in what paper?—A. I think it was a Cincinnati paper, but I would not be certain—either Chicago or Cincinnati. I bought it on the cars en route.

Q. What effect, in your judgment, was that letter calculated to have?

Mr. PLAISTED. I object to this testimony on the ground that this witness is not testifying as an expert.

By Mr. PLAISTED:

Q. Did they ask you how this letter struck you when you read it on that morning in Saint Louis?—A. I was not put on the stand. All that I could tell about the effect of the letter would be about its effect upon me.

By Mr. COCHRANE:

Q. The question is not so much what effect it had upon you as what effect was this letter calculated, in your judgment, to have upon the prosecutions?—A. In my judgment, the effect of the letter was to discourage the prosecution.

By Mr. GLOVER:

Q. You mean by intimidation of witnesses, or what?—A. Yes, sir; that would express it.

By Mr. PLAISTED:

Q. Do you know of any witness whom it did intimidate?—A. I learned from the district attorney and the assistant counsel out there that they checked the effect it would have by assuring the witnesses that that letter was not intended for them.

By Mr. COCHRANE:

Q. You understood that there had been quite a commotion when this letter appeared?—A. Yes; I understood that these people rushed up to the district attorney's office to know what it meant.

By Mr. PLAISTED:

Q. Can you give the name of any witness who was deterred from testifying in consequence of that letter?—A. No, sir.

By Mr. COCHRANE:

Q. At the time that this circular-letter was issued by the Attorney-General, was General Babcock acting as private secretary to the President?—A. That is my understanding.

Q. Were you ever consulted as to the propriety of the issuing of any such letter as that?—A. No, sir.

Q. Do you know of General Bristow or Bluford Wilson having been consulted in that particular?—A. I understood Mr. Wilson to say that neither had been consulted about it.

Q. Do you know of any influence having been exerted, outside of the President's Cabinet, to shield any of these parties charged with these whisky frauds, by an official of the Government?—A. I believed at the time—

Mr. PLAISTED. He asks you if you know.

The WITNESS. I do not know; it is only my own conclusions that I have drawn.

By Mr. GLOVER:

Q. Have you any reason to believe that officials did?—A. Subsequent facts confirmed most of my belief held at the time.

By Mr. COCHRANE:

Q. If there is any other matter or thing which you desire to state in connection with this case, you are at entire liberty now to proceed.—A. I can think of nothing of importance.

By the CHAIRMAN:

Q. Did you meet with a Mr. Sherman, assistant district attorney of New York?—A. Yes.

Q. While in attendance in Saint Louis, as a witness?—A. Yes.

Q. Do you know anything about his transactions there, in connection with the Babcock trial?—A. Nothing but hearsay. I learned from District Attorney Dyer, and from Mr. Bliss and Mr. Peddrick concerning him,

Q. Do you know of any contribution having been taken up to pay Babcock's fees and expenses of trial?—A. Nothing but what I have seen in the papers.

Q. Do you know of any influences having been brought to bear upon the President by any Representative, Senator, or Government official to prevent any of these prosecutions in

Saint Louis, or elsewhere?—A. My understanding is, that Senator Sargent interfered in the California prosecutions.

By Mr. PLAISTED :

Q. "Your understanding is;" what do you know about it?—A. What I learned from the Solicitor and Secretary.

By the CHAIRMAN :

Q. Is he the only person whom you have understood, from the Solicitor and Secretary, endeavored to exert influence to prevent the prosecution of the whisky conspirators?—A. The trouble in answering that question is, that we put our own construction on the acts of these parties. I do not know to a certainty what the motive was, but the construction that was put upon it was, that it was to prevent the prosecution.

Q. Were any efforts of that kind made with regard to the Saint Louis whisky prosecution by any person?—A. No, sir; I know of none.

Q. Any with regard to the Wisconsin prosecution?—A. No; I cannot answer your question with any definiteness. It would not be proper for me to say what the motives of persons were, and I would prefer not to do so.

By Mr. GLOVER :

Q. If I recollect right, Mr. Douglass, probably, or some one has testified, in relation to the removal of Joyce and McDonald, that certain politicians intervened or interposed their influence to prevent their removal.—A. I think that was in the transfer.

Q. That is possible. Do you know what gentlemen those were?—A. It was not only Joyce and McDonald, but all the other supervisors and revenue agents, who were transferred in January, 1875. At least, the order was issued then.

Q. What persons were those that interposed their influence to prevent the removal of those men?—A. Mr. Douglass told me that Senator Logan was one.

Q. Are there any others that you recollect?—A. Supervisor Tutton; I do not recollect the other names, but he told me there were several.

Q. Is Mr. Douglass in this city?—A. I think he is. Mr. Douglass also told me that General Babcock interposed.

Q. Did you get the names of any private citizens mentioned in that connection?—A. I don't recollect any.

By Mr. PLAISTED :

Q. The supervisors were to be transferred?—A. Yes.

Q. The order was issued?—A. The order was issued by the Secretary.

Q. What Secretary?—A. Secretary Bristow.

Q. To transfer what supervisors?—A. Well, it was a three-cornered transfer all around. Ten supervisors, I believe, were to be transferred.

Q. What was the object of this order of transfer?—A. I assume it was to break up the Saint Louis combination. That has always been my understanding of that order.

Q. Was the order of transfer countermanded?—A. Yes.

Q. By whom?—A. By the President, I understand.

Q. Did any of the transfers take place that were ordered?—A. No, sir.

Q. This was countermanded how long before the discovery of the whisky frauds in Saint Louis?—A. About six weeks, I should say; before the evidence was furnished upon which seizures could be based.

Q. Did the President overrule the Secretary in countermanding the orders?—A. I suppose he did.

Q. Contrary to the Secretary's wishes?—A. That is my understanding.

Q. You say Supervisor Tutton was one who had advised that the order be countermanded?—A. Yes.

Q. Where is he?—A. At Philadelphia. He is collector of customs.

Q. He is an officer of the Government at the present time?—A. Yes.

Q. What is his full name?—A. Alexander P.

Q. You think the countermanding of the order transferring these supervisors was in the interest of the whisky ring?—A. Its effect was in the interest of the whisky ring; what the motive was I cannot say.

Q. You are very positive as to the effect of it?—A. I am positive of that.

Q. You have no doubt about it in your own mind?—A. Not in my own mind, sir.

Q. Can you state whether it was so regarded by the Secretary of the Treasury, as in the interest of the whisky ring?—A. No, sir; I could not say that.

Q. You only know that he was overruled by the President?—A. Yes; I assumed it was his judgment that the transfer should take place by his issuing the order.

By Mr. GLOVER :

Q. The men sought to be removed from Saint Louis were absolutely in the ring and had been convicted, had they not?—A. Yes.

By Mr. PLAISTED :

Q. Who were the supervisors at Saint Louis, who were ordered to be transferred ?—A. McDonald was the supervisor and Joyce the revenue agent. They were ordered to Philadelphia.

Q. And how long after the order was issued by the Secretary was it that it was countermanded ?—A. I should say a week.

Q. And this was how long before these supervisors, &c., at Saint Louis were arrested ?—A. They were not arrested until some time after the seizures. The seizures were made on the 10th of May, 1875. The evidence upon which the seizures were made was obtained probably four weeks prior to the seizures.

Q. And when do you say this order was issued of the transfer of those officials from Saint Louis ?—A. My recollection now is that it was to take effect on the 15th of January, and was probably issued on the 4th or 5th.

Q. Do you know District Attorney Ward, of Chicago ?—A. Yes, sir.

Q. When was he removed from office ?—A. It was late last fall.

Q. The fall of 1875 ?—A. Yes, sir.

Q. What do you know about his obstructing the prosecutions of the whisky ring ?—A. He has since been indicted.

By Mr. GLOVER :

Q. Was he removed before his indictment ?—A. Yes, sir.

By Mr. PLAISTED :

Q. Indicted for complicity with the whisky rings ?—A. Yes.

Q. You cannot give the date of his removal ?—A. No, sir; I cannot. It is a matter of record which can be obtained readily. I know it was late in the fall—after the transactions had been begun and carried on some time.

Q. By him ?—A. By him.

Q. Who requested his removal ?—A. I cannot tell you who requested it. I know who was in favor of it.

Q. Do you know when his removal was first requested ?—A. I have no information at what time the matter was laid before the President. I only know that the Secretary and Solicitor were of the opinion that he was not a proper officer to conduct those trials, from the beginning.

Q. Do you know whether they so represented to the President ?—A. No, sir; I simply assume that they did represent it to the President.

Q. At what period did they first represent it to the President ?—A. As soon as the prosecutions began. At least I assume that they did it as soon as they talked to me about it.

Q. At what time had the prosecutions begun ?—A. Immediately following the 10th of May. Then the seizures took place and arrests began at once; but the court did not sit for a month or six weeks.

Q. Do you remember in what month the court did sit ?—A. My recollection is about the first of July.

Q. In Chicago ?—A. Yes.

Q. And Mr. Ward had charge of the cases yet ?—A. Yes.

Q. Was there any complaint against Mr. Ward until the transactions commenced ?—A. Suspicions only, but the complaint was that he was not prosecuting the cases with such vigor as he ought to.

Q. Was that it ?—A. We had private information that he was in the whisky ring.

Q. At what date did you get this information ?—A. I cannot give a date accurately, but I know it was while he was prosecuting; in the early part of the prosecution.

Q. In July or August ?—A. In June or July, I should say.

Q. Do you know whether this information was communicated to the President or not ?—A. No, sir; I do not.

Q. And you don't know that it was ever communicated to him ?—A. I simply assume that it was, it being the duty of these officers to communicate it to him.

Q. But you don't know anything about it ?—A. No.

Q. You don't know that the Secretary ever asked for the removal of District Attorney Ward, do you ?—A. My recollection is that the Secretary told me he had asked his removal.

Q. How long was the removal delayed after it was asked ?—A. If the Secretary informed the President at the time that all of us believed Mr. Ward was in the conspiracy, it must have been in June.

Q. He was not removed until what time ?—A. Probably September or October.

Q. Were there any cases tried by Ward ?—A. The evidence before the grand jury was taken by Ward. No trials were had.

Q. Was he not removed before the cases were tried ?—A. I think he was.

Q. Then all he had to do in the prosecution was before the grand jury ?—A. Yes.

Q. And before they came up for trial, he was removed ?—A. Yes.

Q. What do you know about Mr. Hubbell, of Milwaukee, obstructing the prosecutions ?—A. Well, it would be very hard for me to give any specific act. It has been common talk

among all the revenue officers who have had anything to do with the prosecution at Milwaukee, that Mr. Hubbell obstructed the prosecutions.

Q. What do you know about it yourself?—A. Nothing except what I have learned from talking with officers.

Q. When was his complicity with the whisky frauds discovered?—A. It was believed by all the Treasury officers, from the beginning.

Q. You mean from May?—A. From May, yes.

Q. When was he removed?—A. I cannot give you the dates, but it was some time after the prosecutions had been begun.

Q. At about what time?—A. I should say six weeks or two months after the prosecution had been begun.

Q. Do you know whether the Secretary asked the President for his removal?—A. No.

Q. Do you know whether anybody asked the President for his removal?—A. Only from the general conversations I have had with the Secretary and Solicitor.

Q. Did the Secretary ever tell you that he had asked for his removal?—A. That is my recollection now.

Q. Your recollection is that he did ask?—A. My recollection is that he told me so.

Q. When did he tell you that he had asked for his removal?—A. I cannot give you the dates; I know it was some time after the prosecution had been begun.

Q. Did he say that the President refused to remove him?—A. No, sir.

Q. He was removed, was he not?—A. He was finally removed.

Q. How long a delay was there?—A. I have already remarked—I think it was six weeks or two months.

Q. But you do not know when the Secretary asked for his removal first, do you?—A. No, sir; I cannot give you the definite time.

Q. And you don't know that the President at any time refused to remove him?—A. No, sir.

Q. Did Van Dyke obstruct the prosecutions of the whisky-ring?—A. Our officers so report.

Q. Was his removal asked by the Secretary?—A. Yes.

Q. Do you remember when it was asked of the President?—A. Very shortly after the first seizure in San Francisco, which was in August last, I think.

Q. You mean August of 1875?—A. Yes.

Q. You say the Secretary asked the President to remove him?—A. That is my recollection.

Q. In August, or soon after the first seizure in that month?—A. Yes.

Q. Do you remember when he was removed?—A. Not until some time afterward.

Q. How long afterward?—A. Well, I should say three months.

Q. Did he conduct any prosecutions against the whisky ring?—A. Yes.

Q. Before the grand jury?—A. Before the grand jury and before the court.

Q. Did he convict any?—A. No, sir.

Q. Who was appointed in his place?—A. Mr. Coughlan.

Q. Has he prosecuted any?—A. Yes; he is prosecuting, but not with the vim that was expected.

Q. Has he convicted any?—A. No, sir.

Q. Was he appointed at the recommendation of Secretary Bristow?—A. I think not.

Q. Or of Solicitor Wilson?—A. I think not.

Q. When was Supervisor Munn removed?—A. He resigned.

Q. Do you know at what time?—A. My recollection is, some time in June, 1875.

Q. How long after the seizures?—A. Three or four weeks after the seizures.

Q. Did he resign before he was presented to the grand jury?—A. Yes.

Q. Do you know whether the Secretary asked for his removal?—A. That is my understanding.

Q. Do you know whether the President refused to remove him?—A. No, sir, I do not; I simply know of the delay; that is all.

Q. How long a delay was there?—A. As I said, three or four weeks.

Q. Three or four weeks after the Secretary of the Treasury had requested his removal?—

A. I assume that he requested it as soon as he believed him to be in complicity with the ring.

Q. How soon did he discover that he was in complicity with the ring?—A. I should say that he knew it, or was satisfied of it, before the seizures.

Q. Do you know whether he requested his removal before the seizures?—A. No, sir; not to a certainty.

Q. Do you know whether the Secretary complained that he was not removed?—A. I can't remember in that particular case.

Q. Did he claim that the order for the transfer of those supervisors was countermanded?—A. Not to me.

Q. Do you know whether he made complaint to any one that his order was countermanded?—A. I do not know, sir.

Q. When was Collector Maguire of Saint Louis removed ?—A. Some time after the seizures ; I cannot tell how long—several weeks.

Q. Do you know whether Secretary Bristow requested his removal ?—A. I only assume that he did because he was satisfied that he was in the ring from the beginning.

Q. Do you know at how early a period he requested his removal ?—A. I must again assume that it must have been when he believed he was in the ring.

Q. And that was about what time ?—A. Three or four weeks before the seizure.

Q. You assume that he requested his removal three or four weeks before the seizures ?—A. Yes ; because he knew or was satisfied of his complicity.

Q. And he was not removed until three or four weeks after the seizures ?—A. Several weeks. I cannot give the date, but they can be obtained by this committee without trouble.

Q. When were Collector Sedgwick and Supervisor Foulke, of San Francisco, removed ?—A. They have never been removed.

Q. Do you know whether their removal has been requested ?—A. Yes ; I know that Collector Sedgwick's has been requested.

By Mr. COCHRANE :

Q. By whom ?—A. By the Commissioner, of the Secretary of the Treasury ; and by the Secretary of the Treasury, of the President.

By Mr. PLAISTED :

Q. Who is the Commissioner ?—A. At that time it was Mr. Pratt.

Q. Was there anything proved or discovered against them as showing them to be in complicity with the whisky ring ?—A. We had found extensive frauds in San Francisco, and both of these officers refused to see them, and they defend the persons guilty. Several things have occurred which point directly to Collector Sedgwick's complicity.

By Mr. COCHRANE :

Q. State what they are.—A. One of them is the putting in his hands of the Government books which were seized at the distilleries ; and in those books, when returned afterward, it was found that every leaf which showed the evidence of fraud had been cut out.

Q. Was it proved that they were cut out while in his possession ?—A. The books were turned over to him in perfect condition, and when returned the leaves were cut out. Those are the statements of officers on the coast.

Q. Statements of what officers ?—A. Revenue-Agent Clark and Revenue-Agent Crane.

Q. On the Pacific coast ?—A. On the Pacific coast.

Q. Has he been indicted ?—A. Not that I know of. The matter has been referred to the district attorney.

Q. To the new district attorney ?—A. Yes.

Q. Do you know whether he has made any report with regard to the matter ?—A. I have not heard of any.

Q. Was any complicity discovered on the part of Mr. Foulke in the whisky ring ?—A. Nothing but the fact that he was supervisor during all the years that those frauds were committed.

Q. You think the removal of Mr. Henderson is evidence that the President had no sympathy with the prosecution of the whisky frauds ?—A. I stated at the beginning that those facts were convincing to me.

Q. Which of those circumstances or facts which you have named here has the most weight in your mind—the removal of Henderson, or the delay in the removal of those officials—in making up your case against the President ?—A. They all have weight with me. I cannot say which has the most.

Q. You omitted to state the President's countermanding the order for the transfer of the supervisors.—A. Yes ; I omitted to state that. The reason I did not state that is because I do not assume that he knew of the existence of the whisky rings at that time—that was in January ; that may have been controlled by political pressure solely.

Q. His retention of Babcock you set down as a circumstance against the President ?—A. Yes ; in my own mind.

Q. Was Babcock proved guilty ?—A. He was, to my satisfaction.

Q. Do you know whether he was to the satisfaction of the President ?—A. No, sir, I do not.

Q. Do you know whether he was proved guilty to the satisfaction of the jury which tried him ?—A. I believe he was acquitted, sir.

Q. You say the President's dismissal or forced resignation of nearly every officer who took part in these transactions is another evidence to you of his want of sympathy with the whisky prosecutions ?—A. Yes.

Q. Name the officers whom you suppose took an active part in this prosecution ?—A. Secretary Bristow, Bluford Wilson, David P. Dyer, Henderson, and Commissioner Pratt.

By Mr. GLOVER :

Q. Was Mr. Douglass removed ?—A. Yes ; he was removed, but I do not consider that Mr. Douglass took a part in it.

By Mr. PLAISTED:

Q. You put Douglass on the other side, to the credit of the President?—A. Yes.

Q. You give the President credit for discharging him?—A. Yes.

Q. You think he should not have kept him?—A. I do. I think he should not have kept him.

Q. Can you name any others?—A. No one but myself that I can think of now.

Q. There is another circumstance which you put down as against the President in your mind—the importuning it required to obtain the celebrated indorsement, "Let no guilty man escape." Please explain what you mean by that.—A. I understood from Secretary Bristow and Solicitor Wilson both, that what I have stated as to that is a fact.

Q. State what it was.—A. That it took importuning to get that order, and that he was angered when it was published.

Q. Who importuned him to give that order?—A. I assumed the Secretary did. It is more an indorsement than an order, but it may be called an order.

Q. And that indorsement was procured by the importunity of Secretary Bristow and Mr. Wilson?—A. No; I won't say that Solicitor Wilson had anything to do with it. My understanding is that other friends of the President urged him to say something that would quiet the gossip in regard to McDonald and himself. I cannot name the parties, but that is my understanding.

Q. What gossip?—A. That he and McDonald were so intimate that it cast a reflection upon the President's integrity; that McDonald and those thieves at Saint Louis claimed that they had the protection of the President; and that friends of the President had written to him to say something that would settle such gossip.

Q. Who obtained this declaration from the President?—A. It was written to the Secretary of the Treasury, Mr. Bristow.

Q. At what time?—A. It would only be from recollection, if I mentioned it, but I should say about last December. I cannot tell you the exact time.

Q. December, 1875?—A. Yes.

Q. Was that before or after the indictment of McDonald?—A. It was after the indictment of McDonald.

Q. You think it was after that?—A. I think so.

Q. You say it was an indorsement; upon what paper was it an indorsement?—A. I have never seen the paper, but I understand it to be an indorsement on a letter that some one had written him from Saint Louis, telling him that the whisky conspirators were claiming that he was screening them. I have never seen the paper, and cannot tell its contents.

Q. Who were those whisky conspirators alluded to?—A. McDonald, Joyce, Maguire, McKee, and the balance.

Q. Was this indorsement made with any reference to General Babcock's case?—A. My impression now is that it had nothing to do with the Babcock case; that it was before that trouble.

Q. The President did not refer to Babcock, then?—A. My understanding was, that his references were to the Saint Louis conspirators particularly; that is, Joyce, McDonald, McKee, and those others.

Q. And not to Babcock?—A. Not to Babcock; that is my understanding.

Q. When did you first hear of this order, "Let no guilty man escape?"—A. When it came out.

Q. Do you remember at what time it came out?—A. No, sir; I cannot give you the date.

Q. You say the President was greatly angered by its publication; what do you know about that?—A. Nothing except what I learned from the Secretary and Solicitor.

Q. State what you learned from the Secretary and Solicitor.—A. That he was angered at its being made public.

Q. That the President was?—A. Yes.

Q. Who made it public?—A. Solicitor Wilson and myself took it around to the newspaper-offices.

Q. At what time?—A. I think about 9 o'clock in the evening.

Q. Just about as soon as it was received here?—A. That is my understanding, but as to that I shall not be sure. I know it was published the very moment I saw it; that is, we took it around on the evening that I first saw the order.

Q. I understood you to say that you never saw the paper?—A. I saw the indorsement. I never saw the letter. The indorsement was copied off.

Q. You did not see the original?—A. No, sir.

Q. You saw a copy?—A. Yes.

Q. Can you not state upon what day that was?—A. I cannot with certainty, but it is an easy thing to ascertain.

Q. I wish you would try to give the date.—A. It would be guess-work; six months ago, surely.

Q. That would be January?—A. Yes; well, I think it was the latter part of November.

Q. That it was published?—A. Yes.

Q. This was obtained from the President to quiet the public mind with reference to these whisky officials at Saint Louis, was it?—A. That is my understanding.

Q. And obtained of the President through the importunity of some good men for that purpose?—A. Yes.

Q. Then, did he not suppose it would be published, and did he not expect and intend it to be published if it was to have any effect upon the public mind?—A. My own opinion is that he expected that to be filed in the Treasury Department, and pulled out as proof in case—

Q. [Interposing.] In case he needed any bolstering up?—A. Yes.

Q. Do you give that opinion as an expert?—A. I won't say that I am an expert, but I give it as my own opinion.

Q. Do you say that celebrated declaration, "Let no guilty man escape," was not published until November or December?—A. I have repeated several times that I cannot give the date; I am guessing at it when I do. I know it was a long while ago.

Q. But you say it was not published in September, 1875?—A. I would not say.

Q. In August, 1875?—A. Well, I do not think it was so far back as that.

Q. You cannot say, then?—A. No.

By Mr. COCHRANE:

Q. The fact can be very easily obtained from the record, I suppose?—A. Yes.

By Mr. PLAISTED:

Q. Where was the President when the indorsement of this paper was obtained?—A. I think at Long Branch; so that it must have been in October, according to that.

Q. In October, you think?—A. It must have been as early as October. It was before he came back from Long Branch.

Q. Do you know when he came back from Long Branch?—A. No, sir, I do not.

Q. You are positive that this indorsement had no reference to Babcock?—A. I am only giving my own opinion. I am not positive.

Q. Are you as positive of that as you are of anything you have certified to here?—A. I never have believed that it had at the time any reference to Babcock.

Q. And do not now?—A. And do not now.

Q. And you are as positive of that as you are of any fact you have testified to?—A. In my own mind.

Q. How long was the tender of the resignation of McDonald held before being accepted?—A. I should say six weeks.

Q. He did tender his resignation?—A. That is my understanding.

Q. And the President would not accept it?—A. Did not.

Q. You think that was an evidence of the President's complicity with whisky frauds?—A. I have not said complicity.

Q. Well, of his sympathy?—A. I have said that I did not believe he was in hearty sympathy with the prosecution.

Q. Was McDonald then an object of suspicion?—A. He was a confessed criminal.

Q. Was he not indicted?—A. Yes.

Q. And confessed before the court?—A. He confessed to the Secretary and, my recollection is, to Mr. Douglass, the existence of frauds at Saint Louis, with his knowledge prior to the seizures.

Q. Did he confess that he himself was a guilty party?—A. That he knew of the frauds. That makes him guilty.

Q. That is a matter of inference?—A. Not at all; it is the law.

Q. Men can have knowledge of frauds without being guilty of fraud themselves?—A. He never communicated his knowledge to the Government, and the law requires that he should indicate such knowledge, if any, to the Commissioner of Internal Revenue.

Q. Certainly if he concealed anything of the kind from the Government he would be an accomplice; but he was tried and indicted?—A. Yes.

Q. And convicted?—A. And convicted.

Q. During this time the President did not accept his resignation?—A. That is not a correct statement of it. As I understand, he tendered his resignation when here during the month of April—probably on the 20th of April, 1875, and his resignation was not accepted until two or three weeks after the seizures in Saint Louis, which were on the 10th of May.

Q. Do you know that the President has been blamed for accepting Belknap's resignation?—A. Yes; I have noticed that he was.

Q. It is claimed that he should not have accepted it, is it not?—A. He might have dismissed him.

Q. You think that he should have accepted the resignation of McDonald, though?—A. I think he should have dismissed him.

Q. That is another variation from your original statement?—A. Not at all.

Q. You speak in your statement of "the length of time the resignation was held before being accepted."—A. I think he should have dismissed him.

Q. Do you think he should have accepted the resignation at all?—A. I say I think he should have dismissed him.

Q. Then you vary your statement in chief, which was that the resignation should have

been accepted?—A. Not at all. If he were going to accept it, it should have been done promptly; but I think he should have been dismissed.

Q. Was it not as well to turn him over to the courts and have him tried by the officers of the law?—A. At that time I do not assume that the President knew he would be tried. An officer who has confessed his guilt should be disgraced, and not allowed to honorably resign.

Q. Was this confession made known to the President?—A. I assume it was.

Q. Did you ever have any talk with the President on those matters?—A. No, sir.

By Mr. GLOVER:

Q. Did you ever attempt to do so?—A. No.

Q. You made your communication through your superior officers?—A. Yes; it would have been improper for me to have spoken to the President on the subject.

By Mr. PLAISTED:

Q. Can you not name some person who importuned the President to make that declaration, "Let no guilty man escape?"—A. No, sir; I have only learned the general fact.

Q. The general fact that he was importuned?—A. Yes.

Q. And that he was incensed at its publication?—A. Yes.

Q. How do you know that he was incensed at its publication?—A. The Secretary and Solicitor both told me so.

Q. Told you yourself so?—A. Yes.

Q. Then he gave, through importunity, something that should be kept secret?—A. I give you my opinion of that: it was that there was something to be put on file in the Treasury Department that could be referred to in case it was necessary.

By Mr. COCHRANE:

Q. You have been asked whether the Secretary of the Treasury complained of the President's not having dismissed some of these guilty officers. That question was asked in reference to Supervisor Munn. You answered substantially that you did not know of a complaint by the Secretary in that particular case. I wish you would now state whether generally the Secretary complained of the non-dismissal of these officers promptly.—A. Well, the word "complaint" is probably not the one to use in that case, because he would not complain to me; but he has spoken of officers not being promptly removed. I can say that. You will understand that it is very difficult for me to recollect things of that sort. I have impressions that have been made on my mind by intercourse with those gentlemen, but I cannot pretend to quote language or give dates. It is very difficult for me to do it.

Q. In speaking of these failures upon the part of the President, did the Secretary indorse the President's action or otherwise?—A. Not in the cases of these officers while their dismissal was delayed.

Q. He was not satisfied with that?—A. He wanted the officers removed, and I understood that he was trying to have the President remove them.

Q. And he was dissatisfied with the delay?—A. That was my understanding.

By Mr. PLAISTED:

Q. Did he not remove every officer that the Secretary asked him to remove?—A. No, sir.

Q. What one did he not remove?—A. I will name Collector Sedgwick, at California.

Q. Can you name any others?—A. Not any directly connected with the rings. They were all finally removed, I believe.

By Mr. COCHRANE:

Q. In reference to General Babcock, you did not consider it a wise or prudent thing for the President of the United States to retain in office as his private secretary, through whose hands must pass all official communications to the President, a man who was charged with complicity in those frauds?

Mr. PLAISTED. I object to that question on the ground that this witness is not an expert, and on the further ground that I do not wish the President of the United States to be annihilated by the opinion of this witness.

A. Believing, as I did, the guilt of Babcock, and assuming that the President had the same evidence, I certainly thought it was not judicious or proper.

Q. You have been asked about Mr. Douglass's removal. You have no idea that he was removed because of any action that he took in reference to these whisky frauds, have you?—A. No, sir. I think the existence of the whisky frauds having grown up under his administration was the cause of Secretary Bristow demanding that Mr. Douglass should be removed.

Q. Was he removed in pursuance of that demand by the Secretary?—A. That is my understanding.

Q. You have been asked about the acceptance of the resignation of Mr. Belknap by the President. You know that the objection to the acceptance of that resignation was that it might prevent the impeachment of a guilty officer.—A. Yes.

Q. Would the acceptance of the resignation of McDonald have caused any such re-

sult?—A. I presume the Senate of the United States could not impeach every officer who is found to be a scoundrel; if it did it would be unable to do any other business. The usual course, except in the case of high officers, I imagine to be their dismissal.

Q. Your idea is, then, that the President of the United States should have dismissed an officer who was confessedly guilty of crime; or, if he accepted a resignation of such an officer, should have accepted it promptly?—A. Yes.

Q. Unless by so doing he would prevent the punishment of that official?—A. Yes; which he could not, except as in impeachment.

By Mr. PLAISTED :

Q. Are you giving these opinions as matter of constitutional law?—A. I understand that you are asking my private opinions now, and I am giving them as such.

By Mr. GLOVER :

Q. Is it not admitted by General Babcock that he purloined and published a letter of the Attorney-General sent to the President?—A. That is the understanding I have of it.

Q. Is not General Babcock to-day holding civil office to which he has been appointed by the President of the United States, to wit, superintendent of public buildings and grounds?—A. That is my understanding.

Adjourned.

WASHINGTON, D. C., July 15, 1876.

The committee met, and sundry dispatches were submitted by the chairman of subcommittee—said dispatches having been handed to the chairman of said subcommittee by a member of another committee of the House. Among the dispatches the following are offered in evidence and made part of the record without objection :

[Telegram—1, 22, G. 2, N. Y.]

TREASURY DEPARTMENT,  
*Office of the Secretary, July 8, 1874.*

WM. A. SIMMONS,  
*Collector, &c., Boston, Mass. :*

My friend Joyce, of Saint Louis, will pass two days in Boston. Favors to him are favors to me.

D. H. GARLAND.

WM. O. AVERY.

[Telegram—3, N. Y. G. 122.]

TREASURY DEPARTMENT,  
*Office of the Secretary, July 8, 1874.*

Col. JOHN A. JOYCE,  
*Parker House, Boston, Mass. :*

Have telegraphed Simmons. See him at the custom-house. Drive to Mt. Auburn and through suburban villages.

D. H. GARLAND.

WM. O. AVERY.

FRANKLIN TELEGRAPH COMPANY.

By telegraph from Boston, Mass., July 8, 1874.

To WM. O. AVERY,  
*Internal-Revenue Department, Washington :*

Joyce is my friend. I will take care of him.

WM. A. SIMMONS.

SELECT COMMITTEE ON WHISKY FRAUDS,  
Washington, D. C., July 27, 1876.

BLUFORD WILSON sworn and examined.

By Mr. COCHRANE:

Question. What is your age, and where do you reside?—Answer. My age is thirty-four years, and I reside at Springfield, Ill.

Q. You were Solicitor of the Treasury, I believe, until recently.—A. I was.

Q. When were you appointed to that position, and how long have you held it?—A. I was appointed to the position in June, 1874; was sworn into office on the 29th day of June, 1874, and entered upon the discharge of the duties, and vacated the office on the 30th of June, 1876; having held the position, therefore, two years and a day.

Q. Who was Secretary of the Treasury when you took the position?—A. Benjamin H. Bristow, of Kentucky.

Q. Had you known Mr. Bristow prior to your appointment?—A. Only very slightly indeed. I had no intimate friendly relations or acquaintance with him.

Q. Do you know of his having used any influence to have you appointed to the position, or of his desiring to have your aid there in public matters?—A. Of my own knowledge I do not.

Q. Or from anything that he ever told you?—A. I presume that Mr. Bristow favored my appointment as Solicitor of the Treasury; I have always considered that my appointment was due more largely to the influence of my brother, General James H. Wilson, with the President of the United States, and also to the knowledge and acquaintance which the President of the United States himself had of me and with me. I soldiered under him at Vicksburgh, and was appointed by him district attorney of the southern district of Illinois, in the spring of 1869, on the recommendation of my brother, General Wilson.

Q. When you first went into the employ of the Government as Solicitor of the Treasury, had any investigations taken place to determine whether or not there were whisky frauds in existence at Saint Louis?—A. Not to my knowledge; and, if so, they had not resulted in establishing the existence or presence of frauds.

Q. Do you recollect about the time when active measures were first taken to discover whether such frauds existed in Saint Louis, and, if they did so exist, to punish the offenders?—A. Quite well, indeed.

Q. Be kind enough to state the time and the circumstances, and whatever knowledge you have of the inception of the matter.—A. Some time about the middle of February, 1875—shortly after the revocation of the order changing the supervisors of internal revenue, the Secretary of the Treasury sent for me to meet him, in consultation, as I subsequently learned, with George W. Fishback, esq., of Saint Louis, Mo., in the private or confidential office of the Secretary. It appeared that Mr. Fishback had previously written to the Secretary advising him of the existence of an organized system of fraud upon the internal revenue in Saint Louis, and the Secretary, in reply to his letter, had requested him to come on to Washington and give him the facts. Those facts, as they appeared from the statement then made by Mr. Fishback to the Secretary and myself, showed that the officers, from the supervisor of internal revenue, McDonald, down to and including nearly every gauger and storekeeper in the public service, and every distiller and rectifier in the city of Saint Louis, were banded together in active and successful efforts to defraud the revenue. It appeared that previous efforts had been made to get in upon and expose these parties by the regular revenue agents, under the direction of the then Commissioner of Internal Revenue, but that those efforts, from one cause or another, chiefly, however, from the facility with which the revenue agents themselves yielded to the bribes of the unlawful combination at Saint Louis had failed. The result of the conference, in a word, was that the Secretary advised Mr. Fishback that he would give me charge and direction of a new, and, if possible, more determined, effort to break up the combination and bring the guilty parties to punishment; that my effort would be made under his immediate advice, and would be kept to ourselves with the greatest care and precaution. I was to use the agencies organized by me under the act of Congress appropriating \$125,000 for "the detection and bringing to punishment persons engaged in counterfeiting and other crimes against the United States," adding to these agencies from time to time as I might, in my own judgment, find necessary, such local agents as might be named to me by trustworthy and reliable citizens of public spirit in Saint Louis, to whom I might be able to appeal for assistance. I believe I have stated that the investigation was to be kept secret. If I have not, I wish now to state that. As the hope of success seemed to turn wholly upon the secrecy and celerity of my movements, it was decided that I should exercise every precaution in my power to secure that result. On the 1st day of March, 1875, I inclosed to Mr. Fishback a letter addressed to Myron Colony, in which I said to him in substance that upon the recommendation of reliable and reputable citizens of Saint Louis I had, with the approval of the Secretary of the Treasury, decided to appoint him as an agent of the secret-service division of the Treasury Department, for the purpose of instituting in the city of Saint Louis such investigation as might be necessary to ascertain and determine whether or not there did exist in that city an organized conspiracy to defraud the Government of its in-

ternal revenues. He was instructed by me to obtain and lay before me satisfactory proof of the existence of fraud, or to determine affirmatively and once for all that it did not exist. To that end he was authorized to employ such local assistance as in his judgment might be necessary, after consultation with my office. His pay was fixed at a rate not to exceed \$8 a day, and that of his subordinates at a less sum, which I do not now recall. He was advised that he should have the assistance of James J. Brooks, esq., assistant chief of the secret service, an officer of long and approved experience in the business of detecting frauds upon the internal revenue, who was then engaged in the city of New York, and who would aid him at that end of the line in such investigations as might be found necessary to be made there. I told him, in conclusion, to exercise every precaution to keep himself not only within the letter but the spirit of the law, to the end that no honest man should have just occasion of complaint; and further, that no unnecessary inconvenience should be given to any party honestly and fairly engaged in the business of distillation. As to the others, those who were dishonest, my instructions to him were simply to catch them if he could. That letter is a part of the records of the Solicitor's Office, and also of the Internal Revenue Bureau, and tells its own story. I will make it an exhibit if I can obtain it before I close my testimony. It was the first active step in my movement against the ring. I received various encouraging reports from Mr. Colony, touching the organization which he had made and the steps which he had taken to accomplish the object in view. My correspondence with him was full and explicit; it is also upon the files of the Treasury Department. About the middle of March I had a consultation with Mr. Brooks with reference to investigations in the cities of Chicago and Milwaukee, and learned from him that he had no doubt of the existence of great frauds in both those cities. This confirmed information which I had obtained from other quarters, and I decided to send Mr. Brooks into those fields. About the 21st of March I met James J. Brooks, Elmer Washburn, the chief of the secret service, and Homer T. Yaryan, then a revenue-agent, in the Kemp Building in New York City. I told them, in strict confidence, what was being done in Saint Louis and what my purpose was with reference to Chicago and Milwaukee. The understanding was that Brooks was to leave immediately for those cities and take with him one William H. Herr, of Philadelphia, who had been often engaged with Brooks in investigations into revenue frauds while Brooks was a revenue-agent; and that Yaryan should give me from time to time such information either as to the Saint Louis field, or in relation to New York or Chicago, as he might be able to obtain by reason of his connection with the Internal Revenue Bureau.

It was understood that he should go to Saint Louis under *bona-fide* orders to investigate certain questions of railroad taxes, and while there should co-operate with Mr. Colony if such co-operation should be desired by the latter. Brooks's methods of investigation at Chicago, the city that he first took in hand, while not so elaborate or so much in detail, were more practical in many respects than those which Colony adopted at Saint Louis; but the methods were substantially the same in both instances. Brooks and Herr took up the Chicago distillers consecutively and watched them, from points of advantage, secretly, day after day, counting out every barrel and every load of spirits and following it to the rectifying establishments. This was done as against each distiller for a period of from seven to ten consecutive days. Colony did the same thing, but the Saint Louis distillers, being more vigilant, early detected Colony's agents and fell upon and beat some of them, and by violent means and threats rendered it unsafe for the others to carry out their instructions. To make a long story short, such efforts were put forth and such steps taken as that, on about the middle of April, I had in my hands absolute and conclusive evidence of fraud in all three cities. Mr. Yaryan, while in Saint Louis, discovered through Mr. Stagg, of that city, an honorable and honest wholesale dealer, a most conclusive case. That was about the 16th of April; and about the 12th of April, upon data furnished by Mr. Colony of shipments made by Bevis & Fraser, distillers, of Saint Louis, to Charleston, Savannah, and Wilmington, and taken from the books of the wholesale dealers in those cities by my chief clerk, Mr. Webster Elmes, who was specially sent by me for that purpose, conclusive evidence was obtained of duplication and even triplication in the use of tax-paid-spirit stamps. Brooks from the first day furnished me such data from the outside as that, when I was able, later on, to lay it against the records from the inside of the Internal Revenue Bureau, it established the fact that the distillers in Chicago were stealing at least one-half of all the tax due from them to the Government.

Q. Please state whether, upon the discovery of those frauds, the Government officers at Saint Louis had seizures made and took into custody parties charged with the violation of law?—A. No, sir; they had not. When these evidences of fraud were placed in my hands, they were submitted by me to the Secretary of the Treasury, and, I believe, by him laid before the President of the United States. This was just prior to the President's departure to attend the Centennial anniversary ceremonies at Lexington, Massachusetts. During the President's absence, Supervisor John McDonald, of Saint Louis, turned up in this city. He had a conference with the Secretary of the Treasury, and subsequently with myself in my office. I understood from the Secretary that McDonald broke down in the conference with him when confronted by the evidence of fraud furnished the Secretary from my office, and admitted the substantial truth of the charge that they were swindling the Government in his district.

This, of course, is simply stated from what the Secretary said to me; also from what McDonald himself stated to me the same day. He came to my office, and said to me that if he was permitted to remain in office he would bring to bear such influence upon the distillers and others, and adopt such methods as would result in recovering to the Government substantially all the money that had been lost—at any rate, very much more, he said, than we could get by turning out himself and the others, undertaking to punish the officers, and seizing the distilleries. He said to me that the party interests in his State and his district would be greatly damaged by a seizure of the distilleries or by a resort to violent methods. He spoke of his own great and powerful influence in the West and throughout the States comprising his district, and claimed that he could do more for the party in the ensuing presidential campaign than any other man or ten men that could be found. He said that arrangements had been made to consolidate the Globe and the Democrat, and to heal over the dissensions then existing in the republican party in that State. I listened to McDonald with patience and with such courtesy as I tried to exercise toward all persons who came to me about official business. I said to him in reply that with reference to political considerations advanced by him, I could not for one moment consider them; that if I were in a position to initiate or to give direction to public action, no consideration could be brought to bear upon me that would induce me for one moment to permit him to retain possession of that office, and that I would consider it, if I had it in my power, my highest and most imperative duty peremptorily to dismiss him from the public service; that while I had no absolute evidence against him, nevertheless the evidence of fraud was so complete and overwhelming that I was satisfied beyond doubt that he must have known of it, or else have been either a knave or a fool. That closed the interview.

Q. In this connection, state what position McDonald held.—A. He was supervisor of internal revenue for the States of Missouri, Kansas, Arkansas, Texas, Louisiana, New Mexico, and, I believe, Colorado, having his headquarters at Saint Louis.

Q. Do you know whether, shortly after this interview that you had with McDonald, the Secretary of the Treasury or any one else made known to the President that McDonald had confessed his guilt?—A. On the 7th day of May, or about that time, shortly after the return of the President from Lexington, the Secretary of the Treasury sent for me and requested me to take with me, in as concise and convincing a shape as possible, the evidences of fraud as against Saint Louis, Chicago, and Milwaukee, which I had accumulated, and go with him to the President, at the Executive Mansion. I complied with the Secretary's instructions, and together we called upon the President. I wish now to say to the committee that I have taken the best advice within my reach upon the question as to what would be my course in answering interrogatories calling for what took place between the Secretary of the Treasury and the President, and while the advice I have received has been various and conflicting, my own judgment and preference is that so long as the President of the United States and the Secretary of the Treasury do not themselves choose to go into questions touching the subject of this inquiry, I ought not to be expected to do so; and if there was anything in what took place at this interview which in my judgment was in the slightest degree to the prejudice of the President or of the Secretary, or which could be made the subject of misunderstanding or difference, I would not go into it. Such, however, is not the fact. What the President said and did, what the Secretary of the Treasury said and did, at that interview was, in my judgment, in the highest degree creditable to them both.

Q. Did the Secretary of the Treasury, at that interview, state to the President what McDonald had confessed to him?—A. He did not, for the reason that it appeared at that interview that the President and the Secretary had previously been in conference touching that subject, and that the President understood that branch of the case quite as well as General Bristow did.

Q. This was on the 7th of May that this interview took place?—A. Yes, sir.

Q. How long after the conversation between yourself and McDonald?—A. About two weeks.

Q. Was McDonald ever dismissed by the President?—A. He never was dismissed from the place.

Q. How long after the date of this interview was it that the President accepted the resignation of McDonald?—A. I cannot, in the absence of my record, answer that question specifically.

Q. Could you give us a general idea of about how long?—A. My impression is that it was not until after the seizures had been made at Saint Louis and elsewhere, which was on the 10th of May, 1875. I have no objections, and I think, in justice to all parties, I should state my recollection of what took place at this interview on the 7th of May, unless the committee object.

To this suggestion of the witness, the committee replied that there was no possible objection to his stating all that occurred.

The WITNESS. I understand that the President has been placed in the attitude of hesitating with reference to the removal of Munn at Chicago, and of McDonald at Saint Louis. I deem it due that I should say, that at this interview the removal of Munn and McDonald, as well as of Joyce and others, was determined upon.

By Mr. COCHRANE:

Q. The removal was determined upon?—A. Yes, sir; removal by resignation or otherwise. After I had finished my statement to the President with reference to the discovery of frauds, substantially as I have already made it to the committee, but more briefly, the Secretary advised him that we had decided to make a seizure of all the distilleries in Saint Louis, Chicago, and Milwaukee on the Monday following, which would be the 10th of May; and the plan of seizure and the names of the persons who were to make it, were submitted to the President and approved by him. After these details were settled, the question came up, upon the suggestion of the Secretary, as to the position of several revenue officials and local officers, and what action should be taken with reference to them. It was agreed by both the Secretary and the President that changes should be made in all the more important offices; that the supervisors, the revenue agents, and the collectors were to go out, and the names of their successors were canvassed and determined upon. The President said that as to Saint Louis, he would himself look after the proper persons to be appointed to fill the vacancies, and names were suggested by him and discussed. He stated that McDonald had been a friend of his, and had grievously betrayed, not only that friendship, but the public. As to the others, including Munn of Chicago, and the collector at Saint Louis, he said they were either knaves or fools, and in either case should go out. As a successor for Munn he himself suggested the name of his old and trusted friend, General James D. Webster, then assistant treasurer in Chicago. The Secretary was directed to write to General Webster, and, in confidence, to offer him Munn's place, and the President said that the matter should be kept to ourselves, and the whole matter settled before the politicians, Logan and others, obtained any knowledge of our purpose.

Q. What, if anything, was said about the San Francisco officers?—A. That was some months later, and we will cross that stream when we come to it. I suggested to the President that General Webster had a position worth \$5,000 a year; that he was an old man, and not familiar with revenue affairs, and that he probably would not be inclined to make the change. The President said to the Secretary then, "Say to General Webster that I will take it as a personal favor if he will accept the office." Other names and other kindred matters were discussed, and we arose to go. The President stopped me by the inquiry, "Wilson, there is something in what you say about Webster. If he will not take it, do you know anybody out in Illinois that would make a competent supervisor?" I told him I did; that while it would perhaps subject me to unfriendly criticism and misrepresentation, on his request I would be glad to give him the names of the parties. He said, "You give me the names, and I will take care of you." I then named Col. A. C. Matthews, then collector of the ninth district of Illinois, and after him Col. Jonathan Merriam, collector of the Springfield district of Illinois. I added, to the President, that they were both experienced, honest, and capable officers of high character; Matthews perhaps known to himself, having been a soldier with us as colonel of the 99th Illinois during the Vicksburg campaign, and Merriam as lieutenant-colonel of the 117th; that if he appointed either of those men, I would be responsible to him with my official head for their entire and perfect fidelity to the trust reposed in them; and thereupon the Secretary and myself bade him good morning and went away.

Q. In this connection I will ask you whether the President made the appointment of either of those gentlemen whom you have named for the positions suggested?—A. When General Webster declined the office of supervisor of internal revenue, the Secretary of the Treasury, as I understand and believe, with the approval of the President, directed me to tender the appointment to Colonel Matthews. I wrote Colonel Matthews an official communication introducing it, as I now recollect, with these words: "Under the direction of the Secretary of Treasury, and with the approval of the President of the United States, I write to tender you the position of supervisor of internal revenue." He accepted the position and entered upon the duties.

Q. Without going into particulars, I wish you would state whether after this time McDonald, Joyce, McKee, Avery, and other parties were arrested, bills of indictment found against them, and convictions had for complicity in the whisky frauds at Saint Louis?—A. They were arrested under indictment, tried, and convicted.

Q. Who were your prosecuting officers at Saint Louis?—A. David P. Dyer was the United States district attorney, John B. Henderson and Lucien B. Eaton, of Saint Louis, were special assistant United States attorneys with reference to the whiskey prosecutions, and his regular assistants were William H. Bliss and, I believe, Mr. Peddrick.

Q. State whether during this whole time, and while these several prosecutions were pending, the Secretary of the Treasury and yourself were kept informed, by the district attorney at Saint Louis, of all facts and matters that transpired there; the manner in which they were conducting the public business; whether your relations with them were close and intimate.—A. We were kept promptly and thoroughly advised touching all the facts from time to time developed; and throughout our official relations were close and intimate.

Q. At and after the date of the trial and conviction of William O. Avery, did you notice any change in the demeanor of the President (of the United States in reference to these prosecutions? If so, state the same fully.—A. Earlier than that, it was a matter of great regret to me to find that the relations of the President to the Secretary of the Treasury and myself were not as they had been at the time of the interview I have related.

Q. About what time did you observe this change?—A. It began in August, 1875, and was, more marked in September, after the President returned from his visit to Saint Louis and his trip West.

Q. Will you please give us any acts or statements of the President which indicated to you that he was not in sympathy with you in the earnest efforts which you were making to punish all parties guilty of these frauds?—A. In August we discovered at the Treasury Department the celebrated "Sylph" telegram to be in the handwriting of the President's private secretary, Orville E. Babcock. There had been talk or rumor before that General Babcock's relations to the parties composing the whisky ring in Saint Louis were not what they ought to be. Mr. Yaryan in January, 1875, told myself and the Secretary that he had seen letters which he believed to be, and was told by Joyce, were in the handwriting of Babcock, treating of Joyce's connection with the Internal Revenue Bureau; and one W. D. W. Barnard, a distant relative, I believe, of the President, holding the position of bank-examiner at Saint Louis, on the 19th of July, I think, wrote the President a letter, in which, among a great many other things, he said that he had just seen on the streets of Saint Louis, Normile, the prosecuting attorney for that county, and who was the attorney of Joyce and McDonald, seeking bail for them; that Normile asked him, "How far is this thing going to be carried?" and upon Barnard's answering, "Until the thieves are all punished, and the dishonest officers are in jail," he said, "The President dare not let it go too far against McDonald and Joyce, or Babcock is lost." At another point in his letter he said that "Jim Casey was in Saint Louis, and had said that the President did not approve the Secretary's course, and that he would not retain the Treasury portfolio thirty days." Casey was related by marriage to Jewett, one of the thieving distillers. This was, I believe, also repeated in the papers of Saint Louis as from Casey. Both the Secretary of the Treasury and myself were highly gratified on about the 1st of August to receive from the President from Long Branch, the Barnard letter, with the celebrated indorsement thereon, "Let no guilty man escape if it can be avoided," under date July 27 or 29, 1875.

Q. Do you know or did you hear the reports which were being circulated in Saint Louis to the effect that the President of the United States and McDonald and Joyce and others were friends, and that the President would not allow them to suffer, prior to the receipt of this Barnard letter?—A. Such reports were very many and frequent.

Q. Was this indorsement of which you have spoken voluntarily given by the President of the United States, or was it the result of any advice or urgency upon the part of the Secretary of the Treasury or yourself?—A. We had long sought for a sign from the President which in some emphatic way would be a warrant to us and a guarantee of his sympathy and support in our efforts to bring to punishment the guilty parties, whoever they might be.

Q. Did the Secretary of the Treasury or yourself, prior to the receipt of this indorsed letter, call the attention of the President of the United States to the fact that these reports were rife, and that in justice to himself and in justice to you, he ought to make some positive and decided declaration on the subject?—A. Of my own personal knowledge I cannot so state, but I have reason to believe and do believe that the Secretary did.

Q. Did not the Secretary of the Treasury go down to Long Branch, where the President was summering, for the purpose of obtaining from the President some such declaration as that which was indorsed upon that letter, or did he not go for that and other purposes?—A. I cannot state positively that the Secretary visited the President at Long Branch for the specific purpose referred to in your inquiry, until after the receipt of the indorsement from the President. He then did visit the President upon an understanding between the Secretary and myself that the publication of that indorsement was due alike to him and to myself, and was the best answer which it was in our power to give to the enemies of General Bristow, the members of the whisky ring, notably McDonald and others, who were then already busy in Saint Louis in their efforts to break down his character and sully his fair fame.

Q. Was that Barnard letter with its indorsement sent by mail to Washington?—A. It was; marked certainly "Confidential," and to my best recollection "Private and confidential," so that neither the Secretary of the Treasury nor myself felt at liberty to make any use whatever of it in the shape in which it reached us.

Q. You and the Secretary at the time it was received were in Washington City?—A. We were.

Q. What was the result of the interview which the Secretary had with the President in reference to the publication of that indorsement?—A. I was authorized by the Secretary of the Treasury to give it to the public press, and on the 16th day of August, or about that time, I knew that Orville E. Babcock wrote the "Sylph" telegram, and I gave that letter to the press and wrote a brief introduction, in which I was careful to state, as I now recollect, that the following was the best answer to the question as to whether the Secretary of the Treasury and the President were in accord.

Q. Do you know whether the President of the United States was willing that that letter should be published?—A. As to that I cannot say, but I am bound to presume from the fact that General Bristow directed me to give it to the public that he was willing.

Q. Do you know of your own knowledge or from conversations with the Secretary of the Treasury upon his return from Long Branch whether he met with any opposition from the

President when he proposed to make the letter public?—A. In response to that question it is evident that whatever I should have to say to this committee would be hearsay, and in view of the important issue which from that time on arose between the Secretary of the Treasury and the President, I must decline to repeat what was said to me. General Bristow and the President of the United States are themselves the best witnesses on that point; and while they refuse to answer, I positively will not answer.

Q. Are you aware that the Secretary of the Treasury, having been before this committee, declined to answer any questions as to any communications between the President and himself?—A. I am.

Q. Are you further aware that subsequent thereto the President of the United States published in the public prints a letter or note in which he gave full authority to the Secretary of the Treasury or anybody else to freely state anything of which they might have knowledge in that connection?—A. I am aware of the President's letter, but invite the attention of the chairman of the subcommittee to the fact that the President in his letter limited those to be called to cabinet and ex-cabinet officers.

Q. Then you do not consider yourself as included among the list of those who would be authorized to speak freely?—A. Do not misunderstand me. Of course I am not an ex-member of the cabinet, and my own construction of the President's letter is that it was meant to be as broad as the chairman of the subcommittee has stated it, but I simply invite the attention of the chairman to the fact that it is not as broad as he has stated it in his interrogatory, and from henceforward I wish to confine myself to facts which are within my own personal knowledge, and not to state matters of hearsay.

[The chairman of the subcommittee, without waiving a full answer to the question as put, and reserving a right to submit it to the full committee, proceeds with the examination as follows:]

Q. You have already seen, I presume, the letter which Secretary Bristow wrote in reply to that written by the President?—A. I have.

Q. And have knowledge of its contents?—A. I have knowledge of its contents.

Q. Prior to the discovery of the "Sylph" telegram, do you know of any other fact or matter indicating that the President of the United States was not in sympathy with you and the Secretary of the Treasury in your prosecution of these distillers?—A. In answer to that question I wish to state that, with reference to the whisky cases generally, there never was, to my knowledge, any lack of co-operation on the President's part. There were delays, it is true, during the fall of 1875, in turning out some men who the Secretary and myself thought ought to have been removed sooner; but on the whole we got along very well. It was not until we struck Babcock in what seemed to be strong suspicious evidence of his complicity that we began to grow apart. After the President's return from his trip to Des Moines, Colorado, and Saint Louis, I ascertained upon information both from the Secretary of the Treasury and the Attorney-General that I was in trouble; that I was charged with having put spies upon the President with a view to prove his complicity in the whisky frauds. This I learned on my return from the West, where I had been under the direction of the Attorney-General and the Secretary of the Treasury in consultation with the officers charged with the prosecution, which was late in October or early in November last. I will give the committee the precise date as soon as I can refer to my private letter-books. Relying upon the President's indorsement, and in view of the "Sylph" telegram, and the rumors which I have already referred to, I had, early in August, submitted the telegram to Mr. Henderson and Mr. Dyer in the presence of the Attorney-General, in this city, and it was understood there to be of so highly a suspicious character that General Babcock's case should be thoroughly but fairly investigated. To that end, on about the 8th or 9th of September, after Messrs. Henderson and Dyer had returned to Saint Louis, I wrote Mr. Henderson a letter, in which I said to him substantially, "This will be handed to you by William H. Herr, a reliable and trusted agent of the secret-service division. He will report to you for duty." I stated that during the hearing of motions to quash the indictments in McDonald's case, then pending before Judge Miller, I thought it important that McDonald and Joyce should be put under the strictest surveillance, and that every proper precaution should be taken to prevent their escape; that it was highly important, also, that the associates and co-conspirators with McDonald and Joyce, if there were any, then unknown, should be discovered and brought to punishment, and I used the words that it was of the "utmost importance to the public interests that he should go to the very bottom or top of the combination," and underscored the words "*bottom or top*." And knowing that General Babcock would be in Saint Louis with the President, and knowing his relations with McDonald and Joyce, I intended to use, and did use, such terms as that General Henderson might clearly see that his relations with McDonald and Joyce, while in the city, should be carefully looked after and inquired into. This I believed I was fully authorized and warranted to do by the terms of the President's indorsement, and I supposed that in so doing I would receive his support and approval. It turned out that this letter of mine was taken from among the papers of General Henderson while he was engaged in a law argument in the courts at Saint Louis; that McDonald or Joyce got possession of it, and, to support the charge that I was putting spies on the President, after the word "*top*," in my letter, the capital letters "W. H." were forged therein. The forgery was apparent on comparison with the

letter-press copy, which I was lucky enough under the circumstances to have retained in my letter-book, and that fact doubtless saved me from instant removal. The forged letter, or copies containing the forgeries, were brought back by General Babcock from the West, and after the first Cabinet meeting which was held on the President's return, he (Babcock) called Attorney-General Pierpont and Secretary Bristow into the private secretary's office and showed them that letter of mine with the forged letters "W. H." in it. The Secretary of the Treasury and the Attorney-General were both greatly disturbed, and manifested that disturbance in interviews with me on the Sunday morning of my return from the West, and for the reason, as they said, that they saw no justification and no explanation of the letter. I laughed, and said to them that it gave me not the least concern: denounced the forgery at once, got my letter-book and proved it, and that was the end of the matter with them. General Horace Porter, a warm friend of General Babcock's, and at that time of my own, was that Sunday in the city. In going down for my letter-book I met him somewhat disturbed about the matter. We touched upon the subject, and the general expressed his regret that I had got myself into such a position, and without telling him anything more I said to him, "Just wait, general, until I have seen the Secretary and the Attorney-General, and then go with me to my office in the Treasury building." He said he would. We went together after I was through with the Secretary and the Attorney-General, and General Porter had with him a copy of the letter. I said to him to hold his copy and I would read the original from the book. I read the original, which was word for word as it was in the copy General Porter had with the exception of the forged interpolation, "W. H." I then said to General Porter to take the letter-book and satisfy himself that the letter-press copy did not contain the letters "W. H.," which he did, and I furthermore asked him to note the position of the letters, the word "top" being the last on the line. I asked him if he had seen the handwriting of the original "W. H.," and he said he had, and he said at once, "Wilson, I don't want to hear anything more; that is the end of that matter. The letter is a forgery beyond question, and that lets you out." "Now," I said, "a word with you, general, about that letter. I wrote that letter intending that General Babcock should be looked after. If he was in the ring I intended to catch him if it was in my power. If he was not, I intended to demonstrate his innocence beyond the shadow of a doubt, if it were possible to do so." I asked General Porter what explanation he had of the "Sylph" telegram, and he gave me an explanation to the effect that "Sylph" was a lewd woman with whom the President of the United States had been in intimate association, and that she had bothered and annoyed the President until at one time it chanced that McDonald's attention was called to her at some place where she was, either in search of or in the vicinity of the President, and he said, "Why, that is Sylph." General Babcock said, "Do you know that woman, McDonald?" And Mac. said, "Yes; I know her well." General Babcock said (to use General Porter's own words), "She has been giving the President a great deal of trouble; I wish you would relieve him of her in some way." And McDonald said, "Certainly; that is easy. I can manage her." And he did manage her, and so important was the service which McDonald thus rendered the President that the term "Sylph" became a common matter of joke between General Babcock and McDonald, so that they were in the habit, as occasion might require, of addressing one another under that name. He also said to me, without endeavoring to explain definitely, that he, Babcock, Joyce, and McDonald frequently had occasion to correspond with each other with reference to the movements of mutual friends, and that the "Sylph" telegram referred to the movements of some parties who were going out to Saint Louis on bridge business. He said to me, without going any further into explanation, that the most inestimable service in my power to render to the President of the United States would be to shield and save General Babcock from exposure; that these matters were of a character that could not be gone into without giving all parties the very greatest trouble and concern. I told the general that I would do what I could fairly to see that General Babcock was honestly and squarely dealt with, and that no injustice was done him, but that further than that I could not and would not go; that the matter was in the hands of the local officers at Saint Louis, and I would urge upon them the grave importance to all parties that no mistake should be made in reference to General Babcock's connection with the ring. General Porter expressed himself as wholly and entirely satisfied with my explanation of my letter and with the position which I assumed, and assured me that the attention of the President had not been called to the forged letter, and would not be. I said to him, "General, I want you to tell the President of the United States about that letter; I have no concealments about it, none whatever; I stand upon it; I am willing that the whole world should see and read and know of it, and I have no apologies to make for it. I want that clearly and fully understood. I hope you will tell the President of the matter, and that he will give me an opportunity to say to him what I have said to you, and to the Attorney-General and the Secretary." I heard nothing more about this. Late in August or early in September, before the President went West, I urged upon Secretary Bristow that he call upon the President and tell him of the "Sylph" telegram, and that the investigations were likely to involve General Babcock. He told me that he would; and early in September, I believe about the 8th, I met General Babcock at Philadelphia, he coming from Long Branch, and I from Cape May, and I made up my mind going down with him that I would urge Secretary Bristow to tell General Babcock

about the "Sylph" telegram and give him an opportunity to explain it frankly and fairly, feeling that his position was such as entitled him to know the situation in which the telegram placed him, and also to have an opportunity of making any explanation which he might be able to make. On arriving in the city I saw General Bristow and told him what I thought ought to be done. He assented promptly, and notified General Babcock on that day touching the telegram. He asked General Babcock to tell the President. Later on, but just before the President went West, Secretary Bristow went to Long Branch himself, and I understand that the "Sylph" telegram was the subject of an interview between the President and himself. After my interview with General Porter I supposed that the matter of the forged letter was settled, and gave no more attention to it until I was sent for by the President. The President said to me, in substance, that it seemed to him that I was endeavoring to involve him in frauds. I expressed my surprise, and asked him upon what ground. He said, "You wrote a letter to Saint Louis to General John B. Henderson, a copy of which I have seen, in which you tell General Henderson that he must go to the very bottom and top of the W. H. It was written to General Henderson during my visit to Saint Louis, about the time I left Long Branch, and the time which you therein seemed to indicate as necessary for extra vigilance was the ten days, or about the time that it was understood I was to remain there." He asked me what explanation I had to make of it, stating that Mr. Dyer and Mr. Henderson were personal enemies of his, and that it was important to him to know just what attitude the prosecution meant to assume with reference to those trials. He expressed to me his confident belief in General Babcock's innocence. He said that the telegram had been satisfactorily explained to him, and that he thought that that ought to stop the matter; that it ought to rest there. He added, however, "If General Babcock is guilty, which I don't believe, he is the most guilty wretch in the world. He has betrayed my confidence in the most infamous way, and besides has betrayed his official trust, and no punishment would be too severe for him. My relations with General Babcock," he said, "have been of long standing;" and he referred to their Army associations, and to the general's subsequent positions in connection with public works, in which as an engineer of the Army he had expended large sums of money, and, as the President believed, with entire fidelity; and he said that as his private secretary he had every opportunity to know and judge the man, and he could not believe that he was involved in the ring. When the President finished I expressed my surprise and indignation at being confronted with the forged letter and asked him who told him about it, and he said to me that he had not known of it until General Porter had explained the matter to him the Sunday before. I said to him, "Is it possible, Mr. President, that General Porter laid that letter before you and did not say to you that he and I had had an explanation touching it, that he had expressed himself as satisfied of the forgery, and as satisfied wholly with my conduct in the premises?" The President said in reply that General Porter had said to him that I claimed that the letter was a forgery and that it seemed to be, by reference to the letter-press copy. I told the President that we would let the matter rest there until I could go and get my letter-books, and my record as contained in my private memoranda in connection with the whole Babcock matter, and he consented to that. I got my letter-press book. I got his Barnard letter. I got all the other memoranda which I thought would throw any light upon my connection with General Babcock's case and went back. I showed the President in the first place the Barnard letter, and read to him that extract from it in which Mr. Normile was credited with having said, substantially, "The President dare not go too far with McDonald and Joyce, or Babcock is lost." I read to him that part of his letter in which Jim Casey was referred to, and I turned over the letter and on the back of it read to him with great deliberation the indorsement in which he had said, "These newspaper clippings and this letter are sent to the Department to the end that if they throw any light upon new witnesses to be summoned they may be brought out. Let no guilty man escape if it can be avoided." I read to the President of the United States the concluding sentences in his letter in which he said, "Be especially vigilant, or charge those in authority to be, against all those who claim to have high authority to protect or to protect them," meaning to protect others or to protect themselves, and in which he finally said that "personal considerations should not stand in the way of the performance of a public duty;" and I said to him, "Mr. President, what I have done in the premises touching General Babcock I have done under the warrant and in full pursuance of your own instructions to the Secretary of the Treasury and to myself." He said, "Certainly. I had Babcock and Jim Casey in mind when I made that indorsement, and I expected you to do your duty." I said to him, "Mr. President, that is precisely the reply which I expected you as President of the United States to make to me." I showed him my letter-book containing the original and showed him the forgery, and on that he expressed himself as entirely and wholly satisfied. I explained to him that it was General Babcock that I meant in the letter, and not himself; that it never entered my mind for one moment that under any possible combination of circumstances was it possible for him to have had any improper relations with those parties or with any other party engaged in the violation of the laws of the land; that when I fixed the period during which the investigation should be made in Saint Louis, I had reference to the fact of General Babcock's sojourn in that city and not his own, and that when

I referred to the associations of McDonald I referred to the well-known and familiar associations of McDonald and Joyce with General Babcock. I called the President's attention to the postscript in my letter in which I charged General Henderson that if Judge Miller should sustain a motion quashing the indictments against McDonald and Joyce he should immediately move for a detention of the parties pending indictment by the grand jury, as evidence of the fact that there was a crisis then pending in McDonald's and Joyce's cases, and that there was a necessity for extraordinary vigilance not only on my part but on the part of the local officers there. And I said to him with reference to his relations to the prosecuting officers, Messrs. Henderson and Dyer, and his apprehensions that they would do him an injustice, that I had met those gentlemen in frequent conferences; that I had lately been to the city of Saint Louis and seen them there as well as in the city of Washington with reference to General Babcock's case, and that neither of them had ever expressed, either directly or indirectly, to me any sentiment touching the President of the United States but what was in every way and degree what it ought to be and respectful to him as the Chief Executive of the land; that with reference to General Henderson's appointment to aid in the prosecutions at Saint Louis, I for the first time, that day, learned from him [the President] that his relations to the President of the United States were not personally friendly; that I had, in the naming of General Henderson, the advice of the first citizens of Saint Louis, first among whom was the President's own familiar friend and associate, Henry T. Blow; and that I had gone to Samuel T. Glover, the first lawyer of the city, and urged upon him, knowing that he was the preference of the President, by every argument it was possible for me to bring to bear upon him, the importance to the public interest of identifying himself with the prosecution of the cases and accepting the tender which had been already made to him by the Attorney-General at the suggestion of the President; that Mr. Glover admitted to me the thoroughly debauched and rotten administration of Federal affairs in Saint Louis, and said that the half had not been told, and that it was the highest and first duty of the President of the United States and the Secretary of the Treasury, by all the resources they could command, to break up the corrupt combinations and conspiracies and introduce a new era, if it was possible, in the administration of Federal affairs there; that his relations to others and his personal engagements were of a character that imperatively prevented and prohibited him from going into the cases. I asked his advice as to whom I should employ, and he said to me, "Go to John B. Henderson." "And thus," I said to the President, "backed by the recommendation of Mr. Blow and Mr. Glover," I went to Mr. Hawley, (the then supervisor in charge,) and, after consultation with Mr. Hawley, he agreed with me that General Henderson was the party, above all, to be put into the prosecution of these cases; and thereupon I sent the telegrams to the Secretary of the Treasury and the Attorney-General recommending the retention in behalf of the Government of General Henderson. And as Mr. Eaton had been recommended by the chief-justice of the Court of Claims of this city to me before I went west, and had rendered as United States commissioner important services in the course of the development of frauds at Saint Louis, I had decided to put him into the cases. I said to the President that I did not believe that either General Henderson or Mr. Dyer would do anything but his duty in the premises; that as far as the President himself was concerned he should not permit personal considerations or his personal attitude toward those gentlemen to influence him.

Q. Was that said with reference to the hostile relations between them and the President?  
—A. Yes, sir; between the President and General Henderson. I also showed to the President that under the instructions of the Attorney-General, but without the approval of the Secretary of the Treasury, I had gone to Saint Louis for the purpose of urging upon the local officers, Henderson and Dyer, the importance of making no mistake in reference to General Babcock's indictment, telling them that he should not be indicted, so far as their influence was concerned, except upon the fullest and clearest testimony, satisfying them of his guilt, and that every precaution should be taken on their part to do him no injustice; and if facts were developed to his credit, to give him the benefit of them throughout. I told the President that all the officers had assured me that such was their fixed, settled purpose, and that I came away from Saint Louis feeling that no injustice would be done General Babcock; and I said to the President, "I do not believe, Mr. President, that any injustice will be done him." The President was not satisfied with Mr. Henderson nor with Mr. Dyer; he referred to Mr. Henderson's acts of hostility to him and also to Mr. Dyer, (he said he did not mind Dyer so much,) and stated that when they were appointed he had acquiesced in it, but had not taken any active part. He said, however, that he was entirely satisfied with my explanation of my conduct in the premises, and gave me a hearty greeting when I went away.

Q. You have stated in your examination that during an interview which you had with General Horace Porter the subject of the "Sylph" dispatch was discussed; that General Porter undertook to explain that dispatch by stating that the word "Sylph" referred to a lewd woman with whom the President of the United States had been in intimate relations; did you call the attention of the President of the United States to this statement as made by General Porter during that interview in regard to which you have just now been testifying; and, if so, what did the President say in relation thereto?—A. I did, and in doing so said to the President that my justification for going on after my interview with General Porter was in the fact that the explanation he made to me was not satisfactory. I said to the President

that he was put, by General Porter, in the attitude of having been the subject of McDonald's kind offices in connection with a lewd woman named Sylph.

Q. What did the President say?—A. The President expressed his surprise that the general should have made such a statement, and said there was not one word of truth in it; brushed it out of his way in this way, [illustrating by a contemptuous gesture,] and went on.

Q. Was anything more said touching the "Sylph" dispatch as explained by General Porter?—A. Nothing, except that I assured the President that I myself did not believe one word of the statement.

Q. At this time what public position, if any, did General Porter hold?—A. None. He was the ex-private secretary of the President, and a warm, personal friend of General Babcock, and was taking a lively interest in Babcock's case.

Q. Were he and the President on good terms?—A. They were, to my best knowledge, upon intimate terms.

Q. Did the President become angry when you told him of this explanation?—A. He indignantly denied that there was any truth in the statement.

Q. Do you know whether General Porter's relations with the President subsequent to this time were as friendly as before, or have you seen him there?—A. Down to the second day before the close of the Babcock trial, I believe that General Porter's relations with the President continued precisely the same.

Q. What reason have you to believe that friendly relations continued between the President and General Porter?—A. I saw General Porter visiting Washington, and learned from him of his visits to the White House on Sundays when he came down.

Q. You had that from General Porter?—A. Yes, sir.

Q. Where does he live?—A. He lives in New York City.

By Mr. PLAISTED :

Q. Do you not believe, and did you not at the time believe, that this explanation of General Porter's of the "Sylph" dispatch was intended to deter you from doing your duty in the prosecution of General Babcock?—A. Most undoubtedly I did, and do.

WASHINGTON, D. C., July 23, 1876.

BLUFORD WILSON, Ex-Solicitor of the Treasury, again appeared before the committee.

Before his examination was resumed,

Mr. PLAISTED said : Mr. Chairman, I renew my objection, and ask to have stricken from the record the statement of the witness as to the explanation made to him by General Porter of the "Sylph" dispatch, on the ground that it is mere hearsay ; that it is not pertinent to the subject-matter referred to the committee for investigation by the resolution of the House, and that it is a foul slander upon the President of the United States, believed and admitted to be such by the witness and the committee, and invented by the counsel of Mr. Babcock to deter the Solicitor of the Treasury from prosecuting their client.

Mr. COCHRANE, chairman of the subcommittee, in reply to the argument of Mr. Plaisted, just made, suggests that Mr. Plaisted, on the former examination of the witness, made no objection to this testimony at the time it was reduced to writing by the reporter or given by the witness ; that said testimony was given by the witness without a specific question as to the same, and is of the highest importance in this : that after Mr. Wilson communicated to the President of the United States, in detail, the conversation between General Porter and himself, and the serious charge which Porter had made, the President still continued to retain General Porter in his confidence, and to receive friendly visits from him at the White House. Also that the testimony is further important because, according to the declarations of the President, General Babcock had satisfactorily explained to him the meaning of the "Sylph" dispatch, which explanation was directly contrary to the explanation made by General Porter ; and this should have at least indicated to the President that there was something wrong in the premises.

Mr. PLAISTED. After the general statement made by the witness of the explanation given by General Porter and before any questions were put, I then interposed my objection and asked to have the matter stricken out.

Mr. COCHRANE. The record does not show that the gentleman made any objection at all at any time.

The WITNESS. I wish to have noted, with a view to a correction of the record of yesterday on this point, that I have refreshed my recollection by reference to a contemporaneous document, and can now state that the annoyance to which it was said the woman "Sylph" subjected the President was by her attempts to black-mail him at Saint Louis.

Mr. COCHRANE. What paper do you read from?

The WITNESS. I refer to a letter from a correspondent of mine in New York, whose name I do not give.

By Mr. COCHRANE:

Q. You said in your examination yesterday that from the time of the discovery of the "Sylph" dispatch, implicating General Babcock in those whisky frauds, or tending so to implicate him, the President of the United States did not show the same sympathy with the Secretary of the Treasury or yourself that he had previously shown. Please state any act or acts of the President from that time forward, indicating to you that he was not in sympathy with those whisky prosecutions.—A. Before I proceed to answer that question I wish to make an addition to my testimony of yesterday in reference to the contents of the Barnard letter, on which the President made the well-known indorsement, "Let no guilty man escape if it can be avoided." Either in the body of that letter or in an accompanying document there was a statement from Emory S. Foster, of Saint Louis, to the effect that the President was himself charged with being a party to the unlawful combination in that city to defraud the Government of its revenues. I want that fact to be noted, because I have no doubt that the President made his indorsement as much with reference to that fact and that allegation as with reference to the allegations that Babcock was a party, and that "Jim" Casey, the President's brother-in-law, was openly asserting that the Secretary of the Treasury would not hold his office for thirty days. Another point: I was asked yesterday whether the President consented willingly to the publication of the indorsement on the Barnard letter, which has been so often referred to. By reference to a letter addressed to me by General Bristow under date of August 7, written in the Treasury Department, I find that the Secretary of the Treasury had addressed an official communication to the President asking him for permission to publish that indorsement, and that at that date (August 7) he had received no response.

For the purpose of fixing the date when the "Sylph" telegram was discovered, I refer to a letter of General Bristow to me, written from New York August 9, 1875, and which I have no objection to make a part of the record. It is as follows:

"NEW YORK, August 9, 1875.

"MY DEAR WILSON: Your letter of yesterday, with inclosure, is received. The time is very near at hand when I must make a square issue with the thieves and scoundrels who have combined to destroy me. I *must* be supported cordially and earnestly, or I *must* and *will* break. I fear the complications are such that the former cannot be done; and the latter *must*. You can't be too careful about talking to *anybody*. I have heard here that the matter about the "Sylph" dispatch and our having seen it, in connection with Pierrepont, is fully known to P. and B., [meaning Porter and Babcock,] and they are greatly disturbed. Don't suffer yourself to talk with *anybody* about it. Of course this is not meant for censure, but caution. I suppose I must make up my mind to bear the abuse of the 'ring' papers, hard as it is to do. They are fighting to keep their friends out of prison, and to save themselves from exposure; and, of course, will seek to destroy anybody who stands in their way. Well, as for myself, I cannot turn back; nor will I stop to parley with thieves. I have no ambition to serve, and no purpose to accomplish, but enforcement of the law and an honest collection of the revenue. I will compromise on nothing short of this; but on this issue am ready to be sacrificed any day.

"P. H. B."

"P. S.—Ask Webster to write the President fully his views about the Chicago custom-house and the whisky ring. He has great confidence in Webster, and it is going to require the utmost watchfulness of his real friends to prevent his being misled by men who profess friendship for him, but who are acting treacherously. Tell Webster to write strongly and give him the plain truth, and to mark his letter 'confidential.'"

Now, in response to the question of the chairman, I may say that the Secretary of the Treasury and myself, having been ordered by the President to see that no guilty man should escape if it could be avoided, on consultation, mutually concluded that the President could not go back on that injunction without stultifying himself and placing his officers in a false position, and we therefore resolved to leave the whole matter of General Babcock's alleged connection with the whisky ring at Saint Louis to be dealt with by local officers there. Until about the 1st of December, and indeed I may say until it was known absolutely that General Babcock had been indicted, the relations of General Bristow and myself with the President were passable; but so soon as it was seen that General Babcock was to be indicted, the idea of a military court of inquiry was brought to the front, to my knowledge, by General Babcock and his friends. The idea of a military court was broached before the indictment was found against Babcock; and the fact that the President of the United States took the ground that that military court should supersede the proceedings before the civil tribunals at Saint Louis was taken by myself and by the Secretary to be a marked indication of his purpose to defeat the prosecution in that city.

On the 3d or 4th of December I wrote a letter to General Henderson, advising him fully of my views, and indicating to him the settled purpose of the Secretary of the Treasury to see, by all honorable means, that proceedings before the civil tribunal should not be postponed or delayed or embarrassed, if he could prevent it, by any proceedings to be instituted or had before a military tribunal. Of that letter I have not a copy, but General Henderson,

I believe, has the original. In the next place, it is a fact that I heard nothing from the President of the charge that I had put spies upon him, or of the forged letter which was adduced against me, as stated in my testimony yesterday, until it was seen and known that General Babcock was indicted. The conference between the President and myself, which I think I stated yesterday to have taken place late in November, took place, as I find by reference to contemporaneous documents, on the 8th of December, 1875. It will be remembered that in that conference the President expressed himself to me, with regard to General Henderson and Mr. Dyer, with great bitterness, and immediately thereafter General Henderson was dismissed from the prosecution. He was dismissed in opposition to my written protest, addressed to the Secretary of the Treasury, in which I called the attention of the Secretary to the fact that I was advised officially by Mr. Eaton, of counsel for the Government, that Judge Treat, the presiding justice of the trial in which the alleged objectionable remarks of General Henderson were made, was said to have declared to Mr. Eaton and to have requested Mr. Eaton to notify the authorities here that, in his judgment, General Henderson's remarks contained no reflection whatever on the President. I also called attention to the fact that Mr. Eaton, Mr. Dyer, and Mr. Henderson had all, in writing, informed me that no such purpose existed on Henderson's part, and that, on the contrary, it appeared from the official records (in my possession at that time and now in the Treasury Department) that General Henderson went out of his way in an argument in that case to state that, in his judgment, the President of the United States was altogether above reproach so far as he knew, and to pay the President a compliment. I said, therefore, to the Secretary of the Treasury that I accepted the judgment of General Henderson's colleagues and of the court as conclusive on that question, and that, in my judgment, the President of the United States ought to rise above personal considerations in view of the fact that the public interest imperatively required General Henderson's retention in the prosecution. The dismissal of General Henderson was, in my judgment, a fatal blow to the prospect of a successful prosecution in General Babcock's case.

By Mr. PLAISTED :

Q. Have you the protest to which you have just referred ?—A. I have not, but it is now on file in the Treasury Department, and I will make it an exhibit before I get through. By reference to my private letter-book I find, under date of December 4, the following letter written by me :

"DEAR EATON : I wrote General Henderson a confidential letter last night, giving you the situation of affairs at this end in the 'Sylph' matter. We do not know here what you are doing, but presume, of course, you are doing your duty."

That is the letter in which I have made reference to the controversy in regard to the military and the civil tribunal. Another ground was the President's refusal to remove Jasper D. Ward, United States district attorney at Chicago, until he was convicted by evidence, on the 3d of December, which showed that Mr. Ward was a partner in the Powell distillery, and had improper relations with Jacob Rehm, which statement was made to the President by Hon. Burton C. Cook. On that point I wrote to Secretary Bristow on December 3 :

"DEAR GENERAL : Mr. Cook was just in to see me, with some startling news. He saw President Grant after he met you, and was assured by the President that he would remove Ward promptly, and to that end he would ask Webster at once to name his successor ; but what was especially noteworthy was a letter to Cook, from a reliable friend in Chicago, attributing Logan's illness to sheer fright, and which charges that he is in it, and that the atmosphere is full of rumors about Ward's connection with the ring, his relations with Distiller Powell, &c. The inclosed, from Brooks, may interest you. The Lord give you wisdom."

" Faithfully,

" WILSON."

That note I sent to General Bristow, in Cabinet, and the ejaculation at the end of it was because I knew that the proposal to have a military court of inquiry was under consideration. Now, I want to read, as a part of my testimony, a letter to me from General Webster, under date of December 25, 1875 :

" UNITED STATES INTERNAL-REVENUE OFFICE,  
" *District of Illinois, Chicago, December 25, 1875.*

"MY DEAR SIR : Do you not begin to rub your eyes and inquire whether you are awake, whether we are any of us awake, not all involved in some bad dream ? Was there ever such scandalous lying and plotting ? Is it not the most remarkable fight of a century ? Is there any key to it all, except that the banded corruptionists of all classes and kinds are desperate, and are summoning all their forces, placing their reliance on unparalleled audacity of vituperation and cunningly contrived accusation ? Is it possible that Babcock has lent any countenance to a proposition for an attack on Bristow ? Will he confess his own infamy and try to drag down the Secretary with himself ? What other explanation is there for the Inter-Ocean's attack ? I suspect that the ring have got entire control of the I.

O.; they are desperate, and will furnish all the money necessary to get an English organ, as they have a German one in the *Staats-Zeitung*. What are we coming to, when such things can be even attempted in open day? But I took my pen to ask you a question. I have just been told that the man Russell, while in Washington, had the impudence to try and black-mail both the Secretaries of War and the Treasury. Is that so? I can hardly believe it, and yet I see that he has lived so long in the atmosphere, almost peculiar to the politico-whisky ring of Chicago, that perhaps he has no conception of honesty left, and no idea of decency or incorruptibility in any one. Yesterday I warned Dexter and Ayer to have no further conference with him—to have it only with Sweet and Smith. Please let me know whether R. is such a graceless scamp as to have really attempted black-mailing the Secretaries. I hope this outburst of malice in the *Inter-Ocean* will overshoot its mark, and, instead of making a breach between the President and Mr. Bristow, have the opposite effect—unite them more firmly in the fight against corruption. It looks as if the time is coming when all good men, of all parties, must band together against the rascals, as the only way in which the country can be saved; but we shall soon see. Write me a few words of truth and soberness.

"Yours, truly,

"J. D. WEBSTER.

"Hon. BLUFORD WILSON."

On the 15th of December, while in the city of Saint Louis, I wrote the President of the United States this letter:

"MY DEAR MR. PRESIDENT: Pardon me for troubling you to read the inclosed clipping from yesterday morning's Chicago Tribune. I might, under ordinary circumstances, be quite content to let the matter rest where Mr. Ward's explanation leaves it, and to permit that gentleman and the Hon. C. B. Farwell to settle their own differences in their own way. In view, however, of the many misstatements in relation to myself that have reached you, and of the fact that I did not care to go into the matter with the reporter, I wish to say to you that the whole story of Mr. Farwell, as it relates to me, is utterly and unqualifiedly false. Even as a joke, a poor one at best, it is wholly without foundation or warrant in any word or act of mine in reference to any case of any human being either inside or outside of the whisky-ring suits. If it comes in your way, I will be obliged if you will show this to Mr. Farwell. If he has been at you with his complaint against me, I will take it as a favor if you will call his attention to my answer. The situation here and at Chicago seems to be satisfactory. I return to Washington to-night.

"With great respect, your friend,

"BLUFORD WILSON."

I wrote that letter in reply to a charge which Farwell caused to be telegraphed to the Chicago Tribune, that I had, on the occasion of a certain visit to Chicago, said to J. D. Ward, while he was district attorney, that he must indict Farwell and Logan, and when Mr. Ward asked me for evidence I said to him: "Damn the evidence; indict them first and find the evidence afterward." I will state that the Chicago Tribune article referred to stated that the telegram was submitted to Mr. Ward upon Mr. Farwell's statement that Mr. Ward would confirm it, and upon Mr. Ward confirming and corroborating it it should be published. Upon its being submitted to Mr. Ward, however, he repudiated it in toto, and denied ever having any conference or connection with me upon which any such interpretation could be placed. To the reporter of the Tribune, who came to me for a denial, I simply said, "I have none to make to so utterly absurd a charge."

I make this statement because I see that the reporter of the New York Graphic, and the correspondent of the Chicago *Inter-Ocean*, in this city, have, in substance, repeated this charge in a new shape yesterday, in the Graphic, and I presume also in the *Inter-Ocean*. This was my answer, then made, to the Chief Magistrate of the land, and it is my answer to the charge to-day.

In further response to the question of the committee, both the Secretary and myself were very early led to entertain grave apprehension as to what the issue would be in the Babcock matter, for the reason that I learned from the President and from C. S. Bell himself, that the President had recommended him to go to Saint Louis. I learned from the President, from C. S. Bell, and from the Attorney-General that it was in contemplation to employ Bell to go to Saint Louis and report not to Mr. Dyer, but directly to the Attorney-General, and that the reason for his retention was that the President understood that Dyer and Henderson intended to implicate him in the frauds if possible.

On December 18, 1875, I wrote to Mr. Dyer as follows:

"And now a word of caution. You have made a mistake in trusting C. S. Bell. He has been pretending to know that you have been endeavoring to implicate the President, and that it is possible that he may return to Saint Louis. If he does, put your best man on him at once, and you will soon see where he trains. If he calls upon you, don't let on that you suspect, but don't trust him, and have him watched. Mind what I say. I know what I am writing about, and you must burn this on your honor."

I will state further that I made such representations to the Attorney-General and to

the President, when I learned that it was in contemplation to send this man Bell to Saint Louis, as induced them to reconsider their proposed action, and he was not employed.

It is a fact that the President was intensely earnest in the Babcock matter in opposition to the views of the Secretary and myself. On the 25th of December he sent for me and confronted me with the charge that it was reported to him that I was trying to have his brother, Orvil Grant, and his son, Col. Fred. D. Grant, indicted for complicity in the frauds; and in the course of the conversation, he again asserted to me his earnest belief in Babcock's innocence and his sense of the great outrage that had been perpetrated on him by Henderson and Dyer in refusing to send to the military court at Chicago the original evidence contained in the records of the civil tribunal at Saint Louis. As illustrating the personal attitude of the President to myself, I may mention that Colonel Grant told the reporter of the New York Herald, in December, that Babcock's indictment was the result of a conspiracy between a prominent Treasury official, naming myself, and Carl Schurz. This I state because the reporter, Mr. Meeker, told me so the same evening, as did also Mr. Nordhoff, because I brought the attention of the President himself to it, and on the 2d day of January the attention of Col. Fred. D. Grant.

I now come to the celebrated circular-letter. On the 27th day of January, 1876, I received this note:

"EXECUTIVE MANSION,

"Washington, January 27, 1876—12.15. p. m.

"MY DEAR MR. SOLICITOR: The President says to drop you a note and ask you to come over and see him.

"Very truly, yours,

"LEVI P. LUCKEY.

"Hon. BLUFORD WILSON,

"Solicitor of the Treasury."

Before going further I will state that I had twice called upon the President of the United States before I could get an interview with him on the question of the charge made against me by Col. Fred. Grant, and for that reason, after that, I did not call at the White House except when I was sent for. I went over to see the President promptly, and learned that he was dissatisfied with the course of the Secretary and myself with reference to the conduct of the prosecutions at Milwaukee, Chicago, and Saint Louis. He objected specifically and earnestly to our permitting persons who pleaded guilty to be used as witnesses to convict others; in other words, to using the testimony of accomplices. He called my attention to the case of the gauger Roddis, of Milwaukee, against whom a *nolle prosequi* had been entered, and he said to me that there was quite too much of that thing going on, and read from the report to show that the *nolle prosequi* had been entered for the purpose of using Roddis as State's evidence. He next said to me, "I understand that Everest has returned. I suppose he has been promised immunity too." I said to him, "Mr. President, so far as I know, up to this date, Roddis is the only instance in which a *nolle prosequi* has been entered for the purpose of accepting the party as State's evidence. In answer to your question as to whether Everest is not to be prosecuted, I should say that I have specific information on that point from the district attorney, and he tells me that no promise whatever has been made to him, and that none will be." He asked me what Everest would testify to. I told him that it was said that Everest would testify that he saw Joyce mail two letters containing \$500 each, one addressed to Babcock. He asked me when Everest had returned. I told him that he had returned about the 12th of January, 1876; he asked if I knew where he was. I told him I believed he was then with his uncle, somewhere in Western Pennsylvania. He said to me, "Major, when I said let no guilty man escape, I meant it, and not that nine men should escape, and one be convicted." I said to him, "Pardon me, Mr. President, we are not in this battle counting heads. We are trying to break up the unlawful conspiracies and combinations which we all know exist, and, if possible, to reach those who have inspired and organized them, and I know of no other way of doing this and obtaining proof of the conspiracy than by going inside of the ranks of the conspirators; and I give it to you as my judgment that the policy which has been adopted by local counsel upon their independent judgment, and not under the instructions of either the Secretary or myself, will result in accomplishing this purpose, and that none other will." Secretary Chandler sat just back at the farther end of the Cabinet room, and I said to the President, "Mr. President, I notice, the presence of a member of the Cabinet. If you give me time to go into this matter, I think I could satisfy you that you are laboring under a misapprehension." "O," said he, "it is not worth while; it is not worth while. I simply wanted to call your attention to the fact that, in my judgment, there is too much of this going on." I said to him, "That being so, I have nothing to do, Mr. President, but to bid you good-morning;" and I did so. I went out deeply impressed with what the President had said to me. I went to the Secretary of the Treasury and told what had taken place. I said to the Secretary that, in my opinion, it was of vital importance that he should see the President on that day; that I had reason to believe, and did believe, that A. P. Tutton, then lately returned from Chicago, (on the 20th of Jan-

uary, I believe,) had endeavored to create the impression in the mind of the President that we were giving away everything in the city of Chicago for the purpose of convicting Rehm and Hesing and Ward, and while the question as to the propriety of the policy was not important, it was important that he should see the President immediately, take with him his letters to Tutton, let me take my letters to Tutton and his telegrams to Mr. Webster, and explain to the President the whole case. He reluctantly consented. We went, and the Secretary with great particularity stated to the President fully and fairly, reading from the official documents, the situation of affairs at Chicago. The basis of what the Secretary had to say is covered by this telegram of mine to Mr. Webster, January 14, 1876:

"General J. D. WEBSTER, *Chicago, Ill.* :

"The following dispatch was sent by the Secretary to Tutton this morning. It ought to cover the ground. He (the Secretary) has implicit confidence in local counsel and revenue officials :

"A. P. TUTTON, *Supervisor, &c.* :

"As we have not desired any arrangement with indicted parties, so we decline to interfere with any that has been entered into by the United States district attorney with the approval of his associates and the local revenue-officers. Having confidence in their judgment and fidelity, we leave the transaction in their hands, not doubting that they will do what will best subserve the interests of the Government."

After the Secretary and myself had concluded our statement and the explanation of our position, the President expressed himself wholly satisfied therewith, and referred with great kindness to General Webster, and then ensued a very kind and friendly interview touching other matters between the Secretary and the President, which it is not necessary or proper for me to go into further than to say that General Babcock's case was again alluded to, and the Everest testimony was stated to the President by the Secretary.

On the evening of that day I addressed the Secretary the following letter :

"JANUARY 27, 1876.

"DEAR GENERAL : I called to bid you *bon voyage*, and to say that within less than an hour after our return from the White House Babcock came in, a little white and a good deal nervous, and asked me if I had any news. I replied that I had none except what I had given the President. To which he said, 'Yes; it is that about which I desire to ask you. What does Everest claim about the \$500,' &c., showing that His Excellency had conveyed at once to Babcock every item of possible evidence which he had received from me. Bab. staid quite a while; had a very prompt and emphatic denial to every story, and a theory to fit it. He asked me, on going away, to tell him if anything new turned up. This I positively refused, but added that I could not deny when the President asked. He laughed, and said, 'That will do just as well,' and we see that it does. The point of all this is that the President questions me in Babcock's interest. What am I to do? Again, I have no objections on general principles to give Babcock a fair show if the testimony is really false, but how if it should turn out to be true, and what right has he, more than any other accused party, to hear the details of the case against him?

"B. W."

About the 29th of January the Attorney-General called for me, and I went over. He said he wanted to talk with me about the Babcock case and the situation of affairs at Saint Louis, Chicago, and Milwaukee. I said, "Certainly." He said, "What is it about this man Everest?" I told the Attorney-General in substance what I had already reported to the President. He said to me that he had been a good deal troubled by a request which the President had made of him with reference to writing a circular-letter to the United States district attorneys, cautioning them against taking the testimony of accomplices. He said he had told the President that he saw no other way to get to the bottom except by resorting to the use of the testimony of accomplices, and that after two or three interviews with the President, the President being very earnest about it, he had written a letter which he wanted to read to me. He sent his clerk to bring it, and then for the first time he read to me his circular-letter to the district attorneys. He said, "You note, Wilson, that I do not go so far as the President wanted me to. I took a draught of that letter over to the President, and read it to him, and he was not satisfied with it, and wanted me to say in specific terms that the testimony of no man who entered a plea of guilty should be used in any prosecution, but that the parties should be given to understand that they should be brought to punishment." I said, in reply to the Attorney-General, that I was sorry that the letter had been written; that it would be sure, even in its present condition, to be misunderstood, and I told him that, in my judgment, it was equivalent to saying to those who pleaded guilty, "You must not do it; if you do, you simply render certain your own condemnation, and you have nothing whatever to expect therefrom." The Attorney-General said he hoped the letter would not be so understood; and he said, "You note that it is not intended for publication." I said that if the district attorneys did not misunderstand it, if it did not create that impression, and if it did not get out, I did not think it would hurt anything. I said I thought no harm would come of it, because I did not believe that the district attorneys would misunderstand it. That

was on the 29th. On the night of the 2d or 3d of February, I read the *Chicago Times*, of the 1st of February, and saw that it contained the circular-letter of the Attorney-General, in substance, with an introduction in which it was stated, as I now recollect, that the President of the United States was dissatisfied with the policy which had been adopted, and that this letter indicated a change with reference thereto. I took the paper at once and went over to General Bristow and read it to him. I said to him that, in my judgment, a profound crisis had arrived in the prosecutions of the thieves; that, notwithstanding the assurance of the President's satisfaction with what had been decided upon in our interview of the 27th of January, it was clearly evident that he meant to bring about a conflict and a change of policy; and I told the Secretary that he must take immediate steps to have an understanding with the Attorney-General and the President. He agreed with me. The steps that he took he himself and the Attorney-General and the records must show. On the day after the interview with the Secretary of the Treasury, I saw the correspondent of the *Chicago Times*, Mr. Keenan, and he told me that he had received that letter from the hands of Emory Sturrs, the counsel of General O. E. Babcock.

I wish to say, also, that Colonel Dyer, of Saint Louis, had a conference with the Attorney-General, in which, according to Colonel Dyer's statement, the Attorney-General told him, in substance, precisely what he had told me—that the circular-letter was written at the suggestion and instance of the President of the United States. It is enough for me to say of my own knowledge that such was the result of the events, and of the facts that I have here narrated, that the Secretary of the Treasury, by the 15th of February, had resolved that there was nothing left for him but to leave the Cabinet. The personal relations between himself and the President of the United States were almost wholly broken off. We learned from many sources that the President had determined to dismiss both the Secretary and myself at the close of the Babcock trial. One of those sources of information was such and so high that it, taken with other facts, created in my mind absolute certainty. Here is a letter which I received about that time:

“CHICAGO, February 16, 1876.

“MY DEAR SIR: I am informed on good authority that General Hurlbut, M. C., who is now at home, is asserting very strongly that so soon as the Babcock trial is finished General Bristow will go out of the Cabinet. I am also told on good authority that the sensational dispatch in the *Inter-Ocean* of Monday week, relative to the stormy session of the Cabinet, &c., and which the President so directly contradicted, was vouched for by Messrs. Logan and Foster, of Ohio. I tell you this that you may know who your friends are. I see that, according to the papers, the Secretary had a long talk with the President a few days since. If entirely compatible with the proprieties, I should like very much to know how matters stood. The opinion that General Babcock will be acquitted, or not convicted, seems to be gaining ground here very rapidly. Should he be clearly vindicated, it would, indeed, be cause for rejoicing. Please make my respectful regards acceptable to General Bristow, and believe me, faithfully, yours,

“J. D. WEBSTER.”

On the 10th of February, I addressed the following letter to the President:

“MY DEAR MR. PRESIDENT: My attention has been called to an article in the *Inter-Ocean* which is said to place me in the attitude of having suborned perjury and of being a deliberate conspirator against your own good name and that of your relatives. I have not seen the article in question, but understand that I am also charged with having pursued Senator Logan and Mr. Farwell by the same methods. As to these two gentlemen, I am not called to make any explanation further than to say that I have no ill-will toward them personally. I hope, however, that, if they have aided or abetted in any way the commission of fraud on the revenue at Chicago, they will be caught and punished. In reference to your relatives, I ask as a favor that you will read the inclosed copies of letters written to Colonel Matthews, supervisor of internal revenue at Chicago. These copies have been in Judge Pierrepont's possession, as appears from his pencil-indorsements thereon. \* \* I desire to add that every allegation in the article, so far as reported to me, is unqualifiedly false, whether it emanates from Mr. Tutton or from whatever source. Before making up your mind in relation to any statement which reflects upon me, I trust you will have the kindness to permit me to be heard. I have done no act since I have been in public office that I am afraid to own, and none, I am sure, which you will not indorse when you understand the circumstances and facts leading up to that action.

“With great respect, your friend,

“BLUFORD WILSON.

“P. S.—C. S. Bell was in this morning, with a remarkable story concerning his connection with Babcock, Luckey, and Avery.”

From another source I received this:

“We learn that His Excellency demands your head, and that it is soon to be brought in on a charger, resembling the head of John the Baptist—I mean the pious head, not the charger; and we learn that the blood of the Solicitor is simply to sharpen the appetite of the

animals for the Solicitor's chief, the Secretary of the Treasury. Write me confidentially, and then I will mention some other things we hear in the far West.

"Your friend, truly,

"J. B. HENDERSON."

The papers were full of it, and especially those papers that at that time seemed to have the ear of the authorities at the White House. Therefore I wrote to a friend: "It is quite certain that as soon as the trial is over B. and I will be kicked out, and a letter written by the President with the view to destroy one or both of us. Now, is it better to wait for this or to prepare a letter of resignation?" Such further advice and steps were taken as that both the Secretary and myself prepared our resignations, to be delivered to the President immediately upon the close of the Babcock trial. On the 24th of February, the day the Babcock trial closed, I wrote General Webster this letter:

"DEAR GENERAL: Your kind favor of the 16th instant was duly received. Up to the last day or two there has been only too much foundation for the intimation of trouble between the President and the Secretary. It has looked as though there was no power able to prevent a rupture—not so much because of what the principal parties have said or talked of each other, but owing to the industrious and persistent efforts of busy-bodies and tale-bearers to make trouble and mischief. It undoubtedly is true that General Logan and others of the class of politicians of which he is a type have besieged the President with their clamors against the Secretary and myself. In the last two days, however, something like a reaction has set in, owing to the efforts of the best men of the party, and to the representations made by the leading republicans of Maine and New Hampshire that a quarrel here would be ruin to our cause in those States. These counter-representations, coming from the best men of the party, have stayed, if they have not turned, the tide. The President, from the first, has insisted that he would do nothing rashly or hastily. It is as yet uncertain what the issue may be, though my faith is strong that the good sense of the President will carry him through the mazes of misrepresentation and abuse which seem to surround him and our fortunes. For myself, I have every confidence in his purpose to do right, and having done only my duty, I am neither anxious nor disturbed about what shall happen to me. Dexter has been here and has had a long conference with the Secretary, and, at the suggestion of the latter, also called upon the Attorney-General. I believe the situation is satisfactory, as far as your cases are concerned; and I am not apprehensive that there will be any interference with the programme that was laid down by yourself and associates. Tell Messrs. Ayer and Matthews to get their guns in position for heavy fighting, and open heavily on the enemy at the earliest moment. They cannot be too careful in their preparation, nor too vigilant in strengthening their cases. I hope they will make the conflict sharp and decisive, and that the chiefs of the ring will be brought to the punishment they so richly deserve. I have read your note to General Bristow, and he is always pleased to hear from you, and joins with me in kind regards.

"BLUFORD WILSON."

This letter of mine was written on Friday, the 25th of February, the day on which Babcock was acquitted. On Sunday night, February 27, statements were submitted to the President of the United States, by which it appeared that Orville E. Babcock, the private secretary of the President, had been engaged in the Black Friday transactions; that he and others lost in that transaction \$40,000; that the money was lost to Jay Cooke & Co., of whom Fahnstock seemed to be the party through whom the transactions were had; that to make good his own losses and that of his associates, Babcock had made a trust deed of his property, creating Asa Bird Gardner, of West Point, subsequently the judge advocate of the military court of inquiry ordered at Chicago, his trustee. The statement was made to the President while Babcock was en route from Saint Louis to Washington. It was, I believe, subsequently verified by competent evidence satisfactory to the President. The result was that neither General Bristow nor myself went out of the public service, and that the President of the United States and the Secretary of the Treasury, in a manner highly creditable to both, were reconciled.

By Mr. PLAISTED :

Q. What relation has that fact to the retention of General Bristow in the Cabinet?—A. Because the President then, for the first time, comprehended, in all its significance, the fact that he had been betrayed by Babcock, and that if he (Babcock) had betrayed him in the Black Friday transactions, he was quite capable of betraying him in connection with the whisky frauds, and of becoming a party thereto; and the President recognized that the prosecution against General Babcock had had its full warrant and justification. I wish now to read a letter from another friend in Chicago, who is also a friend of the President:

"FEBRUARY 26, 1876.

"My DEAR FRIEND: Webster has just shown me your letter of the 24th, which is immensely gratifying to me. I am now quite hopeful that the blow we have so much dreaded and feared may be averted."

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The President sent for me not long after this, and we had a full and very friendly conference, covering all the questions of difference between us, and the result was that I supposed I left him entirely satisfied with myself. I will state here that it had been charged to the President that my office was the rendezvous of hostile newspaper correspondents, and that I had written an editorial article for the New York Sun, in which I had praised Bristow, and condemned him, with many other kindred statements besides those I have already set forth. In regard to these charges I have simply to say, as I said to the President, that it is true that several gentlemen of the press honored me with their friendship and acquaintance, and when they called I treated them courteously, and if I had any news for them I gave it to them, and if I had none, that was the end of it. On the 7th of March, being sick, I received this note from General Bristow :

"MY DEAR MAJOR : I am very sorry to hear of your continued illness, and I hope you will stay at home until you are entirely restored. I wanted to see you last night, but could not get away from callers. The President sent for me yesterday to say that he was continually told of unfriendly acts and speeches of yours and Adams. He says it is represented that your room is the rendezvous of unfriendly newspaper correspondents, and that on the day the announcement of Belknap's crime was made you exclaimed in the presence of a member of Congress, 'Well, there is a God in Israel yet,' as if you rejoiced at the announcement ; he also said that he was told that you said some days ago, 'If I go out the Secretary will go too.' I told him that I knew nothing of these matters and had never heard of them, but advised him to send for you and talk with you upon the whole subject, which he promised to do after to-day. He also said he would talk with Adams. I write in great haste. Do not come out till you are well, and do not let this annoy you.

"Faithfully, yours,

B. H. B."

To this I replied as follows :

"AT HOME, March 7, 1876.

"My DEAR GENERAL : I have your kind note of this instant informing me of your interview yesterday with the President in relation to myself, and I use my right hand at once to denounce to you and the President the infamous liars and busybodies who so persistently and wickedly misrepresent me to His Excellency. The member of Congress drew upon his imagination for his facts, as I must emphatically deny using any such language in reference to General Belknap, though the fact that sin has found him out might not unreasonably be held as proof that there is indeed a God in Israel. As to the other intimation, that I said some days ago, 'If I go out the Secretary will go too,' and the charge that my room is the rendezvous of unfriendly correspondents, both are without any just foundation whatever, as I will be glad to assure the President at his earliest convenience. I trust that he will give me the names of his informants and an early opportunity to see them, either in his presence or yours. General Grant has no better friend than,

"Yours, truly,

"BLUFORD WILSON."

On the 9th of March I addressed the following letter to the President :

"MY DEAR Mr. PRESIDENT : I forward the inclosed letter from General Wilson because I am too unwell to deliver it in person and too weak to write you in detail. He writes you, doubtless, because of a note from me that you were again troubled by stories touching my fidelity to you and your administration. I regret that you are subjected to such annoyance on my account, but I believe if you could see your way either to confront me with those who run to you with their idle inventions, or to give me their names, that I could safely promise there would soon be an end of the whole matter. I have for now nearly seven years waged persistent warfare upon your enemies and those of your administration whenever I had just cause to suspect dishonesty and wrong. I have tried always to keep the facts under my feet and right on my side. I do not claim that I have not made mistakes ; doubtless I have made many. I have also made many enemies, some of them having power and influence. I do not ask you to protect me against them, but I do ask that you will at least give me equal opportunity to be heard in my own defense.

"With great respect,

"BLUFORD WILSON."

During the progress of the Babcock trial this dispatch was sent from Saint Louis to New York :

"SAINT LOUIS, February 9, 1876.

"LOUIS DELOMO,

"No. 168 Forsyth street :

"Can you produce evidence against Wilson for big money? Answer.

"J. T. PORTER."

This man, J. T. Porter, was a witness in General Babcock's trial at Saint Louis, an ex-secret-service man dismissed by me, and was there to prove that I had given Washburn, the chief of the secret service, \$5,000 to make a case against General Babcock. I dismissed from

the secret service, in the spring of 1876, one William B. Moore, who was a special agent of the customs, for the reason that he left his post at Baltimore, without orders and without subpoena, and went to Saint Louis as a witness in General Babcock's case. He was to swear that he was present in General Babcock's room at the White House and saw General Babcock receive the letter from Joyce referred to in the testimony of Everest, and that when opened it contained nothing but a blank sheet of paper. He was not put up on the stand. On his return to Washington he came to me and made repeated requests that I should pay his expenses while traveling from Baltimore to Saint Louis and returning. This I peremptorily refused to do, and told him that the expenses of the trip must, of course, be paid by the defense, in whose interest he was a witness; that for me to pay them would be misappropriation of the public moneys.

By Mr. COCHRANE:

Q. How long after this interview, when you say the friendly relations between Secretary Bristow and the President were restored, was it that General Babcock was dismissed or relieved of his position as the President's private secretary?—A. As to that, I should think that the committee ought to go to the records.

Q. About how long?—A. It is true that General Babcock on Monday resumed his duties as private secretary and carried a message to the Senate, but my information is that he vacated the position in two or three days thereafter.

Q. When were those friendly relations which had been restored between the Secretary of the Treasury and the President again interrupted?—A. I cannot say; but there was a difference between the President and the Secretary with reference to California matters.

Q. That was in reference, was it not, to the dismissal of revenue officers in California who were charged with being connected with frauds upon the revenue?—A. I believe it was.

Q. Who were those officers?—A. To that question the best answer is this letter of Mr. Hawley, supervisor of internal revenue, which exposes the utter incompetency of Vandyke, the district attorney at San Francisco.

Q. Does he arraign any other officer?—A. Yes, sir; Sedgwick, the collector of internal revenue, and Shannon, the collector of customs.

Q. Those officers were alleged to be corrupt, were they not?—A. They were, in and by the concurrent reports of every revenue official and Treasury agent sent to California to look into the matter, alleged to be either corrupt or inefficient.

Q. Were those facts made known to the President?—A. They were.

Q. By yourself?—A. By myself and Mr. Pratt and by myself and Mr. Yaryan.

Q. And by Mr. Bristow also?—A. That I cannot say, of my own knowledge.

Q. Did you urge the President to remove those officers?—A. We all concurred in suggesting that Sedgwick, the collector of internal revenue, and Vandyke, the district attorney, should be removed.

Q. Did the President ever remove them?—A. He did. In justice to the President I wish to say that he has removed Vandyke and has appointed Coughlan, who, according to our information, was perhaps the best and the only worthy man in the crowd.

Q. How about the other officer?—A. He has not been removed.

Q. When was Vandyke removed?—A. Some time in April or May last, I think.

Q. This urgency upon the part of the Secretary of the Treasury and yourself that these officers should be removed was, if I correctly understand, the occasion of another rupture between the President and yourself?—A. No, sir; do not misunderstand me. So far as I know there was no further open rupture between the President and the Secretary, but a gradual growing apart.

Q. And was this matter the commencement of that growing apart?—A. That and the renewal of the war upon myself and Mr. Yaryan.

Q. Prior to the conversation that you had with the President, and about the time that these statements were made to him about the connection of General Babcock with the Black-Friday speculation, were you aware of the fact of that connection?—A. I was, for about ten days or two weeks previous thereto.

Q. Was the Secretary of the Treasury?—A. He was.

Q. Did the President have any knowledge of that fact?—A. I don't think he did.

Q. Did he communicate to you the facts about Babcock's connection with the Black-Friday matter?—A. He did not.

Q. If I understand you, it was not until the jury had acquitted Babcock that the friendly relations between the President and yourself and Secretary Bristow were re-established?—A. That is the fact.

Q. When did you resign?—A. On the 20th day of June last.

Q. What was the occasion of your resignation?—A. The immediate occasion of my resignation was the fact that I had received and accepted, about a month previous, an advantageous offer for professional engagements in my own State, and a further, and no insignificant element in it, was a desire on my part to relieve the President of the United States of any further embarrassment growing out of my connection with his administration.

Q. How long was it after General Bristow gave up his portfolio that you resigned?—A. About the same day, I think. I resigned June 20 and General Bristow left June 21.

Q. Did the contemplated retirement of Secretary Bristow have anything to do with your withdrawal?—A. Yes, sir; I will say frankly that both General Bristow and myself had decided late in May to resign just as soon as we could do so without having our motives and purposes misunderstood, and the reason why General Bristow and myself did not resign earlier was because it was thought best, both by the President and the Secretary, that the relation should not be severed until after the Cincinnati convention.

Q. Did any correspondence pass between yourself and the President at the time of your resignation?—A. I wrote this letter to the President:

"JUNE 20, 1876.

"SIR: For reasons explained to you at our interview this morning, I have the honor to tender my resignation as Solicitor of the Treasury, to take effect on the 1st day of July next. Permit me to express my gratitude for the opportunities for public usefulness which you have been kind enough to give me, and to renew the assurance of my high personal regard.

"With great respect,

"BLUFORD WILSON."

Q. Was there any reply to that?—A. I have never received any response to that letter, nor have I received any official notification that my resignation as Solicitor of the Treasury has been or will be accepted, except as I have seen it in the appointment and confirmation of my successor.

Q. What was the conversation on the morning to which you refer in that letter?—A. It was a very brief one. The President received me coldly. I said to him, "I have called, Mr. President, to inform you that I have received and accepted such offers for professional business outside as have decided me to vacate the office of Solicitor of the Treasury. I do this under the advice of my friends, and also for the reason that I wish to put an end to the interminable embarrassments and annoyances to which you are subjected on my account." The President said, "Very well; that he hoped now, after the Cincinnati convention, we would have a season of quiet;" and I said to him, I hoped that during the remainder of his administration he would have peace and quiet; and with the assurance of my respectful and kindly consideration, I took my hat, bade him good morning, and went away.

Q. He did not treat you very genially at any time during that interview?—A. He was cold, but polite.

Q. Your relations and his, for some time prior to this resignation, had not been cordial at all, had they?—A. I had not so considered them.

Q. Did it ever occur to you that it was improper for the President of the United States to listen to the tattle of every fellow that chose to tell him stories about an officer of the Government?—A. As to that question, I think my views are presented in my letter of March 9, and in my interview heretofore narrated.

Q. Did the President of the United States ever give you an opportunity of replying to any of these people other than by mere interviews with himself?—A. Never face to face.

Q. Did he ever indicate to you who these people were who he said were telling him these things?—A. Never. He refused to do that, although I asked him; but I knew full well, upon information entirely satisfactory to me, who they were.

Q. Who were they?—A. They were, first and above all, Charles B. Farwell, of Chicago; John A. Logan, of Illinois; Senator Spencer, of Alabama, and Stephen Hurlbut, of the House, and perhaps, though I cannot say certainly, Sargent of California, together with men like William B. Moore, and one Stewart, a dismissed revenue-agent.

Q. At the time that General Babcock gave up his position as private secretary was he holding any other office that you are aware of?—A. Upon information, yes; he was an officer of the Engineer Corps of the United States Army, and as such was Acting Commissioner of Public Buildings and Grounds of this District.

Q. Was he appointed to that position by the District government?—A. That question I cannot answer, except upon information that he was detailed by the Secretary of War.

Q. Do you know whether General Babcock still occupies that position?—A. I have no personal knowledge, but believe that he does.

Q. After the discovery of the connection of General Babcock with this Black-Friday business, do you know whether he was a caller at the White House?—A. I cannot answer that question of my own knowledge.

Q. Do you know of any change in the relations of the President toward him?—A. As to that I cannot say.

By Mr. PLAISTED:

Q. Do you attribute the differences which arose between you, the Secretary, and the President in any degree to the want of sympathy on his part with the prosecution of the whisky thieves?—A. I attributed it in the first instance wholly to the fact that he honestly believed

General Babcock was innocent, and, so believing, could not and did not sympathize with the prosecuting officers nor with the Secretary of the Treasury and myself in the views which we took with reference to that case. I wish to say further that whatever lack of sympathy or co-operation the President may have manifested with reference to the cases other than General Babcock's down to the close of the Babcock trial, had its origin in the strong and intense feelings of dissent which he had with reference to that prosecution. My own judgment, as it is called for by the question, is that whatever differences arose between the Secretary and myself on one side and the President on the other, were due, on the President's part, to a misconception of the motives and purposes that actuated the Secretary and myself, to misinformation as to facts, and to repeated willful and deliberate perversions of facts made to the President by the scoundrels we were endeavoring to bring to punishment, and their friends, and this for the purpose of bringing about a disagreement between the President and Secretary to create embarrassment to the prosecution, and, if possible, defeat them.

By Mr. COCHRANE:

Q. If the President of the United States was acting in good faith in this matter, how do you account for his action in reference to that "Sylph" dispatch? When you informed him that General Porter had made an explanation of that dispatch which compromised him (the President) and which was different from the explanation that General Babcock had given him of the same dispatch, and with which he announced himself satisfied, how do you account for his conduct, if he was acting in good faith?—A. To that question I wish to say that I have endeavored to state the facts with reference to the whole subject-matter of the inquiry before this committee as they are in my recollection, my letters, and my memoranda, and I have no other judgment or opinion in the premises to express than that which I have expressed in answer to the question of Mr. Plaisted. Let the facts speak for themselves.

WASHINGTON, D. C., *August 1, 1876.*

WILLIAM A. GAVETT sworn and examined.

By Mr. PLAISTED:

Question. Where do you reside?—Answer. I reside in Lansing, Mich.

Q. Are you in the service of the Government?—A. Yes, sir; I am an internal-revenue agent.

Q. How long have you been such?—A. I have been in the revenue service since the 2d of June, 1869, and a revenue agent since April 29, 1870.

Q. Where have you been on duty in the internal-revenue service?—A. In Michigan, Ohio, Saint Louis, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Virginia, West Virginia, North and South Carolina, and Georgia.

Q. Did you have any connection with the investigation of the whisky frauds at Saint Louis?—A. Yes, sir; I did, some time after the seizure. I did not at the commencement. My first order after the whisky war commenced took me to Cincinnati, and I was there some time, and afterward was ordered to Saint Louis. I went to Saint Louis. I received a telegram at Detroit from the Commissioner of Internal Revenue on the 15th of June, 1875, to proceed to Saint Louis, where I would receive instructions. And when I got to Saint Louis I received my instructions, of which this is a copy:

"TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,

*Washington, June 15, 1875.*

"SIR: You have this day been instructed by telegraph to proceed to Saint Louis, and assist Supervisor Meyer in all revenue matters in his district.

"Revenue Agent Crane, who has been at Saint Louis since the inauguration of the exposure of the recent frauds, will be able to give you such information as to the progress of the work already begun as will enable you to work intelligently hereafter. Supervisor Meyer, who has been recently appointed, is not sufficiently familiar with internal-revenue matters but that he will need the assistance of experienced revenue agents for some time.

"Before leaving Saint Louis, you will visit Saint Joseph and examine the rectifying-house of Westheimer, who is believed to have been a dealer in much of the illicit goods manufactured in Saint Louis. It would also be well while at Saint Joseph to examine the different distilleries located there.

"Information has also reached this office that S. F. Hutchinson, distiller, Missouri City, has been offering whisky at \$1.05 per gallon, within the past ten days or two weeks. As it would be impossible for spirits, on which had honestly been paid the tax, to be sold at any such price without loss, it would be well for you to give his distillery a thorough overhauling.

"You are requested to report frequently and fully to this office the progress of your work, and to act in harmony with all the revenue officers in Saint Louis.

"Respectfully,

"D. D. PRATT,  
"Commissioner.

"W. A. GAVETT, Esq.,

"Revenue Agent, (Care of Supervisor Meyer,) Saint Louis, Mo."

Q. What day did you get to Saint Louis?—A. My recollection is that it was the 17th day of June.

Q. How long were you there?—A. About a month.

Q. What were your duties?—A. I was engaged in helping the officers to make the various investigations, and posting them up generally on their duties, and transferring the office of the old collector to his successor.

Q. Who was the new collector?—A. Mr. Sturgeon.

Q. When did he enter upon his duties?—A. On the 1st of July, 1875.

Q. Whose place did he take?—A. He took the place of Mr. Maguire.

Q. Was Maguire in office when you went there?—A. Yes, sir.

Q. Did you make any report with respect to him?—A. Yes, sir.

Q. What was the purport of it?—A. On the 21st of June, Supervisor Meyer, Revenue Agent Crane, and myself made a joint report to the Commissioner by telegraph, asking the immediate suspension from office of Collector Maguire, of which I have a copy.

By Mr. COCHRANE :

Q. Where is the original?—A. The original, I suppose, is among my papers at Detroit.

[Telegram.]

"SAINT LOUIS, MO., June 21, 1875.

"Hon. D. D. PRATT,

"Commissioner of Internal Revenue, Washington, D. C. :

"Collector Maguire misstated facts, in his letter to you of eighth instant, concerning collection of taxes on April special list. District attorney did not advise suit instead of distraint, and there is property available to secure a large part of these taxes; but to do this, and for the interest of the Government, Collector Maguire will have to be immediately suspended. Shall I suspend him?

"FERD. MEYER, Supervisor.

"We concur.

"GAVETT & CRANE,  
"Revenue Agents."

"Bond of J. H. Sturgeon (successor to Magnire) was approved June 23, 1875, and he was duly installed in office July 1, 1875, under supervision of Supervisor Meyer, and Solicitor Wilson had to approve the bond.

"WM. A. GAVETT,  
"Revenue Agent."

Q. How long was it after the telegram was sent before the change was made?—A. The telegram was sent on the 21st of June, (I wrote the telegram, as I recollect,) and the bond of the new collector was approved on the 28th of June, and we made the change immediately on the 1st of the month, so that it was from the 21st of June, the day we sent the telegram, until the 1st of July before we got the new collector duly in office.

Q. Was Solicitor Wilson at Saint Louis while you were there?—A. No, sir; he was not.

Q. He had been there, had he not?—A. No, sir; not to my knowledge. I met him before that in Cincinnati. I did not see him in Saint Louis.

Q. What day did you meet him in Cincinnati?—A. I met him in Cincinnati on the 20th or 21st of May. I received a telegram at Hillsdale, Mich., on the 19th of May, of which I have a copy here, directing me to meet the Solicitor at Cincinnati, and I arrived there on the night of the 20th of May.

Q. Where is the original of this copy?—A. I expect it is in my papers at Detroit. I had that copy made this morning at the Office of Internal Revenue. That is copied from the letter-press copies of telegrams which they keep there.

Q. You cannot say whether that is a correct copy, can you?—A. Yes, sir; I called for it this morning.

Q. You did not make the copy, and you do not know that it is correct?—A. Yes, sir; this is my answer to the one I received.

Q. Why don't you produce a copy of the one you received?—A. I asked for it this morning, and they did not succeed in finding it; then I asked for a copy of my answer which I sent the same day.

Q. This paper that you propose to read then is an answer, is it?—A. Yes, sir.

Q. Do they keep copies of these answers as fast as they come, or do they keep the originals?—A. They keep the originals, and keep a record of them also. My understanding is that when a telegram comes in that the substance of it is copied in a book, and from that they know where the telegram is filed.

Q. And they could not find any such telegram filed as that which you allege to have been sent to you to which this was an answer?—A. They did not give it anyway. This was my answer:

"HILLSDALE, MICH., May 19, 1875.

"Hon. D. D. PRATT,

"*Commissioner Internal Revenue:*

"I will meet Solicitor Wilson at Cincinnati, as instructed.

"WM. A. GAVETT."

I went to Cincinnati; I sent my card to the Solicitor's room the night of my arrival, but did not see him until the next morning. He informed me that he had suspicions that there were frauds in Cincinnati, and he had some memorandums of matters that he wanted investigated, of Howe & Hubbell and Aman & Co., and perhaps one or two other firms. The first duty he assigned me was to go down to the collector's office and ascertain, as he said—how the land lay. He seemed to be suspicious of the collector, and he contemplated, it seems, making some seizures, and did not know whether the collector's office was all right or not. I went down, and the collector was absent.

Q. Did you receive any instructions from him with reference to Saint Louis?—A. I went down, and reported that the collector was absent. He wanted to know then if I thought there was anybody in the office that he could trust, and I told him I thought so; I thought that Mr. Billings, the chief deputy, was all right. He was disposed immediately to have the collector removed—to telegraph for his removal. I suggested to him that I thought Mr. Weitzel had a good many friends, and that unless we had some absolute evidence against him, I thought we had better go slow on removal. He said it didn't make any difference who his friends were; the President was back of this investigation, and he could have any one removed; he didn't care anything about Weitzel's friends. He finally did not send any telegram asking for the removal of the collector, and he was not removed.

Q. Did he say anything further about the President being in sympathy with his movements and purposes?—A. Well, he was there four or five days, and he frequently assured me of the President's hearty backing and co-operation; that the President was the backbone of the matter, and that we need not have any fear to strike anybody.

Q. No matter how powerful their friends were?—A. Yes, sir. I was under the impression that the collector had strong friends, and my theory of the investigation was that it was not best to undertake to remove a man unless you had some evidence of fraud. The Solicitor seemed to take any suggestions in regard to the investigations very pleasantly. In the course of the conversations he informed me very strongly that Mr. Bristow was to be the next President of the United States, and gave me to understand that that was the policy to pursue. I took the liberty of differing with him on that.

By Mr. COCHRANE :

Q. Who did you say would be the next President of the United States?—A. Well, I did not think Mr. Bristow would be.

Q. Who did you think would be?—A. Well, I was rather under the impression that Mr. Blaine would be; at least, I was disposed to help him by saying a good word if I could; but Mr. Wilson was very positive about this Bristow matter.

By Mr. PLAISTED :

Q. What instructions were given you with reference to your duties at Saint Louis by Mr. Wilson?—A. Mr. Wilson did not give me any instructions about Saint Louis. The instructions I received from him were verbal instructions while there with him. I do not know that he ever gave me any instructions excepting a telegram from Chicago. That interview, as I remember, was on the morning of the 21st of May. My recollection is that I got there on the 20th, about ten o'clock. I remained in Cincinnati after the Solicitor left, and made some seizures of whisky without any stamps after he left, and I telegraphed him at Chicago what I had done, and he telegraphed me back a congratulatory dispatch.

Q. To what point did he go from Saint Louis?—A. He went to Chicago, as I understood. I received a telegram from him from there. I understood that from there he was going to Saint Louis, but whether he did or not I do not know.

Q. Did you ever have any other conversation with respect to the Presidency?—A. Yes; I believe I did.

Q. You may state what it was.—A. I had another conversation with him—a number of conversations in his office in Washington.

Q. At what time?—A. I think it was in September, 1875. I had a chat with him in his office; and his conversation then was substantially what his suggestions or instructions were in Cincinnati—that Mr. Bristow was the man.

Q. Did you ever have any conversation with Mr. Yaryan about it?—A. Yes, sir; repeatedly.

Q. What was that?—A. Mr. Yaryan, about the 20th of May, was assigned to duty as chief of revenue-agents, and all our instructions from the Department came through him, as I understand.

Q. State the conversations.—A. Well, Mr. Yaryan undertook to instruct me frequently, that I had to go for Mr. Bristow, and that this "damned Blaine business had got to let up." That is the expression that he used to me. I gave him my ideas very freely. One conversation of that kind was held with Mr. Yaryan while walking from the White House when Revenue-Agent Wagoner, of Virginia, and myself took occasion to differ with him.

Q. What did Mr. Yaryan say about it?—A. He informed me that he was for Mr. Bristow, and that it was policy for us to be for Mr. Bristow, and he said to me, in the course of the conversation, "You have got to let up on this damned Blaine business," or "This damned Blaine business has got to let up."

Q. Was this said threateningly?—A. Yes, sir; it was, very. While in Virginia I had been present at a convention, and on my return I received a letter which disapproved very strongly of my having attended that convention. I was on duty at the time at Lynchburgh.

Q. Were you at Saint Louis again prior to this time in 1875 on whisky investigations?—A. Yes, sir. My first visit to Saint Louis on these whisky investigations was in November, 1872, in company with Revenue-Agent Brasher and Yaryan. Early in November I received an order, a short note, from the Commissioner, in his own handwriting, of which there appeared to be no letter-press copy, containing a confidential note addressed to me at Nashville, Tenn., ordering me to be at the Burnett House, Cincinnati, and I would receive instructions. I think the order directed me to be there on the 8th of November. I went there immediately and met at the Burnett House Brasher and Yaryan, and was informed by Mr. Brasher, who said he had just come from Washington and who seemed to be intrusted with an expedition to Saint Louis, that he had had these confidential letters sent and we were to go to Saint Louis to investigate whisky matters. We went to Saint Louis, and without making ourselves known commenced an investigation, and on the 14th of November we joined in an official report in regard to whisky matters there of which this is a copy. I was directed by the Commissioner not to furnish copies of these private papers unless asked for in writing by the committee, and since I received the written request I have not had time to get a copy from the Department, so I produce here my own copy:

"SAINT LOUIS, MO., November 14, 1872.

"SIR: We have the honor to report that, in pursuance to your instructions, we have made an examination of the distilleries at this place, and beg leave to submit the following report:

"Our examination began early on the 11th instant with the distillery of M. Thompson, reported as mashing (248) two hundred and forty-eight bushels. The entries in the distiller's and the store-keeper's books were made up to date.

"We next visited the distillery of Bevis & Fraser, reported as mashing (651) six hundred and fifty-one bushels, and found that no entries have been made in the distillery yeasting-book since November 1, during which interval the distillery had been in constant operation. The entire product of this establishment is transferred to the rectifying house of Bevis, Fraser & Co., a report concerning which is included, (page 3.)

"The distillery of Rudolph W. Ulrici was not visited. The entries in the distiller's yeasting-book had not been made for the seven days previous, but were entered after our arrival.

"The distiller's record of 'spirits received and disposed of' (Form 52) had no entries of spirits received after date of September 30, a period of (42) forty-two days, and no entries of spirits disposed of after date of October 31, a period of eleven days, the distillery being in constant operation in the interval.

"On the 12th instant we accompanied Supervisor McDonald and other officers to the distillery of L. Arleth.

"The distiller's and store-keeper's books were in perfect order. The store-keeper, Henry Almstedt, is entitled to special mention as a careful and efficient officer.

"The rectifying establishment of Bevis, Fraser & Co., referred to as receiving the entire product of the distillery of Bevis & Fraser, was examined immediately after the latter with the following result.

"We found that no entry of 'spirits received' had been made in the rectifier's book (Form 52) since August 30, a period of seventy-three (73) days, and that no entry of 'spirits disposed of' had been made since September 25, a period of forty-seven (47) days; that since the last entry of 'spirits received' there had been received from the distillery referred to, as shown by the gauger's books, thirteen hundred and eight (1,308) packages, (serial numbers 5625 to 6932,) containing seventy-nine thousand two hundred and seventy-five (79,275) gallons of proof-spirits; and that since the last entry of 'spirits disposed of' there has been shipped, as shown by their private records, twenty-two hundred and sixty-one (2,261) packages containing ninety-three thousand two hundred and thirteen (93,213) gallons of proof spirits; or, in other words, that this rectifying-house has received since August 30 79,275 gallons of proof-spirits and disposed of, since September 25, 93,213 gallons of proof-spirits of which no record has been made.

"The above is embraced in forty-five (45) distinct lots of spirits received and two hundred and forty-six (246) distinct lots of spirits disposed of by this establishment, of which no entries have been kept.

"On the 13th instant we accompanied Supervisor McDonald and Revenue-Agent Joyce to the rectifying-houses of Messrs. Derby & Ray and E. A. Damon & Co. and found the books entered up to date.

"At the rectifying-house of Samuel M. Cortney, next visited, we found no entries made in the rectifier's book since October 14, though the establishment has been continuously in operation during the interval, and the private records show frequent sales during the same period.

"On the 14th instant we examined the rectifying-house of Bohlman & O'Hara and found them engaged in filling a lot of twenty-four (24) empty barrels to which stamps were affixed, and that on the previous day they had received from the distillery of R. W. Ulric fourteen (14) barrels of high-wines, and had dumped the same without having made application.

"We went immediately to the distillery of R. W. Ulric, and on examination of his books (Form 52,) found no entry had been made of the sale of this lot of spirits, though his private records disclosed it, and that no entry at all had been made of spirits disposed of since November 9, though the private books showed sales of ninety-seven (97) barrels of high wines during the interval.

"All of which is respectfully submitted.

"Very respectfully, your obedient servants,

"B. P. BRASHER,

"H. T. YARYAN,

"WM. A. GAVETT.

"Revenue Agents.

"Hon. J. W. DOUGLASS,

*Commissioner Internal Revenue, Washington, D. C."*

Q. Was that transmitted to the Department?—A. My impression is that Mr. Brasher came to the Department with the report. I went to Michigan, and thence to Louisville; Mr. Yaryan went to New Orleans; and Mr. Brasher came back to Washington with this report. He was rather in charge of the expedition, so to speak.

Q. What action did the Department take upon that report?—A. They sent Mr. Brasher back to continue the investigations, and he sold out to the Saint Louis thieves, and got all the money he could and fled to Belgium, or somewhere in Europe. He fled some little time before the inauguration of this raid on the Saint Louis and other distilleries of the West. I cannot tell you, definitely, how long before. He got married near Cincinnati to a distiller's daughter.

Q. Do you know whether he afterward made a different report from Saint Louis?—A. Yes, sir; I was informed at the office that he afterward made a whitewashing report.

By Mr. COCHRANE:

Q. The report is there, I suppose?—A. I suppose it is.

By Mr. PLAISTED:

Q. How long were you there at Saint Louis with Mr. Yaryan, in 1872?—A. I should say we were there fully a week.

Q. How long had you been in the revenue service at that time?—A. Mr. Yaryan was entirely new in whisky matters then, and I took special pains to show him what I could about distilleries; I had had three or four years' experience, and that was, I guess, about his first experience in examining distilleries.

Q. Did you ever have any conversation with Mr. Yaryan as to the sympathy of the President with the prosecutions?—A. Yes, sir; Mr. Yaryan assured me frequently, in the fore part of the whisky war, so to speak, that the President was in full and hearty sympathy. Later, within the last few months, when I have seen him, he has seemed to feel rather differently.

Q. State what he said, if anything.—A. I do not know that he made any direct charge. He advocated Mr. Bristow very strongly, and rather spoke as though he had not much respect for the President of the United States. But his whole course, until recently, had been directly the reverse. He had spoken of the President in the strongest terms, the same as Mr. Wilson had.

By Mr. COCHRANE:

Q. You are still in the employ of the Government?—A. Yes, sir; a revenue-agent.

Q. You used to serve under Mr. Pratt?—A. Yes; while he was Commissioner.

Q. He is not Commissioner any more?—A. I understand he has resigned to take effect yesterday.

Q. You say you met Mr. Wilson at Cincinnati?—A. Yes, sir.

Q. Was it there you had this conversation with him?—A. Yes, sir; at the Grand Hotel at Cincinnati.

Q. At that time they had not discovered this "Sylph" dispatch implicating General Babcock, had they?—A. Not to my knowledge.

Q. You know the fact, don't you?—A. I never had heard of it, and I had no knowledge that they had.

Q. You know when it was found, didn't you?—A. I saw it in the papers.

Q. Do you recollect about the time it was found?—A. No; I do not recollect to give the date, although the occurrence is very distinct in my memory.

Q. Do you recollect about what month it was?—A. No; I won't undertake to answer that question.

Q. But you are quite clear that this conversation in which Mr. Wilson said he had the backing of the President was prior to the discovery of the fact that General Babcock was implicated in the frauds?—A. Yes, sir; that is my impression.

Q. You also had conversation with him about Mr. Bristow?—A. Yes.

Q. Mr. Wilson spoke very highly of Mr. Bristow?—A. Yes; he said he was the man for the next President.

Q. He spoke of him as a very honest man?—A. Yes; he spoke very strongly of him.

Q. He spoke of him as a reformer in the true sense of the term?—A. No; I don't remember that. It had not become the stereotyped talk of the day then, as it is now.

Q. You were not talking as much about "reform" then as you are now?—A. No, sir; I had not heard as much.

Q. Did Mr. Wilson express his reliance on the integrity of Mr. Bristow, the right man for the right place?—A. He said, "Mr. Bristow was the man for the next presidency, and he was going to be the next President; we are going to make him the next President." Of course, I listened to him with a great deal of attention, as he was an officer in high authority. I liked his zeal and energy first rate and we became quite friendly. He was very positive to me in his instruction that Mr. Bristow was the right man to go for.

Q. You regarded that as instructions?—A. Yes, sir. I did not obey it as such, but I regarded it as given in that way.

Q. You regarded it as an intimation on his part to that effect?—A. I regarded it as a very strong intimation that we had better go for Mr. Bristow, if we knew when we were well off.

Q. Did he tell you that?—A. I do not know that he did. He told me that repeatedly when Supervisor Hunt and other officers came there and the conversation turned on this sort of subject, as it naturally would.

Q. Did Mr. Wilson ever tell you that you would have to go for Mr. Bristow?—A. Not direct, in so many words.

Q. Did he ever ask you to go for Mr. Bristow?—A. Yes; he told me very distinctly and positively at Cincinnati, at the Grand Hotel, that Mr. Bristow was the man for us to go for, and he says, "We are going to make him the next President of the United States."

Q. "We"—who?—A. Well, who is "we," anyway?

Q. Did he mean you and he?—A. My impression is that before he left there he didn't think I would be "we" in that case; I told him I was for Mr. Blaine very decidedly.

Q. Did you undertake to instruct him to go for Mr. Blaine?—A. He was my superior officer, and I could not well instruct him.

Q. He could not instruct you on a political matter like that?—A. I listened to the instructions, but I should not obey them.

Q. Well, then, he could not instruct you?—A. He could instruct me, but I should not obey the instruction.

Q. Did he speak about the integrity of Mr. Bristow, and the confidence he had in him as a man?—A. I have no recollection of his speaking particularly of that. He spoke of him in glowing terms, and said, "He is the man that we are going to make the next President of the United States."

Q. You have said that five or six times. I am asking you whether he spoke of the integrity and high character of Mr. Bristow.—A. don't remember that he did particularly.

Q. Do you say that he did not?—A. He may or may not. I do not remember. He spoke in very high terms of him generally, but just what he said of him I don't remember. That particular thing I considered as giving me instructions that I had got to go for Mr. Bristow.

Q. Do you recollect whether he spoke of the integrity and high character of Mr. Bristow?—A. I don't know that he used the word "integrity" or "high character."

Q. Do you swear that he did not say anything about that?—A. No, sir; I do not.

Q. Then you do not recollect what the conversation was on that subject?—A. I remember some conversation on that subject very distinctly.

Q. Do you recollect the whole of a conversation upon that subject?—A. Do I recollect everything that was said?

Q. Do you recollect the whole of a conversation upon that subject?—A. I don't remember all the details of the conversation—everything that was said.

Q. Did you make any memorandum or note of the conversation?—A. I did in the top of my head.

Q. Did you on paper?—A. I don't remember.

Q. What part of the top of your head did you make it in?—A. You will have to get Fowler's Phenology to determine that.

Q. You say you have had conversations with Mr. Yaryan about Mr. Bristow?—A. Yes, sir; I have talked to him about Mr. Bristow and the President, too, frequently.

Q. Did you understand that he was giving you instructions?—A. Yes, sir; that he was attempting to.

Q. You did not obey any of those instructions?—A. No, sir.

Q. Have you been continuously in the employ of the Government since then or were you discharged?—A. I have never been discharged, sir, except when I was discharged from the Army. I have been almost continuously in the service of the Government since the 1st of August, 1861, in the Army and in the civil service.

Q. You were very free in your expression of opinion as to Mr. Blaine at Cincinnati to Mr. Wilson?—A. I think so. My impression is that I told him decidedly that I was a Blaine man.

Q. You relieved his mind of any doubt he had on that subject?—A. My impression is that I did, and I think I gave him to understand something about who my friends were in position in Washington.

Q. You were not removed from your position?—A. I have never been removed to this time.

Q. You stated in reading the Saint Louis report something about McDonald forbidding you to do something; please explain what it was.—A. Soon after we arrived at the distillery of R. W. Ulrici, Supervisor McDonald, (I explained that before we tried to get in there without having it known,) Revenue-Agent Joyce, Mr. Fitzroy, who was then, I think, chief clerk in the assessor's office, and afterward the cashier of the whisky ring, and somebody else, a large, broad-shouldered man, I don't remember his name, drove up to the distillery very hurriedly. Mr. McDonald demanded our orders. Our orders were of a confidential nature, and we refused to show them. I did most of the talking for the party. I knew Mr. McDonald; at least I had met him once or twice in Washington. He was a very blustering man, and he used rough language, and informed us very positively and emphatically that he was the supervisor of that district, and that he would not allow these investigations without he could know about it, and he forbade us going any further; and although we did not regard his authority to forbid—he had none, of course—yet he either followed along with us wherever we went, or retarded our movements very largely by his constant presence; in other words, he kept himself in our way. We wrote a confidential letter, Mr. Yaryan and I, he sitting on one side of the table and I on the other. I said, "Write your ideas out, and I will write mine, and see how they agree." They were confidential letters, which was not a part of this official report, and we sent them. They are not on file, but Mr. Douglass remembers about it very distinctly. Then, as I say, Mr. Brasher was sent back.

Q. These confidential letters contained a statement of what McDonald had done?—A. My impression is that we stated that fully and stated our belief in a general way that there were extensive frauds there, and that McDonald and Joyce were in it. I know I told Mr. Douglass so the first time I came to Washington. He told me at that time that Mr. Brasher had been sent out there to continue the investigation. At that time most of the revenue-agents were assigned to districts with five or six States in a district. I happened at that time to be assigned to one of the southern districts. I went immediately back to my district, but my information was that he sent Mr. Brasher back to continue these investigations. Mr. Brasher's selling out came after this report was made.

Q. From that time, then, until 1875, no active steps were taken in the direction of breaking up that ring?—A. I do not know what was taken. I was not sent to Saint Louis any more until this order of June, 1875.

Q. You have no knowledge of any efforts being made to punish these officials?—A. Well, I heard frequently that there was an effort being made; that Hoge and Brooks had been sent there, and others; it is only hearsay evidence.

Q. Did you ever hear of the distilleries where you found these irregularities having been seized until 1875?—A. These distilleries were not seized at that time.

Q. None of them were seized until 1875, were they?—A. Not to my knowledge. I do not know but Bevis & Fraser may have been distrained. They detected Bevis & Fraser in a fraud, and they compromised for \$40,000. This was some time in the interim between 1872 and June, 1875.

Q. That is the only case that occurred, is it?—A. That is the only case that I have any knowledge of.

By Mr. PLAISTED:

Q. Who prepared the Brasher report?—A. My recollection is that I dictated the report. Mr. Brasher's brother, as I remember, was with us. He was a register of a land-office out West, and he was with us on that occasion visiting with his brother, and we wrote this joint report, as I recollect, in Mr. Brasher's room. I had taken the notes as we went along examining the books, and my recollection is that I dictated the report and Mr. Brasher's brother wrote it.

Q. Can your confidential communications be found at the Department?—A. I do not know whether they can or not.

Q. Can you state why you did not embody all the facts contained in these confidential communications in this joint report?—A. Yes, sir. At that time our reports did not seem to be treated in a confidential manner, and, as a result, the contents of what we had reported on a distiller or rectifier or an officer soon became public, and it was liable to involve us in difficulties with these persons; and it was rather more as a matter of protection for ourselves, not caring to have a personal difficulty with McDonald and those men. They had the reputation of being fighting-men, and we thought, for prudential reasons, we would give the Commissioner our ideas and not let it go on the files of the office.

Q. Do you know what the practice, now, of the Department with respect to these reports is?—A. I think they are treated as confidential now. In fact they instructed me so in this case.

Q. You obtained this report only in response to a formal request from the committee?—A. Yes, sir.

WASHINGTON, D. C., August 1, 1876.

[ MARK BANCs sworn and examined.

By Mr. PLAISTED :

Question. Where do you reside?—Answer. Lacon, Marshall County, Illinois. I am at present living in Chicago. I am United States attorney for the northern district of Illinois.

Q. How far from Chicago do you reside?—A. One hundred and thirty miles.

Q. What is the date of your appointment as district attorney?—A. My commission is dated December 14, 1875.

Q. At what date did you enter upon the discharge of the duties?—A. I took the oath of office on the 18th of December, 1875.

Q. Since that time have you resided in Chicago?—A. I have been there steadily, sir, attending to the duties of my office.

Q. What connection have you had with the prosecution of the whisky ring, so called?—A. I have been the district attorney and have had the official responsibility for that district.

Q. What was the state of the prosecutions at the time you entered upon your duties?—A. When I went there, I went at the request of Supervisor Matthews, who telegraphed me that the exigencies of the public service were such that I ought to report immediately. I qualified on the 18th. Among the first propositions made to me was one touching the policy of receiving the testimony of accomplices. I found that the Government had three very able lawyers there employed as special counsel—Mr. Wirt Dexter, Mr. Benjamin F. Ayer, and Mr. Boutelle.

Q. When were they appointed as special counsel?—A. I do not know. I found them there acting as such when I went there.

Q. What are the politics of those gentlemen?—A. I did not know what they were when I went there.

Q. Do you know now?—A. I have learned since I went there that Mr. Dexter, who had for a good many years been a republican, was at the last presidential election a Greeley man. Mr. Ayer has all his life-long been a democrat. Mr. Boutelle is a republican.

Q. State now what you had to do with these propositions with reference to the testimony of accomplices.—A. Mr. Matthews, the supervisor, whom I saw at the Grand Pacific on the morning of the 18th of December, stated to me that there was a proposition to take certain distillers as State's evidence, and wanted to know my opinion about it. I told him inasmuch as I had not my commission, and did not know that I should get it, and inasmuch as I knew nothing about the steps which had preceded me up to that time, I should decline to take any steps until I had received authority from Washington. A good deal was said about it. I understood that Mr. Wilson had been there, and had given some kind of instruction. I do not know what it was; I don't remember now, but the position which I took induced, in part at least, the return of Colonel Matthews to Washington, bringing one of the distillers with him. Perhaps a week elapsed, a few days, at least, before he returned with such statements as led us to enter into negotiations with these parties to receive their testimony.

Q. State the instructions that he brought back.—A. There was nothing in writing. As I recollect them now, they were substantially to the effect that we were authorized to make such terms with these men as we could. He said that he believed the scope of his authority would warrant us in giving them both civil and criminal immunity if we should think proper.

Q. Giving that to how many?—A. I should think there were from nine to twelve.

Q. Can you give any designation of them as a whole?—A. They called them the "first batch."

Q. Did this proposition or instruction cover the whole of the first batch?—A. I understood that it did.

Q. You said he stated that he had authority broad enough to give to them both civil and criminal immunity. Did you mean by that the whole of the first batch?—A. I understood that there was an attempt, perhaps—possibly an instruction from Mr. Wilson to them that I don't know anything about of my own knowledge—

By Mr. COCHRANE:

Q. State what you know of your own knowledge.—A. Well, I don't know anything about any other number than all of them, personally. I understood the proposition to cover all of them.

Q. What was the character of the offenses of this first batch?—A. They were distillers who had been running crooked. They were engaged in the frauds.

Q. Then the first batch was composed wholly of distillers; no gaugers or rectifiers?—A. No gaugers, so far as I knew or now remember, were in that first arrangement. Some of the gaugers were taken in afterward under the general authority.

Q. How many?—A. I should think as many more as there were distillers.

Q. Were there any rectifiers taken in under that general authority?—A. Under the term "distillers" I include rectifiers as well.

Q. How many did that comprise?—A. I should think in all there might be twenty, to make a rough guess at it, who have testified.

Q. You would say, then, that the first batch comprised twenty?—A. No, sir. I understand that the term batch applies to distillers and rectifiers, but does not include gaugers nor store-keepers.

Q. At the time you entered upon your duties, had any one connected with the ring been convicted?—A. No, sir; there had been no trials. The grand jury had found several indictments.

Q. Have any of these persons whom you have named here as numbering about twenty, been tried and convicted?—A. Most of them have plead guilty.

Q. Upon what terms?—A. The distillers plead guilty upon the express arrangement that sentence was not to be moved against them; that is, if they testified.

Q. That it should never be moved against them?—A. That was the understanding.

Q. What was the arrangement as to the store-keepers, gaugers, and rectifiers?—A. Some of them had absolute immunity; one or two of them were never indicted, and a few were called merely as witnesses with the statement that the fact of their testifying would go to the court in mitigation. A half-dozen, I think, testified in that way.

Q. Have any of them been punished, of that class?—A. Not yet. There is one, Fee, of Sagetown, who received a sentence of \$1,000 and one day.

Q. A nominal punishment so far as imprisonment is concerned?—A. Yes, sir; it was really tantamount to thirty days and no trial, because he was poor.

Q. What was the character of the offense?—A. I think he was a gauger who had been engaged in crooked business at the Sagetown distillery under Turner.

Q. Is there anything standing in the way of the punishment of these men now?—A. Those who testified under the last arrangement were promised that the fact of their testifying should be made known to the court and go in mitigation.

Q. To whom did that apply?—A. To perhaps half a dozen store-keepers and gaugers; the names of some of them are, Louis Berger, Theodore Schriekem, Ernest Matern, and I think Alfred Waterman perhaps is another, but I am not sure.

Q. Persons whose cases are similar to that of Fee?—A. Somewhat similar; rather more favorable than his; so much so that when I spoke to the judge about sentencing them, he thought they deserved perhaps a milder punishment than the minimum, and has withheld the sentence thus far out of consideration of their testimony.

Q. Do you consider that these men have had immunity granted to them so that you would be precluded from moving their sentence?—A. The first batch?

Q. Yes; all of the first batch.—A. Yes, sir; I should consider the Government acting in bad faith to call them up for sentence.

Q. Who granted this immunity to these men?—A. It was concluded after I went there, on the part of myself and those special counsel.

Q. Upon whose authority?—A. It was made upon authority which Supervisor Matthews brought from General Bristow and Mr. Pierrepont, as we understood it.

Q. Did he mention the name of Pierrepont?—A. I don't know that he did. My recollection is that he brought the authority from the proper officers, those whom he considered the proper officers. I don't know that he named any one.

Q. Written authority?—A. No, sir; there is not a line of written authority in my office that I know of, except such as has come in the way of approval.

Q. Do you know whether immunity was ever granted to any other one of the first batch by the local counsel on their own authority?—A. My recollection is that the general arrangement was completed when we were all together. I had great regard for the opinion of those gentlemen, and have now, and I don't think there was any division of counsel as to the propriety of the act at the time of its conclusion.

Q. Was the granting of immunity done by the local officers on their own authority in many instances?—A. O, yes; there were a good many of those gaugers and store-keepers

that were brought in by them reasonably enough, because our business was so diversified that it would be impossible for us to be all together.

Q. What you did in granting immunity was done, was it, with the sanction or direction of the Treasury Department here?—A. I so understood it.

Q. The first batch included distillers and rectifiers?—A. Yes, sir.

Q. Were they not as guilty as any of the rascals in the whisky ring?—A. I think they were. I have never been able to discover any difference.

Q. How many trials have you had since you came into office?—A. Very few; that is, of that class. The first whisky trial was that of Pollman & Rush, proprietors of the Chicago Alcohol Works. They were convicted, and are now serving their time. The offense was, making crooked whisky and putting it on the market. The next trial was of Freisinger & Severance, of the Rockland distillery. They were found guilty. Their case stands now upon an undecided motion for a new trial. In the mean time, there has been an arrangement made, by advice of the court, with Freisinger, who fled to Canada, to pay a fine of \$5,000 and receive one day's imprisonment. Severance will probably pay less. His offense was making crooked whisky.

Q. Has any one of the ring residing in Chicago been tried and convicted?—A. Pollman & Rush were of the Chicago ring. They all plead guilty except Pollman & Rush and Valentine and Norris, and the latter are to be tried yet.

Q. Who else has been tried there?—A. Supervisor Munn has been tried and acquitted; Mr. Colton, a gauger, tried and found guilty on a negligence count in the indictment.

Q. In those trials did you use as witnesses this first batch?—A. Yes, sir; and the store-keepers and gangsters. I don't know that they were all used in any one trial, but they were all used in the trials.

Q. Who is the organizer of the whisky ring in Chicago?—A. I think it was rather a spontaneous movement on the part of distillers and Jacob Rehm.

Q. Who is Rehm?—A. A German who has lived thirty years or more in Chicago.

Q. What was his offense?—A. He seemed to be a sort of head center.

Q. What was his part in the conspiracy?—A. Judging from the testimony, he occupied about this position: he seemed to have influence in some way to get gaugers and store-keepers appointed and assigned. The distillers finding that he had a position of some influence, sought his protection, and (as they testified) paid him a certain sum of money monthly, or so much a barrel for the crooked, for his protection. They bought his protection.

Q. How much did they pay him on the whole?—A. The testimony on the Munn trial developed about \$110,000 to \$120,000 in all. The evidence was a little uncertain, but I should put it not to exceed \$120,000.

Q. Is that believed to be the extent of his profits in the business?—A. That, upon a fair weighing of the testimony, I should think would be correct. There is a good deal of outside talk about his receiving a good deal more.

Q. Did you have sufficient evidence to convict him?—A. Yes, sir; without any doubt.

Q. Was he tried?—A. No, sir.

Q. Was immunity granted to him?—A. Partial.

Q. By whom?—A. By myself and my associates, under the direction of the Department, as brought from here by Dexter.

Q. By the direction of the Treasury Department?—A. Mr. Dexter told me that he had an interview with both the Secretary and the Attorney-General.

Q. State whether Rehm made application to you.—A. Yes, sir; through his counsel.

Q. In the first instance?—A. Yes, sir; he came to my office, to me personally.

Q. What was his application?—A. His application was to have me receive and consider a proposition from Rehm to testify for the Government. I told him that I could not accept the proposition, for I did not think we could handle it; that we had spent a good deal of time to catch him, and that I did not see how we could utilize him. The request then was to send on his application to the Department, which I consented to do, and did do. Mr. Dexter being here at the time, I telegraphed him to wait and receive my letter which I sent, containing the testimony that he proposed to give and the terms and immunity that he asked. I wrote Dexter a private letter stating it fully, and urging the necessity of having explicit directions and authority in writing, for I did not care to have any room for any two constructions about our authority any more. Mr. Dexter told me that he read the letter to General Bristow and Mr. Pierpont, and that he received direct, positive, affirmative authority to protect Rehm.

Q. Upon what terms and conditions?—A. Those, I understood, were left to our discretion and judgment. We went forward and treated with him, first, upon the basis that he was not to go to the penitentiary; second, that the fine was to be all the law would allow it to be up to \$35,000; and furthermore, while we did not promise, we encouraged them to believe, that if the court asked our instructions or advice we would not ask for more than six months in the county jail. The result was, when he was called for sentence the court gave him six months in the county jail and fined him \$10,000; he has been in jail about a month, and he is able to pay his fine. He is a man of property. He testified on the stand that his property was worth at least \$200,000, and possibly more.

Q. Did the court take fully your suggestions as to the sentence?—A. Perhaps it did; the suggestions of all of us, the three special counsel.

Q. Did not Mr. Dexter state to the court when he (Rehm) was brought up for sentence that he was entitled to full immunity?—A. He made some particularly strong remarks. I really do not remember what they were now.

Q. Did he not state, in substance, that he was entitled to full immunity under the arrangement made at Washington?—A. I do not now so recollect it. I know his remarks were strong, and favorable to Rehm. They were in print the next day. He stated, if I recollect correctly, that Rehm was entitled to the fulfillment, in both letter and spirit, of our agreement with him.

Q. Did he state what that agreement was?—A. I think he did, substantially as I have stated it. I know his remarks were somewhat at length, and quite exact.

Q. In the interest of Rehm?—A. Well, yes, sir; I think Mr. Dexter was thoroughly honest and honorable. I don't think he had a selfish or sinister purpose in making the remarks.

Q. He was the attorney for the Government who made the arrangement in Washington?—A. Yes, sir.

Q. He would be very likely to understand precisely the terms of that arrangement, would he not?—A. I should think he would.

Q. Did not he give the terms of his agreement in his statement to the court, as he understood it?—A. I think he went on and detailed, to some extent, the conversations that he had with Mr. Bristow. It is perhaps not improper for me to state that this line of negotiation had been largely entered upon when I went there, and being wholly unacquainted with the matters, I deferred very largely to their judgment. It has never seemed to me since that we could have got along without taking more or less of those men as state's evidence.

Q. When you entered upon your duties had not some of the first batch been examined by counsel and their testimony taken down?—A. I am not able to say whether they had or not.

Q. Had not the counsel at that time gone so far that it would have been dishonorable in you not to have given them exemption?—A. I don't know whether they had or not. Up to the time when the first complaint was made we had gone so far that it would have been utterly impossible and improper for us to have changed our course.

Q. What time was that?—A. That was when Mr. Tutton went out there. I don't remember the time exactly.

Q. How long after you were appointed?—A. I think it must have been a month.

Q. The Government was committed at that time to this immunity, so far as the first batch was concerned, was it not?—A. O, yes; I had several talks with Mr. Tutton myself.

Q. Was there any evidence disclosed before the grand jury or at any of these trials implicating Logan or Farwell as being in sympathy with the whisky ring?—A. No, sir; not the slightest.

Q. Did you in your investigation discover any evidence tending to implicate them in the whisky frauds?—A. No, sir; nothing at all.

Q. Did you hear of any evidence of that kind?—A. I did not.

Q. Was Solicitor Wilson out there?—A. He came out there in June, I think, a few days before the Cincinnati convention.

Q. Did you have any conversation with him?—A. Yes, sir.

Q. With reference to the prosecutions of the whisky thieves?—A. Yes, sir. The special counsel, Colonel Matthews, and myself had a long interview with him at Dexter's house, about the prosecution of those two cases—the one against Ward, the former district attorney, and the one against Wadsworth, the former collector. We had just finished the trial of Munn. We had tried Pollman & Rush, in whose defense there was a systematic effort made to discredit the testimony of accomplices. They were convicted, however. We then tried Munn, where the same line of defense was carried out, but concentrated upon Rehm specially. He testified in that case for the first time. The circumstances of the two trials were so peculiar and the public sentiment so strong that special counsel and myself, upon a careful conference, came to a deliberate conclusion that it would be simply enacting a judicial farce to try Ward and Wadsworth, and calculated to bring the Government into contempt and demoralize the entire prosecution, both civil and criminal. With that view, I wrote the Attorney-General a letter stating the facts and asking advice. The letter was addressed to Mr. Taft. It seems there was an interview, and Mr. Phillips, Acting Attorney-General, answered it, remitting the whole question to our judgment. About the time that instruction came, Mr. Wilson came and urged the prosecution of these cases very vehemently, against the very pronounced opinion of Mr. Ayer and against very urgent reasons from the rest of us. We finally decided to go on and try them, but in the mean time to try some minor cases first if we could get them in, still further to test the public feeling. Pursuant to that arrangement we brought up Alderman Hildreth, and he plead guilty. Then we brought up another alderman, Cullerton, and tried him. Upon the ordinary rules of weighing the evidence, we thought we made a very straight case against him. We had the best of our squealers, as they called them, but not Rehm, and by accident the defense brought but two witnesses who were not squealers, and they found a verdict on their testimony, taking special pains to ignore our testimony altogether. We thought that it was the most signal defeat we had. They took no pains to conceal the fact that they had ignored our testimony and found a verdict upon the testimony of the two witnesses introduced by the defense, and it was found to be so signal a rebuke that

the special counsel and myself and the court were perfectly unanimous in pronouncing the further prosecution of Ward and Wadsworth a judicial farce.

Q. Upon what testimony was Ward indicted?—A. Chiefly upon that of Rehm.

Q. Without Rehm's testimony could an indictment have been obtained?—A. No, sir; and it was obtained with the greatest care and hesitancy as it was.

Q. Aside from the testimony of Rehm, is there any testimony against Ward?—A. Some remote testimony, but its bearing is brought out chiefly by these accomplices. Without the testimony of accomplices there is no hope, not the remotest shadow of a hope, of convicting Ward.

Q. How about Wadsworth?—A. I think we had a better case against Wadsworth than against Ward, but we could not have convicted him at all without Rehm's testimony.

Q. What was the result as to these two cases of Ward and Wadsworth?—A. Upon the authority of Mr. Phillips's letter, I asked leave of the court to *not. pros.* them, and did so, and they were dismissed. That was done during the Cincinnati convention.

Q. Did Solicitor Wilson assent to the proposition to have them dismissed?—A. I never saw Solicitor Wilson from the time he was out there, before the convention, until I saw him in town here, within the last ten days. I received no written assent or dissent from him.

Q. Did you have many communications with him and the Secretary of the Treasury during your term of office?—A. Quite a number.

Q. Was Mr. Wilson very earnest in his determination to have Ward and Wadsworth tried?—A. Very decided, indeed, sir; very warm and positive.

Q. Upon what grounds?—A. Well, that it was best to leave it to the court and the jury, even if you knew that defeat was absolutely certain.

Q. What were his motives as disclosed?—A. I don't know that I could fathom his motives.

By Mr. COCHRANE:

Q. As disclosed by him in this interview, what did he say? That is the question.—A. He said he would dismiss those cases by no means whatever; that they should be prosecuted without any reference to consequences or circumstances—that is the substance of it—giving as a reason, and, so far as I now remember, the chief reason, perhaps the only one, that it was the province of the court and the jury to decide upon the case involved.

Q. Did you discover that the Cincinnati convention had anything to do with his urgency in this matter?—A. I thought it had. Perhaps I may have drawn a wrong inference. I know I tried my best to get them continued so as not to be obliged to dismiss them while the convention was in session.

Q. Out of deference for his feelings in the matter?—A. Purely; that is, out of deference to the fact that he was an ardent Bristow man, and that Bristow was a candidate.

Q. Why did you not continue them out of deference to him?—A. Because I had no legal reason, I could not make any arrangement with the defendant's counsel, and the court told me peremptorily that they had to be tried or dismissed.

Q. The counsel of these two men were ready for trial, and insisted upon it?—A. They were ready for trial, and insisted upon it. I went to Storrs myself, and other agencies were brought to bear to get him to consent to pass them even until after the convention.

Q. Do the parties of the first batch claim immunity, civil and criminal?—A. They claim a qualified civil immunity.

Q. Are they not here, by themselves, or by their representatives, claiming total immunity?—A. I think not total, sir. I may be wrongly advised, but I think not.

Q. What is your understanding as to the civil immunity which they claim?—A. My understanding is that they were encouraged to believe that all assessments which were against them at the time, or which should thereafter arise by reason of their testimony, should be abated, and that obligations then existing by reason of their transgressions then unknown to the Government, but which should be discovered thereafter, should not be pressed against them; they to abandon the property which was then seized and let the Government have it.

Q. Upon what arrangement did the parties who ran away to Canada return?—A. Only one has returned, as I remember now, and that was simply under a safe-conduct.

Q. In December, 1875, you took charge of the office?—A. Yes, sir.

Q. Was not the conduct of these whisky trials mainly given to the private counsel for the Government?—A. Almost necessarily so for some time, because they had been acting for some months when I went there.

Q. You trusted these matters mainly to them?—A. Largely so.

Q. You had other duties, I suppose, connected with your office which were onerous?—A. Yes, sir; we were summoning the witnesses, running the grand jury, attending to two courts, and the current business of the office; and it was quite impossible for any one man to attend to it all.

Q. Who generally took charge of the grand-jury room?—A. For the first two weeks Mr. Dexter did.

Q. After that who did?—A. We alternated. I took charge of it myself, and I have two assistants or subordinates in my office.

Q. Your duties, however, were simply in attending to the current business of the office?—

A. Yes, sir; and in assisting in the trial of cases in my court. These negotiations were largely remitted to associate counsel, although, so far as I understood them, they met my approbation.

Q. You never received any written instructions from Washington with reference to a compromise of those cases?—A. Up to the time the negotiations were concluded, so far as to come to an understanding with the attorneys of these defendants, I don't think we received any written authority at all.

Q. Then any knowledge which you had of any arrangement that was made in Washington you obtained from Supervisor Matthews, who came on to Washington for the purpose of ascertaining about them?—A. Yes, sir; for that express purpose.

Q. State whether there was any effort at all on the part of the Government to direct you in that matter at that time, or were you and the private counsel left to determine the matter upon your own judgment under the circumstances of the case?—A. I understand that the authority, so far as the particulars were concerned, was remitted exclusively to us. The supervisor, when he returned, stated, as I have said, that the authority was broad; that is to say, that we had large discretion.

Q. Did not you agree with the Department that that was a wise course to pursue?—A. I thought it was, and I think so now.

Q. Don't you think in matters of this kind that the district attorney and the counsel, who are desirous of protecting the Government and making the most out of cases, should have a very large discretion?—A. I think they should, sir.

Q. Any promises that you or your associates made, or which were made with your knowledge, by which either total or partial immunity was to be granted, were made for a good purpose, were they not?—A. No other than I know of.

Q. Your design was to break up the whisky ring in Chicago, was it not?—A. Yes, sir; and we have accomplished it.

Q. Do you not attribute that largely to the course which you adopted?—A. I do.

Q. State whether your design was not to punish the more serious class of offenders and those men who were at the bottom of the thing, and break them up, even if you had to grant immunity to those who had been guilty of less offenses?—A. Our object was to break up the ring, and we found that we could perhaps convict four of the indicted persons with the testimony of the "squealers." If public sentiment had been then as it was when we tried Pollman & Rush and Mr. Munn, there was not a man on our docket that we could have convicted. That is my opinion. At that time we could have convicted almost anybody with any reasonable evidence, and probably we could have convicted four at that time.

Q. But you expected to convict a larger number through the medium of this arrangement which you made?—A. Yes, sir. We had Rehm arrested and indicted. He came in with his proposition to turn State's evidence, and we took him under the instructions which were given, and very soon after it was found what he had testified to they began to plead guilty and run to Canada, and so on.

Q. Then the granting of immunity to Rehm had a very beneficial effect?—A. Those were the results; you can draw your own inference. The jury did not agree with you.

Q. But the results you have stated followed from it?—A. Mr. Rehm implicated Deputy Collector White, and he ran to Canada. He implicated Minty, and he ran off to Canada; and he implicated Revenue Agent Bridges, and he ran for Canada, and quite a number of others.

Q. Then the evidence which he gave mainly implicated those who had been occupying official positions, and who had been in league with the distillers and others to defraud the Government?—A. Yes, sir; Rehm was peculiarly adapted to a matter of that sort, and is a man of fine balance, not very much cultured by education, but of excellent judgment, secretive in his habits, can keep his own counsel and everybody's else, and, by reason of certain positions which he held, he was thought to be a person who could shelter the distillers, and they ran to him. I do not think he is any more to blame than they are. They sought his protection and paid him for it.

Q. And I suppose that in his connection with them, and with these men whose duty it was to protect the Government more particularly, he ascertained a great many facts to which he subsequently testified?—A. Yes, sir; Mr. Rehm was very generally discredited by the community, and was the object of greater public obloquy than any person else.

By Mr. PLAISTED:

Q. Did his squealing punish anybody excepting by banishment?—A. It is difficult to tell where so many testified precisely the weight of the testimony of any one, but the squealers had this effect: They caused eight or nine distillers to plead guilty, and a number of gaugers; they caused quite as many more to run to Canada, and utterly demoralized the whole corps, so that the ring is utterly and forever broken to-day.

Q. Was it not broken when the descent was made and the seizures were made?—A. I don't think it was.

H. MIs. 18.—25

By Mr. COCHRANE:

Q. Did you not assist in the trial of the Munn case?—A. Yes, sir.

Q. What is your judgment about the evidence; was it sufficient, with the corroboration of the testimony of Rehm, to convict that man?—A. I think it was.

By Mr. PLAISTED:

Q. Was there sufficient testimony independent of that of the squealers?—A. There was very damaging testimony independent of that record testimony.

By Mr. COCHRANE:

Q. And Rehm, I suppose, was also corroborated by outside facts?—A. We thought there was a good deal of corroboration.

Q. Then you really attribute the beneficial results you have described as flowing in a large measure from the course which Rehm took?—A. Well, I would not attribute it to him only in a measure. Perhaps the language of the question is not too strong. I have related the facts. I may misapprehend the weight of his testimony, but one thing is certain, that the parties came in at once and began to apply for terms. I presume we had a hundred interviews with the indicted distillers as to the best terms upon which we would permit them to plead guilty.

Q. We will come down now to your testimony in reference to Ward and Wadsworth. Who was Ward?—A. A lawyer of Chicago, a citizen there, who has occupied various offices; alderman, State senator, member of Congress, and he was my predecessor.

Q. What is he charged with?—A. He was charged with conspiring with these distillers to defraud the Government, and receiving money.

Q. Was he indicted for that?—A. Yes, sir.

Q. Who was Wadsworth?—A. Wadsworth was a former collector, an old merchant in Chicago, and a man of fine social standing.

Q. A man of some wealth?—A. Not much wealth. He was at one time a very prosperous wholesale merchant there.

Q. What was he indicted for?—A. For conspiring in the same direction and receiving money.

Q. You say that the conversation you had with Solicitor Wilson about the cases of Ward and Wadsworth was just before the Cincinnati convention?—A. Yes, sir; I think he went from there to the convention. I am not sure of that, but I know it was just before the convention.

Q. You say that Mr. Wilson was very earnest in his desire that these men should be brought to trial?—A. Very earnest in the expression of that desire.

Q. He stated to you that a court and jury ought to pass upon their cases, whatever the result should be?—A. Yes, sir; that he would throw the responsibility upon the court and the jury by a trial.

Q. Did he take occasion to speak to you of the previous standing of these men and the positions they had occupied, and the importance of punishing that class of men who were implicated in frauds?—A. I don't remember that he did. He might have mentioned it incidentally. I remember that the burden and emphasis of his talk was to try them.

Q. Did he say to you that his desire to have these men tried was in any way connected with the Cincinnati convention?—A. No, sir.

Q. Or in any way connected with any one's political prospects?—A. No, sir.

Q. You say that you entered a *nolle prosequi* in these two cases?—A. Yes, sir.

Q. And you did it because you thought that a trial would have demoralized the public service there?—A. Yes, sir.

Q. Be kind enough to explain in what way, in your opinion, a trial would have demoralized the public service to any greater extent than the entering of a *nolle prosequi* would?—A. We have a large number of inferior cases dependent more or less on that class of testimony. Almost the entire civil docket on bonds and condemnation proceedings, suits for penalties and the like, against that class of persons, must be recovered, if at all, upon that class of testimony largely. The further prosecution, especially the prosecution of Ward and Wadsworth, against whom the testimony of Rehm was chiefly important, and alone, would have so discredited that class of testimony that it would have been utterly impossible to have found a verdict upon the ordinary bond with any amount of such testimony. I am satisfied that we might have just as well settled short and discontinued every prosecution for an indefinite time, until that state of the public mind passed by. That was the unanimous judgment of all the special counsel and of the court. There was not a dissenting opinion, and those opinions were emphatically pronounced.

By Mr. PLAISTED:

Q. Did you present those considerations to Mr. Wilson?—A. Yes, sir; after we tried the Cullerton case. These considerations were presented as far as they weighed with us at the time, but we were much more emphatic after our defeat in the Cullerton case than before. It was the opinion of every one, including a Colonel Kinney, who was acting in Supervisor Matthews's place at the time, that it would be detrimental to the public service in every respect to try these cases.

By Mr. COCHRANE :

Q. Did I not understand you to say that this tide of opposition to that class of testimony had set in already?—A. Yes, sir.

Q. That it had set in to such extent that you had no idea that you could convict these men?—A. Yes, sir; after the Munn trial we had.

Q. Well, if this tide had then set in to such an alarming extent that juries would not have believed that class of evidence, it would have done no more harm than it would to have dismissed the cases?—A. That presumes that the public contempt had reached its highest point upon the trial of the other cases.

Q. Had it not?—A. No, sir; I think it had not.

Q. Do you think it would have gone higher?—A. I think it might.

Q. Do you think it might have lowered?—A. No, sir; I think it would have gone decidedly higher. I have no doubt on earth of the public policy and the propriety of dismissing those cases, nor had any of the three special counsel nor the judge of the court.

Q. Did you take into consideration the effect upon the public mind which the entering of a *nolle prosequi* would have in those cases?—A. I don't know that I quite understand the import of your question.

Q. I asked you whether you took into consideration the effect which would be had on the public mind by the entry of a *nolle prosequi* in those cases?—A. I cannot say that that ground was reviewed. We certainly cast about for all the reasons for and against; but so far as any I could discover by any action on the part of any one concerned, the only motive was purely the public good.

Q. Was it not pretty generally known that the Government relied for a conviction in those cases upon the testimony of Rehm?—A. Yes, sir; that was a matter everybody knew, I guess.

Q. Now, would not the entering of a *nolle prosequi* under those circumstances indicate to the public that even the officers of the Government themselves had no confidence in that class of testimony?—A. No, sir.

Q. And would it not tend to weaken rather than to strengthen any civil cases subsequently tried?—A. I don't think it would. I think it would have directly the contrary effect.

Q. Had you corroborative testimony in the Ward and Wadsworth cases?—A. Very slight.

Q. Had you some corroborative evidence?—A. We had the great outlying fact of the existence of the conspiracy, and that the officers were largely in it, that Wadsworth was the collector, and that he was seen with Rehm occasionally, and things of that sort—remote things like that.

Q. And did you propose to prove in those cases false entries on the books of different distillers, which he as collector ought to have known of?—A. I think not during his administration, for he was only in a few months.

Q. Had you in Wadsworth's case?—A. I do not think we had. I don't remember now.

Q. Had you any record of the evidence that you proposed to offer in those cases?—A. I think none of any special import.

Q. How about Mr. Ward?—A. I think we had no record evidence against Mr. Ward at all.

Q. Who had prepared mainly the cases against Mr. Ward and Mr. Wadsworth?—A. We all had a hand in it. I think, perhaps, the special counsel were probably as efficient as any, perhaps more so.

Q. Had not they the main preparation of those cases?—A. Well, we all consulted together about them. We had frequent consultations, and we had Mr. Ward before us himself explaining the testimony. Mr. Dexter examined most of the witnesses though. I think he knew more about it than any other one.

Q. Was Emory Storrs, of Chicago, the attorney for both Mr. Ward and Mr. Wadsworth?—A. No, sir; he represented Mr. Wadsworth.

Q. Is he the gentleman who was the counsel for General Babcock?—A. Yes, sir; I know that by hearsay only.

Q. Who paid the costs of the Ward and Wadsworth cases?—A. The Government, I presume, so far as it has been paid.

Q. Was there any arrangement with the defendants to pay the cost?—A. No, sir; no arrangement at all.

Q. What amount of money have you realized for the Government by the sale of property arising out of these whisky frauds?—A. I think they collected on assessments from Roelle, Junker & Co. about \$90,000, and I think they have collected from condemnation sales about \$50,000; I am only guessing at it. There is a condemnation case against Pollman & Rush still pending.

Q. How much is that for?—A. Perhaps \$15,000.

Q. You will likely win that because of the conviction of the defendants, will you not?—A. I think we shall. I do not know whether the bondsmen are good; we have a judgment on the bond of \$24,500 against Roelle, Junker & Co.

Q. In looking back over the course which you adopted in your effort to break up this

gigantic conspiracy, are you not satisfied that that was in all respects what it should have been?—A. There is a bare possibility in the light of the present experience that if we had to do the same thing over again we might do differently, but taking the position there at the beginning and looking forward it seems to me that we did the best we could. We may have erred in judgment. There is one thing, however, about the first batch. We tried to get a part of them and not the whole, but they all had employed two attorneys together and we could not get one of them without taking them all. It was an absolute necessity: it was all or none.

Q. And you regarded it as an absolute necessity, in order to convict others, to make that arrangement?—A. Yes, sir.

Q. You could not have convicted others without that arrangement?—A. We might have convicted three or four.

By Mr. PLAISTED:

Q. Were not the arrangements with reference to the first batch made before you entered on your duties?—A. They were inaugurated but not perfected. Of course it would be more propriety for me to defer largely to three so eminent counsel as those gentlemen were, and I did so.

Q. Was there not some documentary evidence?—A. There was some, I believe.

Q. Was any of that documentary evidence stolen?—A. That was one of the charges against Ward that he allowed, to use the mild term, these records to be taken away.

Q. As a prosecuting officer, with all the natural zeal that a prosecuting officer has, do you believe that there was sufficient evidence against Ward to justify his conviction?—A. Well, sir, we were very much divided about indicting Mr. Ward at all on the evidence—very much; the grand jury voted upon his case at the same time they did upon Wadsworth's and Munn's, and were inclined to be a little censorious because of our delay in bringing in the bill. We were greatly in doubt about indicting Mr. Ward. There were some very damaging facts that pointed to him; yet, all things considered, we thought the matter of doubt, sufficient to cause us to hesitate a long time, and unless the jury would believe Mr. Rehm I do not think it would be possible to convict him.

Q. Should you have felt satisfied in securing his conviction upon that indictment if it had been in your power to do so, judging the evidence as you understood it?—A. The facts were so mixed up.

Q. I speak only with reference to Mr. Ward.—A. I understand. The other considerations were such that I confess I should have urged upon the jury with considerable want of even my usual vigor the duty to convict him. I felt afraid he was guilty; that is the fact about it.

Q. Were you so satisfied by the evidence in the case beyond reasonable doubt?—A. I cannot say that I was.

By Mr. COCHRANE:

Q. You never undertook to judge in that way, did you?—A. No, sir. We, after very mature deliberation, consented to send in the indictment.

Q. Have you had any correspondence with Attorney-General Taft regarding the dismissal of the cases against Ward and Wadsworth?—A. Yes, sir.

Q. Did Attorney-General Taft express any opinion on the propriety of the dismissals that had been made?—A. All the correspondence I had with Attorney-General Taft touching that subject was after they were dismissed.

Q. What did he say about it?—A. He expressed his official opinion, in a very pleasant official letter to me, that from his stand-point he should not have dismissed them, but courteously presumed that we had good reasons for it. He went on to state that matters of that sort should be entered upon with caution and extreme deliberation.

Q. A settlement like that?—A. Yes, sir. But I think a fair construction of the letter would carry the idea that probably he should not have advised their dismissal; although it was not a strong letter.

Q. A courteous, pleasant letter written you after the arrangement had been made?—A. Yes, sir; after I had written him a long statement of the facts and the reasons.

WASHINGTON, D. C., July 31, 1876.

ELVERTON R. CHAPMAN sworn and examined.

By Mr. PLAISTED:

Question. Where do you reside?—Answer. My legal residence is Erie, Pa.

Q. What is your age?—A. I shall be thirty-one in about four days.

Q. You are in the service of the Government, in what capacity?—A. I am the head of the stamp division of the Internal Revenue Office.

Q. How long have you been serving in that capacity?—A. About three years in that capacity. I was assistant chief of the division prior to that.

Q. Have you been in the service of the Government in any other capacity?—A. I was a clerk in the Internal Revenue Office, and was subsequently promoted.

Q. Did you have anything to do in ferreting out the whisky frauds in Saint Louis?—A. I was connected with that investigation.

Q. State your connection with that investigation.—A. On the 6th day of May, 1875, the following letter was addressed by the Commissioner of Internal Revenue to Lucien Hawley, supervisor of internal revenue, then stationed in New York, and myself :

“WASHINGTON, D. C., May 6, 1875.

“GENTLEMEN: Under the authority conferred upon me by section 3166 of the Revised Statutes of the United States, you are hereby, either or both of you, specially authorized to make seizures of distilleries, rectifying establishments, and distilled spirits, when such property is liable to seizure for violation of the laws relating to internal revenue, situated in the first collection-district of Missouri, and particularly the distilleries of Rudolph Ulrici, John Busby, Bevis & Frazier, Bingham Bros., W. R. Forth, Lewis Tenschler, all of Saint Louis ; and the rectifying establishments of Bevis, Frazier & Co., G. Bensberg, F. C. Federer, Quinlin Bros., and Ballman & O'Hara, all of Saint Louis. This authorization is limited to thirty days from this date.

“Respectfully,

“J. W. DOUGLASS,  
“Commissioner.

“LUCIEN HAWLEY,

“Supervisor of Internal Revenue.

“ELVERTON R. CHAPMAN, Esq.,

“Head of Division, Office of Internal Revenue.”

In accordance with the directions contained in that letter, on the evening of Friday, the 7th of May, 1875, I started to Richmond, Ind., accompanied from Washington by Revenue-Agent Yaryan, Revenue-Agent A. M. Craze, and Mr. S. W. Bassett, a short-hand writer from the Internal Revenue Office.

Q. Were you all upon the same mission?—A. All upon the same mission, these gentlemen being ordered to accompany us. Next morning at Pittsburgh we were joined by Mr. Hawley, of New York, Mr. A. M. C. Smith, jr., revenue-agent, Deputy Collector McLearn, of Brooklyn, and Mr. Whitlock, then a clerk in the office of the supervisor in New York. We arrived at Richmond, Ind., on the evening of Saturday, the 8th. There we were joined by George B. Chamberlain, now supervisor of internal revenue, located at Atlanta, Ga., then a special agent in the Post-Office Department. In Richmond, on Sunday, we proceeded to employ, I think, nine gentlemen, persons who were known to be reliable, to accompany and to assist us. On Sunday evening we left Richmond, Ind., and proceeded to Indianapolis, at which point we remained from about 5 o'clock until half past 10, I think. In the mean time we had engaged a special Pullman car for the party, which then consisted of seventeen men.

Q. Who was the chief having charge of the party?—A. Mr. Hawley and myself, jointly. By an arrangement with the railroad company, our car was switched off upon a side-track about a mile this side of East Saint Louis on the morning of the 10th of May; and by an arrangement with Mr. Colony, then employed in the secret service, carriages were provided, which we took, and proceeded directly to seize all the establishments named in this letter, (making formal seizures of them, and placing our officers in charge of them,) with the exception of the distillery of Jewett, and the rectifying establishment of Bollman & O'Hara, which were not seized. We then commenced an investigation and remained in Saint Louis about five weeks. In the mean time we had secured indictments against a number of conspirators that were connected with these frauds, and we turned over our papers to the supervisor of internal revenue who had been appointed in place of Colonel Meyer, and the cases were turned over to the district attorney for prosecution.

Q. To whom were you ordered to report in Saint Louis, if to anybody?—A. We were both officers of the internal-revenue service, subordinates of the Commissioner of Internal Revenue. There were no written orders given us as to reporting. We reported, however, generally to the Secretary of the Treasury. We also frequently communicated with the Solicitor of the Treasury, and frequently with the Commissioner of Internal Revenue.

Q. Had you directions to take orders of any one in Saint Louis?—A. No, sir.

Q. Were you responsible to any one excepting your chiefs here?—A. That is all, sir.

Q. What instructions had you other than those you have referred to in the letter of the Commissioner?—A. Those constituted all the written instructions we received.

Q. Did you receive any verbal instructions from any one?—A. Well, Supervisor Hawley had a conversation with the Secretary and Commissioner and the Solicitor on the day we were about to leave, as he informed me—communicated to me by him—(I was very busy with my own business and had not much time to attend to getting instructions from them.) I did not understand that we had any special instructions. We were to go out there, make those seizures, and do the best we could to ferret out the frauds.

Q. What other officers out there had authority to make seizures besides yourself and Mr. Hawley?—A. None.

Q. Had Mr. Yaryan?—A. No, sir.

Q. What evidence of fraud on the part of these distillers and rectifiers was furnished you when you started?—A. None at all, sir. I might qualify that by saying that it was stated, or at least I understood before we started, that Mr. Yaryan would be able to give us points which would be required in the commencement of the investigation.

Q. After the seizures?—A. After the seizures. He was to accompany us for that purpose; but the only evidence furnished was a little memorandum on a slip of paper showing the fraudulent return by a rectifier of, I think, 150 barrels of spirits, that it was claimed had been shipped to New Orleans instead of being dumped in a rectifying-house in Saint Louis, in accordance with this return. That was all the evidence of any sort we received from the Department.

Q. Was that evidence used in court?—A. No, sir.

Q. State what steps you took to obtain evidence of frauds.—A. Well, sir, we immediately commenced a vigorous inquiry and examination. We brought in and examined, under oath, subordinates about the distilleries, and men who had been discharged from the distilleries, and several who claimed to have some such information. It came to our ears that these parties were ready to tell, and we brought them in and examined them under oath at our rooms at the Lindell Hotel. We worked there night and day for perhaps about two weeks before we began to get any evidence that was of any value. It came very slowly.

Q. Was the grand jury in session?—A. The grand jury was then in session.

Q. And as fast as you obtained evidence, did you lay it before the grand jury?—A. Yes, sir; certain kinds of evidence. I believe we received an anonymous letter stating that there was a certain lot of whisky stored at a certain point on Second street, I think, belonging to one of the distillers whose establishment had been seized, and in company with some of the men I made an examination of the various store-houses down there, and succeeded in finding about 1,200 barrels of whisky that was stored. Negotiable warehouse-receipts had been issued by those warehousemen to certain distillers, Ulrici & Bevis & Frazier, and the rectifying house of Quinlin Bros., and perhaps two or three other parties. I made a seizure of those lots, and on examining those barrels and comparing them with the records of the collector's office, we soon discovered evidence of fraud. That is, lots would be found that purported according to the books of the rectifying house, and according to returns made to the collector's office by the rectifier, and according to the certificate made by the gauger, to have been dumped in a particular rectifying-house, and the stamps, brands, and marks upon the packages had been erased, whereas we found the spirits actually in existence. This kind of evidence we immediately put before the grand jury in order to keep them busy, as the judge was threatening to discharge them every day unless they had something to do. We peddled that evidence out to them, in order to give them something to do, and in that way they gradually began to find indictments against these rectifiers. Each case would furnish evidence on which we could base an indictment for making a false return against the gauger and for conspiracy to defraud the United States by the gauger and the rectifiers, so that we would get two indictments on each case.

Q. Upon whose responsibility did you make that seizure of twelve hundred barrels of whisky?—A. Upon my own, sir.

Q. Did you report your seizure to the Department here?—A. I did.

Q. Did you ask any instructions?—A. Before I had regularly seized it I asked instructions. Mr. Hawley and I did not agree as to the liability of these goods to forfeiture under the law. I held that they were forfeitable, but General Hawley was inclined to think they were not, and was not willing to consent to the seizure. I finally told him that I would refer the matter to the Solicitor of the Treasury, and I therefore wired the Solicitor the facts in the case, in cipher, and requested his immediate instructions. I regarded it as of great importance, from the fact that we found that the evidence was there that would convict the gaugers and rectifiers; and if we did not seize it it would not have been in Saint Louis twenty-four hours, in all probability. They would have run it out, and we would have lost it. The reply of the Solicitor was entirely unsatisfactory.

Q. What was his reply?—A. It was to this effect, according to my recollection: he said to Mr. Hawley, "Tell Chapman to be careful of his facts and do as he thinks best." That was about the substance of it. At any rate, there was no decision on which I could base any action. Mr. Hawley still disagreed with me as to the propriety of it, and so I took the responsibility on myself, and I am happy to say that Judge Treat, about three weeks ago, forfeited the whole lot.

Q. And it was by means of this seizure that you obtained valuable evidence to prove the conspiracy?—A. Against the gaugers and rectifiers only.

Q. State what further investigations you made to work up the evidence against the conspiracy, you and your party?—A. We were engaged with parties that had been connected with the ring, ex-officers, &c., for days and nights, and they were, some of them, ready to divulge what they knew upon promise of immunity. That, we were not authorized to give. We worked away, not doing very much, until the first evidence that we had as to money paid into the treasury of the official ring, was finally obtained from one Gross, who had

formerly been a book-keeper in Busby's distillery. I succeeded in getting his little memorandum-book showing payments of money, at a given rate per barrel, on all crooked whisky that had been distilled during a certain period, to one Joseph Fitzroy, then a deputy collector, and the man who collected from distillers the amount which was to be distributed among the ring officers. That was the first evidence of the payment of money that we found. We got it after very great difficulty. Mr. Gross was afraid of his life, or professed to be, and it requires a great deal of careful manipulation to get the evidence, but we finally succeeded, and as soon as a new district attorney was appointed that evidence went before the grand jury, and on that they found the indictment against Fitzroy.

Q. Who was the district attorney when you first went to Saint Louis?—A. Mr. William Patrick.

Q. Were you in consultation with him?—A. To some extent. He waited upon us on the evening of the 10th, the day that the seizures were made, and proffered his services.

Q. Did he take charge of the investigation before the grand jury in the first instance?—A. Yes, sir; he was before the grand jury when the first evidence was produced.

Q. Did you have full confidence in him?—A. Well, I don't know but it would be doing injustice to Mr. Patrick, and yet it would be strictly true, to say that we had not. We did not know whom to trust in Saint Louis. We were afraid of our own shadows, almost.

Q. Did you disclose to him your whole evidence?—A. No, sir, we did not. The subsequent investigation has never convinced any one, I think, that Mr. Patrick was in any way implicated in that conspiracy, but at that time we didn't know whether he was or not. It was alleged by some that he was, and therefore we felt it necessary to keep our evidence to ourselves.

Q. Did you make any recommendation of his removal?—A. Yes, sir; we wired the Secretary of the Treasury; we sent several dispatches, and one day we joined in a dispatch to him urging the removal of Mr. Patrick, stating the embarrassment we were laboring under, that the judge was threatening to discharge the grand jury, and that we did not dare to put the evidence before the grand jury until a new district attorney should be appointed.

Q. How long after your application for his removal was a new district attorney appointed?—A. I could not tell you that. Perhaps it might have been as late as the 20th before we made an application of that kind, the understanding having been before we left Washington that he was to be removed; but Attorney-General Pierrepont had recently come into office, and he was desirous of being furnished with some evidence that Mr. Patrick was not trustworthy, which we were unable to give him, and he naturally hesitated about making a change without some facts upon which to base his action.

Q. Then you made your recommendation merely upon suspicion?—A. That was all.

Q. And subsequent disclosures never furnished anything against Mr. Patrick?—A. No, sir.

Q. Who joined in this dispatch for his removal?—A. Mr. Hawley and myself.

Q. Was Mr. Dyer appointed before you left Saint Louis?—A. Yes, sir.

Q. How long were you in Saint Louis?—A. My recollection is that we were there about five weeks.

Q. Did you make any recommendations for the removal of the other officers there?—A. I do not think we did. We were communicated with by the Department and requested to submit the names of successors for the supervisorship and the collectorship, and that was subsequently done. If you consider that a recommendation we made recommendations. I think the Secretary of the Treasury telegraphed us that he was requested by the President to ask that.

Q. Did you submit any names?—A. We did.

Q. Were they appointed?—A. One of them was appointed. The other gentleman whose name was submitted was at that time in Utah, but he was communicated with by telegraph, and he promised that he would accept, but when he returned to Saint Louis, and after he had looked over the ground, he decided that he would not accept. His name was John H. Lightner. He was recommended for collector in place of Maguire.

Q. That occasioned some delay in filling the place of Maguire, did it?—A. It did.

Q. Who was the other gentleman?—A. Colonel Meyer, who was appointed in the place of McDonald. He was appointed before we left, and he entered at once on his duties.

Q. Was there any delay in the removal of McDonald and the appointment of his successor?—A. There was a delay of a few days, but there was no particular haste. We were not urging his immediate removal. Supervisor Hawley having been appointed to Missouri, he in fact supplanted McDonald, who was there in the city without anything to do, and we therefore did not urge his removal so much.

Q. Then, after Supervisor Hawley's arrival, McDonald had no authority?—A. That is a mooted question, whether there can be two supervisors in the same district or not. In my judgment, the assignment of Supervisor Hawley to that district would naturally relieve the supervisor then there; although the law is a little obscure upon that point.

Q. Mr. Hawley assumed to act as soon as he arrived there?—A. Yes, sir.

Q. Was there any marked delay in the removal of McDonald and in the filling of his place with Meyer?—A. I should say there was not, because there was nothing he could do. I believe he had still his office. He tendered us the use of his office, which we declined

with thanks, but there was no way by which he could impede our investigations or interfere with us in any way, and it seemed to us immaterial whether he was immediately removed or not.

Q. Did you find him in any way obstructing your investigations?—A. Not at all, sir.

Q. Was there any delay in the removal of Maguire?—A. There was a delay, brought about, as I tell you, by the failure of Mr. Lightner to accept the position, after he had telegraphed that he would accept.

Q. Some time was required, I suppose, to transfer the books and property?—A. There was not any material delay after the new collector had been appointed and had bonded.

Q. These officers are required to give bonds?—A. The collector only is. Isaac H. Sturgeon was appointed finally in the place of Maguire. I think his bond was \$100,000 as collector, and \$50,000 as disbursing-agent.

Q. Did Sturgeon enter upon the duties of his office before you left?—A. No, sir; it was not until after we left.

Q. What was Mr. Yaryan doing while you were there?—A. Yaryan left us on the third day, I think, after we went to Saint Louis, and returned to Washington.

Q. What was he doing while he was there?—A. Well, he examined one or two of the witnesses, and was there assisting us as the other men were.

Q. What assistance did you obtain from him in the investigation?—A. I have referred to the lot of spirits that he reported to us to have been shipped to New Orleans, which the records showed to have been dumped in Saint Louis, in the rectifying-house of Federer & Co.

Q. What evidence did he furnish you that was used before the grand jury or before any jury?—A. None at all.

Q. What evidence was furnished you from Washington, or from the Treasury Department, or from the Solicitor's Office, which was used before the grand jury?—A. None at all.

Q. Were you under the orders of Yaryan?—A. No, sir.

Q. Did he have any control whatever over you and Hawley?—A. Not at all.

Q. Then, what was his business during those three days?—A. Well, to aid us with his advice. He had been in Saint Louis prior to this, and was supposed to have some facts.

Q. How long before?—A. I don't know exactly; probably two or three weeks before.

Q. Why did he leave you at that time?—A. He alleged one day, to our surprise, that he should go to Washington that night, and he accordingly left in the evening train.

Q. Was that all he said?—A. When we left Washington the understanding was that evidence should be forwarded to us that would enable us to prosecute this investigation and give us starting-points. They claimed that they had evidence here, and I understood that the Solicitor was to send the evidence to us, and not only that, but was to come out himself within a very short time and assist us. You understand that we had only our orders to make the seizures. We had burned the bridges behind us, as it were, and we were waiting for supplies from the rear, and Yaryan said that he would go back to Washington and hurry up this evidence, and I understood that he was to return in the course of a few days again.

Q. Did you and Mr. Hawley assent to that arrangement?—A. It was not very satisfactory to us. I think Supervisor Hawley did most of the talking. He objected. I was out a portion of this time, but I understood that he objected very much to Yaryan's leaving us in that manner.

Q. Did you understand that from Hawley?—A. Yes, sir.

Q. Did you call upon Yaryan for any evidence—did you ask him whether he had brought any with him from Washington?—A. I don't know how I can answer that question. It was a matter that we were continually talking over—what information we had, and in what direction we had better proceed. I don't know that I could say that we exactly called upon him for any evidence.

Q. He did return to Washington that evening?—A. Yes, sir.

Q. What evidence did he send out from Washington to assist in the conviction of those distillers?—A. None while we were there.

Q. Was any evidence used before the grand jury which was not obtained by you and Hawley, or through your instrumentality?—A. I could not exactly swear to that.

Q. Did you go before the grand jury?—A. Yes, sir; several times.

Q. You were in consultation with the district attorney frequently?—A. I was.

Q. Most of the time?—A. Almost every day.

Q. Upon whom did he rely, so far as you know, for the evidence which he placed before the grand jury?—A. You will understand that there was a change. Mr. Patrick went out. Now, the evidence that was submitted while Mr. Patrick was in office was simply this evidence furnished by these packages that we had seized in Saint Louis, and which implicated only the gaugers and rectifiers. Then Colonel Dyer accepted the office as district attorney, and as soon as he reported for duty we took him into our innermost confidence and told him everything that we had found, and we all worked together then in our efforts to get to the bottom of this conspiracy. We had examined a great many witnesses under oath at our headquarters, and the evidence was taken down in short-hand, and when we would examine a witness we would take his testimony to the district attorney. For instance, I took this man Gross down to the grand-jury room, and we would meet the district attorney there. I

took Gross down with his sworn statement, and placed that in the district attorney's hands, and he entered the grand-jury room with a witness, and he had there the evidence that that witness could give.

Q. Was that the method of your procedure?—A. That was the method in some instances. That was the way it was commenced, and one thing would lead to another.

Q. Did you meet Fishback there?—A. I did.

Q. Was he a Government officer?—A. Not to my knowledge.

Q. Did he have anything to do with the investigation?—A. Not to my knowledge. I know what he did do, from hearsay.

Q. Did you confer with him?—A. He called upon us once or twice, and I met him on the street two or three times, and discussed these matters, but it was in a general way.

Q. Were you and General Hawley referred to him for information and assistance?—A. I was not, and I do not think General Hawley was.

Q. Was Mr. Fishback a revenue officer?—A. Not to my knowledge.

Q. In the secret service?—A. Not to my knowledge. If the chairman will allow me, I can tell you Mr. Fishback's connection with the investigation, so far as I know it.

Q. What was his business?—A. He was the editor and proprietor, as I understood, of the Saint Louis Democrat.

Q. What happened to the Saint Louis Democrat about the time of this seizure?—A. It was currently reported to have been sold to the proprietors of the Saint Louis Globe. So I was told by Mr. Fishback.

Q. Did you meet Mr. Fishback when he was here in this city to confer with the Secretary prior to the seizure?—A. I did not. That was before I had been brought into the business.

Q. Did you and General Hawley advise with Mr. Fishback?—A. Let me explain. As we were boarding the train at Saint Louis on the evening of the 9th, Mr. Fishback was brought in—some one told me that the gentleman talking with Mr. Yaryan was Mr. Fishback. He was introduced to us, and he was in our sleeping-car a portion of the evening, for an hour or so, and we were chatting generally about the prospect of getting at the bottom of the ring, but I could hardly say there was anything tangible in it.

Q. Did he assume to take any supervision of your conduct?—A. Not at all, sir.

Q. Do you remember his giving you or General Hawley any advice in regard to the course you should pursue?—A. I do not. He recommended to us Mr. Colony as a person in whom we could place entire confidence.

Q. Was he (Colony) taken into your employ?—A. No; Colony was then employed in the secret service of the Treasury Department, as I was informed.

Q. What connection had he with Mr. Fishback?—A. It was understood that Mr. Colony was the commercial editor of the Saint Louis Democrat, (Fishback being proprietor,) and at that time he was also secretary of the Saint Louis Cotton Exchange.

Q. Who reported the account of the seizures in the Democrat the next morning?—A. The Democrat had a very full account.

Q. How many columns?—A. I don't remember. I should say a page or a page and a half.

Q. What other papers had the same account?—A. I was so busy that I did not read them.

Q. Who furnished this account that was published in the Democrat?—A. I can only give you what I was told by Mr. Yaryan. I was told that it was furnished by the Washington correspondent of the Democrat, who, at that time, was General Boynton, I believe.

Q. Where was it prepared?—A. I have no knowledge.

Q. Where did he say it was prepared?—A. I do not know that he told me where it was prepared.

Q. State just what he did say about it.—A. He told me that all the facts in the case, what had been done by the Treasury Department up to that time, had been written out, and were then, before the seizure, in certain newspaper offices awaiting the making of the seizures, to be published *extenso*.

Q. Did he state what newspaper offices?—A. I think I remember two of them, the Saint Louis Democrat and the Cincinnati Gazette. I am under the impression that he mentioned also the office of the New York Herald.

Q. Were you in Saint Louis at the time of the trials in December?—A. I was there during the November trials, up to the first week in December, when I returned to Washington. I was at Jefferson City, Mo., during the Joyce trial, and I was at Saint Louis during the McDonald and Avery trials.

Q. Do you remember a dispatch called the "lightning" dispatch?—A. I remember it was reported that a dispatch, to the effect that "lightning would strike," had been telegraphed over the wires to the Saint Louis ring.

Q. From what point?—A. I do not know that I understood from what point.

Q. Did you investigate to trace that to its source?—A. I endeavored to.

Q. Did you have any conversation with Mr. Yaryan about it?—A. Yes, I had conversations with him on that subject. If you will let me explain—

Q. State what you said to him, and then I will let you explain about its authorship.—A. Some time subsequent, I presume as late as last December, on my return from Saint Louis,

I stated to Mr. Yaryan that I had learned the "true inwardness" of that lightning dispatch, or something to that effect, and I think I told him that I had been informed credibly that it was sent by a Mr. Barnes, then one of the Newcome & Buchanan Company.

Mr. COCHRANE. What is your purpose in this, Mr. Plaisted? What do you propose to contradict?

Mr. PLAISTED. Well, it is a matter of history.

Mr. COCHRANE. Well, I object to it. If it is a matter of contradiction, I do not object to it at all; but if it is purely a matter of history, I do not care about it.

Mr. PLAISTED. It throws light upon this investigation.

Mr. COCHRANE. I do not see where. I do not see any possible relevancy that it has.

Mr. PLAISTED. It comes clearly, in my judgment, within the scope of the resolution.

After some further discussion, Mr. Cochrane, while still questioning the relevancy of the testimony, withdrew his objection.

By Mr. PLAISTED :

Q. State what Mr. Yaryan said about the "lightning" dispatch.—A. I have told you what I had said to him, and his reply was, "The Secretary don't want anything said about that."

Q. Do you know whether that house of Newcome, Buchanan & Co. is connected with the Saint Louis house?—A. The concern was formerly Newcome, Buchanan & Co. a large whisky house of Louisville; but they changed the name to the Newcome & Buchanan Company.

Q. To whom was this dispatch sent?—A. That I only know by information.

By Mr. COCHRANE :

Q. What was your position in the Internal Revenue Office?—A. Head of the stamp division.

Q. What was Mr. Yaryan's position?—A. He was at that time a revenue-agent.

Q. Was he chief?—A. No, sir.

Q. Are you sure he was not at the time you undertook to make these seizures?—A. He was not.

Q. Whether was your position or his the higher?—A. They have no relation to each other. The law provides for the appointment of twenty-five revenue agents by the Commissioner, and they are outside officers, whose duties are prescribed by law.

Q. What salary were you receiving as head of the division?—A. \$2,500.

Q. Do you know what salary he was getting?—A. He had recently been promoted to a salary of \$10 a day and expenses, I think; I do not know that I can swear to that, either.

Q. Had you anything to do with the investigation of these frauds at Saint Louis prior to the receipt of this letter from the Commissioner that you have read?—A. No, sir.

Q. In no way?—A. No, sir.

Q. You knew nothing about it?—A. Nothing.

Q. Then, when you received this letter you acted under its authority, without any previous knowledge in reference to any matter in Saint Louis?—A. I had nothing of my own knowledge.

Q. You say that the whole authority that you had is contained in this letter?—A. I say my authority. Supervisor Hawley, you understand, was regularly assigned to duty at Saint Louis under the law by the Secretary of the Treasury. He had been on duty at New York.

Q. This letter confers a joint authority upon Lucien Hawley and yourself?—A. Yes, sir.

Q. He had as much authority in this matter as you had?—A. Just as much.

Q. Did you make any seizures of any distilleries or rectifying establishments, excepting those contained in the list furnished you at that time?—A. Yes, sir; I seized two houses that were distilling spirits, upon information received in Saint Louis.

Q. Only two outside this list?—A. We received a telegram somewhere on the road not to take the house of Bohlman & O'Hara, and subsequently about the time we were coming away we received information that led us to believe that a seizure would be warranted, but we did not want to be lumbered up with it, inasmuch as we wanted to get away from the city, and we called in a deputy collector, (Mr. Childs,) who made the seizure.

Q. Then, outside of this list, during the five weeks that you were there, you only seized two other places?—A. I think that is all.

Q. What were they?—A. They were the houses of Kendrick and Avis, vinegar-house, and Kuner, Zizeman & Zot.

Q. Those were vinegar-houses?—A. Yes, sir.

Q. All these mentioned here are liquor-houses?—A. Yes, sir.

Q. And you made no seizures of any other liquor-houses except those contained on the list originally furnished to you?—A. No, sir.

Q. Your duty was a plain one, to go down as a revenue agent, not as a special investigating agent of the Government, but as an internal-revenue agent, to seize these distilleries?—A. That is what we were sent there for.

Q. Do you know where the Department got the information which enabled them to point

out to you the specific distilleries which you were to seize?—A. Not of my own knowledge.

Q. Was it not through Mr. Yaryan and through Mr. Colony?—A. I can tell you all about that if you will let me go into hearsay.

Q. I want you to confine yourself to the question.—A. I know what these men told me. They told me what was going on.

Q. Do you not know that the information was furnished to the Department by Mr. Yaryan and Mr. Colony?—A. The answer to that question would be a pretty long one.

Q. You can say whether you know it or not?—A. I do not know of my own knowledge.

Q. Do you know whether Mr. Yaryan had previously been in Saint Louis making an investigation?—A. He told me so.

Q. Did you not know when you went to Saint Louis that Mr. Colony had likewise been engaged there?—A. I was so informed. I did not know the name of the individual until the day we made the seizure.

Q. Were you and Mr. Hawley the only parties charged with this investigation of these distilleries?—A. We were the only persons engaged in it, with the exception of the other gentleman assisting us.

Q. This letter confers no authority upon you to investigate the distilleries?—A. No, sir.

Q. This was directing a seizure. The facts justifying the seizure had been ascertained before the seizure was made?—A. Well, that is a question of judgment. I can give you my judgment. This is a long story, but I can tell you all about it briefly, if you will let me. Allegations that frauds were being committed in Saint Louis were rife for a year or two. No one knew anything definite about it. At one time an investigation was made of the house of Bevis & Frazier, by two revenue agents, Brooks and Hoge, and they discovered undoubted evidence of fraud; that house compromised and paid the Government \$40,000. They ran on again and everything was smooth; but still there were these rumors. A man named Woodward, in Saint Louis, had filed with the Secretary of the Treasury, through the hands of the United States marshal Newcomb, a statement to the effect that these frauds were being committed, and how they were being committed, and it had come out in various ways; persons who had been connected with the conspiracy had reported to the Commissioner of Internal Revenue, and to the Secretary of the Treasury, and, I think, to the President, that frauds were being committed. Yaryan had been in Saint Louis making an investigation of some railroad matters. He was working principally then under the division of which Mr. Rogers has charge. Mr. Rogers and I occupied the same room, which used to be Yaryan's headquarters, so I used to have frequent conversations with him upon this subject, and he was confirmed in the belief that there were frauds being committed in Saint Louis, and we talked over a plan of detecting them one evening. Our plan was to go out there, ostensibly in the investigation of some railroads, and to have a few men to watch those places, and make such investigation as we could, simply to see whether there was anything in these rumors. Finally it was decided that I should go to the Commissioner of Internal Revenue and state what our plan was. I did so one evening at his house, briefly, and his reply was that we had better leave that alone for the present; it was to the effect that he had something in view, some other means of getting at it. I told Yaryan what the Commissioner had said, and I saw him afterward in New York. He was there looking after some railroad matters; he and I were together at the Fifth Avenue Hotel, and we talked this matter over there, and the first thing I knew of it he told me just what had happened up to that time: That the Secretary had been making an investigation through the Solicitor, using some of the secret-service people, and that at that time it was a secret; none knew anything about it except himself. He had been called in. He had been in Saint Louis, and had discovered evidence of fraud at this one house of Federer & Co. I did not get a very clear idea from him of just what had been done, but at any rate it was finally decided that he, Yaryan, should go out. He had made some examination of wholesale liquor-dealers' books in New York and compared them with the returns made by rectifiers in Saint Louis, and it appears he had found enough evidence to convince the Secretary that there was probably cause for believing there was fraud; and that was about the time that we began to talk of making the seizure. That was about the 1st of May.

Q. Do you know of McDonald having been here before that time?—A. I saw him on the street.

Q. Do you know of his having confessed to the President and the Attorney-General and the Solicitor of the Treasury, or any of them, that he was guilty of complicity with those frauds?—A. I do not. I have heard that it was so.

Q. Then, in determining the question whether there was any delay in the removal of McDonald, you do not give your testimony with regard to any confession which he may have made?—A. O, no, sir. I would like to go a little further with that statement I was making. Mr. Colony had employed a few young men to watch the distilleries around Saint Louis, but not being acquainted with revenue matters, he did not know how to go to work; he was ignorant of the system. He had these young men watching the distilleries, and they made daily reports to him. He was employed by the Solicitor. Those reports he sent to Washington, but were never used, and were of no consequence.

Q. When you were in Saint Louis did not Mr. Colony give you some information?—A. Yes, sir; he was aiding us to the best of his ability.

Q. Colony had been a detective at one time?—A. But recently employed. He had always been a newspaper man, I understood.

Q. Had he not been a detective formerly?—A. Not that I ever heard of.

Q. Yaryan gave you information, did he not?—A. The only information he gave us was with reference to this one lot of whisky that purported to have been dumped in Federer's house.

Q. Was not that the key by which you unlocked these fraudulent transactions? Did not it give you a knowledge of the manner in which those men proceeded?—A. Not my first knowledge.

Q. Did not those facts that Yaryan communicated to you give you the starting-point?—A. No, sir; it led to nothing else. It was an independent transaction.

Q. But did not the facts indicate to you the manner in which the Government was being defrauded?—A. No, sir; because I knew it a year before.

Q. Did you ever communicate that knowledge to any of the officials?—A. I did communicate to Commissioner Douglass that I had been informed that there were frauds in Chicago, Milwaukee, and Saint Louis.

Q. And you told him the way in which these people were defrauding the Government?—A. Yes, sir; as it was told me.

Q. And you told him of that a year before this?—A. No, sir; not quite a year—about August, 1874; and they are the only three ways that have ever been discovered.

Q. Did Yaryan aid you in the examination of the books?—A. We had an immense lot of property on our hands, which had to be guarded, and we had to employ about forty men, and getting the distilleries straightened out required three or four days before we settled down to investigation, and by that time he was ready to go to Washington.

Q. Did not Yaryan help you in the examination of the books?—A. I don't know whether he did or not. I was out a good deal of the time. Mr. Hawley staid in. I was running around looking after the distilleries, and visiting these men and seeing that they were doing their duty, and he might have examined some of the books there.

Q. Was not that the main part of your duty? Did not you take charge of most of the outside work?—A. I did most of the outside work.

Q. And Mr. Hawley most of the inside work?—A. Yes, sir; Mr. Hawley was laid up with a lame leg.

Q. And you intrusted him with the inside work, taking testimony and so on, while you did the work outside?—A. Yes, sir; I examined witnesses myself, too.

Q. But Mr. Hawley's duty was mainly that?—A. Yes, sir; looking after the correspondence, examining witnesses, &c.

Q. Then you do not know how much assistance Yaryan rendered to Mr. Hawley when you were not there?—A. I do not. I was in and out all the time.

Q. Are you sure that Yaryan was there only three or four days?—A. No, sir.

Q. Was he not there a week?—A. We arrived there on Monday, the 10th of May, and I should say that Mr. Yaryan left about Thursday. It may have been Friday, or possibly Saturday; I should say Thursday or Friday.

Q. You have no very distinct recollection on that subject?—A. I know it was within a very few days.

Q. You don't know whether Yaryan gave Hawley any facts that he did not give to you?—A. I doubt it very much.

Q. You don't know anything about that, I suppose?—A. Mr. Hawley and I were constantly conferring with each other, and I suppose I knew everything that Mr. Hawley knew.

Q. You think he told you everything that Yaryan told him?—A. I think so. I have heard Mr. Hawley complain frequently. He wrote Yaryan a letter when we left Saint Louis.

Q. Did you see any instructions in the hands of Yaryan as to what he was to do?—A. No, sir.

Q. From whom did Yaryan take his instructions?—A. He was under the orders of the Commissioner.

Q. Did he not have his orders from Mr. Wilson, the Solicitor?—A. He is a revenue agent, and, under the law, he belongs to the jurisdiction of the Commissioner.

Q. At that time did he not have his instructions from the Solicitor of the Treasury?—A. Not to my knowledge.

Q. Do you know that Mr. Hawley had his instructions from the Solicitor of the Treasury?—A. I know that he had a conversation with the Solicitor.

Q. Don't you know that Hawley and Yaryan met Mr. Wilson in New York, and that they there received instructions as to what they were to do?—A. I know that they conferred with each other, but I don't think they received any written instructions, because if they had Mr. Hawley would have shown them to me. That is my judgment.

Q. You don't know of any instructions which Yaryan had to stay any longer than he did stay, do you?—A. No, sir.

Q. If you had no instructions to investigate these matters, but simply to seize and hold, Mr. Yaryan would not be bound to remain there with you after you had made the seizures?

—A. No, I suppose not; but the general understanding was—and I think Mr. Hawley could clear that matter better than I could, because I had no conversation with the Solicitor about it—that we were to make the seizures and commence a vigorous investigation.

Q. Did you have any instructions to that effect?—A. I got them from Mr. Hawley.

Q. Then you have no personal knowledge of any other instructions than those contained in this letter?—A. No, sir.

Q. Then Mr. Hawley was the leading man, was he?—A. I regarded him as the leading man.

Q. Everything done by you was done with his knowledge and consent?—A. No, sir.

Q. Did you do anything without telling him?—A. No.

Q. Then it was done with his knowledge?—A. Yes, sir; but not with his consent.

Q. Everything you did, except seizing that whisky, was done with his knowledge and consent?—A. Well, he is a little peculiar, and he hesitated about seizing these vinegar factories, and I don't know whether that was done with his authority or not.

Q. You regarded him as the leading man?—A. Well, we had the same authority, but he is an older man than I am.

Q. You knew that he had other authority?—A. No, I did not.

Q. Did you not say a moment ago that he told you that he had authority to go on and institute a vigorous investigation?—A. Not authority. I say the understanding was so with the Solicitor of the Treasury and the Commissioner.

Q. Would not that be authority?—A. It was general talk. I don't know whether you would call it authority or not.

Q. Well, these gentlemen, the Solicitor and the Secretary of the Treasury, talked with him about it?—A. He had an interview with those gentlemen before we left.

Q. Did you say that Mr. Hawley superseded McDonald?—A. The statute provides that a supervisor of internal revenue may be assigned by the Secretary of the Treasury to duty at any point in the United States. I think I understood that he had, and I think I saw a formal written assignment of Hawley to duty at Saint Louis, which was given to him by the Secretary of the Treasury.

Q. Was that not an assignment for the specific duty of ferreting out these frauds?—A. I do not recollect.

Q. Do you not know that McDonald acted as supervisor while you were there?—A. I do not know what he was doing; he was around the streets; he had his office there.

Q. He had his sign up as supervisor?—A. Yes.

Q. Did he invite you into his office to conduct your investigation?—A. Yes; he tendered me the use of his office.

Q. You had no idea that Mr. Hawley was permanently assigned to that position as supervisor?—A. I had no such idea.

Q. With whom did you consult about taking the place of McDonald?—A. That is a confidential matter.

Q. Do you know that a party in Saint Louis was consulted with?—A. Yes; I consulted him myself. Mr. Hawley and I went down to this gentleman's office.

Q. And you desired him to accept the position at once?—A. No; we conferred with this gentleman in regard to his naming some one.

Q. Did he name some one?—A. He did. He considered the matter for about twenty-four hours, and then brought down to us two names, (we knew nobody there,) and these names were transmitted by telegraph to the Treasury Department.

Q. How long after that was the appointment made?—A. I think a few days; I cannot recollect exactly. Supervisor Meyer received his commission, and some time before we left there was in hearty co-operation with us in connection with the investigation, aiding us to the best of his ability. The records will show at what date he entered on the office.

Q. How long after you first went to Saint Louis was it that McDonald was superseded?—A. I cannot tell you. It may have been ten days or two weeks, or a little longer than that.

Q. It may have been three or four weeks?—A. It was hardly that long, because Supervisor Meyer had been actively assisting us some time before we left, and we left at the end of about three weeks.

Mr. PLAISTED. The actual date of his appointment was the 22d of May.

The WITNESS. That was twelve days after the seizure. We seized on the 10th of May.

Q. How long a delay was there in the removal of Maguire?—A. Maguire was not out of office until after we left Saint Louis. Leuchtner was first designated by this gentleman in Saint Louis, and accepted the position, but said that he could not be back for a week. When he did return he looked over the ground for two or three days, and finally decided that the responsibility was very great and the pay small, and that he could not accept. Then we had to do that work all over again. We got this gentleman to look around and submit another name, and that worked a considerable delay.

Q. How did you come to seize this additional whisky above the twelve hundred barrels? Who gave you the information?—A. We received an anonymous letter stating that one lot of whisky was stored in somebody's warehouse; perhaps the warehouse of Fath, Ewald & Co.

was one of them. I immediately went down there with a couple of men, looked it over, and found a lot of whisky stored there, perhaps one hundred and fifty barrels. There was a gentleman who furnished us considerable information; but I do not know whether he would care to have his name mentioned. He belonged to another house. In one of these houses I inquired of a man, who said that he believed there was some crooked whisky in another warehouse, and in that way we got hold of information.

Q. When did this letter come to you or Hawley?—A. I do not recollect. I think it is among the files which were turned over to Supervisor Meyer.

Q. With whom did this gentleman communicate?—A. He communicated with us both.

Q. He did not communicate with you alone?—A. No; we had a private room there, and my recollection is that he was in that room one night with both Hawley and myself present. I think that that was the evening he gave us the information. It was two or three evenings after we arrived there.

Q. Did you examine the books of these distilleries?—A. As much as we had time to.

Q. Did you give any extended attention to them?—A. Yes; I spent a good many long hours and nights at it.

Q. How many nights do you suppose that you spent examining these books?—A. I cannot tell; whenever I was at the office coming in from down town I put in my time in helping to examine these books. We all had them right straight out there in the room checking off reports, &c.

Q. Did not Hawley undertake that job and do that work?—A. No; the most of it was done by two other gentlemen.

Q. But under his supervision and direction?—A. No more than under myself. On the contrary, I myself spent a good deal of time taking down the marks and brands and numbers of the barrels which we had seized. I found that I could not go through the whole of it myself, and I put two other gentlemen to work at it. I had these schedules myself and checked them off with these reports, and there is where we got most of the evidence on which the indictments were found.

Q. The main facts that you learned were from the packages and books and papers of the distilleries that you seized?—A. Yes; and from the records in the clerk's office—that is, in tracing this whisky. But of course the facts as to the payment of money to officers, &c., came in the way of verbal testimony. There was nothing in the books to show that except this memorandum-book, which showed the payment of money to Fitzhugh. I did examine the stubs of the check-books of one or two distilleries, with a view of trying to find out some payment of money, and a man who had formerly been a distiller there, and was willing to acknowledge his crookedness, Peter Curran, brought down his check-books and attempted to show that certain checks indicated the payment of money to certain parties, but the evidence was not very satisfactory.

Q. How did you get the name of the witnesses who were called?—A. The most valuable assistance that we got in Saint Louis was from Mr. George T. Stagg, of the firm of Gregory & Stagg, commission-merchants in Saint Louis. Mr. Stagg is entitled to more credit for the exposure of the Saint Louis whisky ring than any other man that lives.

Q. Who introduced you to Mr. Stagg, and how did you come into communication with him?—A. I think Mr. Yaryan did. Mr. Hawley may have introduced him to me.

Q. But it was through Yaryan that you got acquainted with Stagg?—A. Yes; Yaryan had been put in communication with Stagg by the Secretary.

Q. It was through Yaryan that you and Hawley became acquainted with Stagg?—A. Yes.

Q. And it was Stagg who subsequently gave you almost all the valuable information you had?—A. No; he did not give us valuable information. He indicated the names of men to be summoned as witnesses, and he rendered us valuable assistance.

Q. Is not that valuable information?—A. No, sir; the information came from the witnesses, and not Mr. Stagg.

Q. When a man gives you the names of witnesses whom you can summon to prove facts, is not that valuable information?—A. It may be called valuable information.

Q. He gave you the names of these witnesses, and you had them called and examined?—A. Let me tell you what Stagg said: Mr. Stagg informed me in regard to a lot of whisky which Mr. Yaryan had reported as having been dumped in the warehouses of Federer & Co., and which was subsequently shipped to New Orleans. He furnished Mr. Yaryan with information regarding that lot of whisky, but that was the only lot which Mr. Yaryan professed to know anything about.

By Mr. PLAISTED:

Q. Was Stagg acquainted with the Secretary of the Treasury?—A. I so understood; he was formerly from Kentucky.

By Mr. COCHRANE:

Q. Give any detail of the information you have in reference to that lightning dispatch, where you got that information, and all about it.—A. That was a sort of confidential matter, but still, if you ask for it, I will give it. When we arrived at Indianapolis, on our way to

Saint Louis, we met Fishback. This was on a Sunday evening, and we were going to strike the next morning. Fishback told me that the ring at Saint Louis had received the dispatch that lightning would strike on Monday.

Q. Did he say where the ring received it from?—A. He did not. We were, of course, very much worried for fear our movements were known. Up to that time we had kept everything perfectly secret, and we wanted to get to Saint Louis without being known. Subsequently Mr. Colony told me that he had discovered that such a dispatch had come over the wires. He had the secret sources of information.

Q. Did he say from where it had come?—A. Not at first, but I subsequently learned that the dispatch had been sent from Mr. Stagg to his partner at Saint Louis, Mr. Gregory. In other words, we believed that the ring had not been informed, for the reason that Gregory and Stagg were not ring men. Stagg was doing all that he could to break up the ring.

Q. Where did Stagg send that dispatch from?—A. Stagg told me afterward that he sent it either from Washington or New York, I forget which. He went on to New York, and there met Mr. Barnes and Mr. Buchanan. I learned in Saint Louis in some way that another dispatch, of the same character, had come over the wires to the same effect—that lightning would strike on Monday. That dispatch had been sent to Bohlman & O'Hara.

Q. What more did Stagg say about that interview in New York between him and these other men?—A. He afterward told me that he told Barnes that he ought not to have sent such a dispatch. I think he told me that Barnes told him that he had sent a dispatch to Bohlman and O'Hara in that form, and Mr. Stagg was surprised that Barnes should have sent such a dispatch.

Q. And then Stagg sent a similar dispatch himself?—A. So it appears. It seems that they both sent the same dispatch, but it appears that Bohlman and O'Hara, not having very much confidence in the dispatch, did not tell anything about it; so that it did not hurt us a bit.

Q. If they had received such a dispatch, do you not think it would have alarmed them somewhat?—A. It naturally would.

Q. Would not they have been very likely to tell somebody?—A. They might have been.

Q. State exactly what you told Yaryan when you met him.—A. That was on my return from Saint Louis, early in December. I told him that I had investigated the subject of that lightning dispatch, and had found out that it was sent by Barnes to Bohlman & O'Hara. My recollection may be a little at fault. I may have said that it was sent by Barnes to some of the whisky-men, although I had Bohlman and O'Hara in my mind. Yaryan replied that the Secretary did not want anything said about it.

Q. Was that his exact language?—A. Yes, sir; I remember that very distinctly, because it struck me very forcibly at the time.

Q. It struck you at the time that it was very singular for the Secretary of the Treasury not to want that known?—A. My idea was this: that the Secretary had been openly charged in the newspapers, and the Saint Louis ring was charging, that he was interested in the house of Newcomb, Buchanan & Co., and, of course, it would be a very sensitive matter to him, and he would not like that anything which would look like a confirmation of that report should get out.

Q. Would the fact that a man named Barnes had sent a dispatch look like a confirmation of that report?—A. It might look as though the firm of Newcomb, Buchanan & Co. had been fully advised that the seizures were to be made, and by that means could have made large purchases of whisky, expecting that on the closing up of the distilleries in Chicago, Milwaukee, and Saint Louis, there would be an immediate advance in price. That was the point.

Q. Then, Newcomb, Buchanan & Co. were not charged with having violated the revenue-law?—A. No, sir; I have no knowledge that they ever did, but the newspapers were full of reports.

Q. Did you say that Barnes was a member of that firm?—A. No; I did not say that. He was connected with that firm.

Q. In what way?—A. That I cannot tell you.

Q. Do you know the fact that he was connected with it?—A. I give you the information as I got it.

Q. Do you know of your own knowledge whether he was connected with the firm or not?—A. I was simply told so. I know it just as much as you know of your own knowledge that I am connected with the Treasury Department, (except that you have my affidavit to that effect.) Barnes was known all over the West as a sort of general agent of the house of Newcomb, Buchanan & Co. He had been doing a good deal of traveling for them.

Q. Do you know that he did much traveling for them?—A. I do not know the man. I never laid eyes upon him. I only know that there is such a man by hearsay.

Q. You told Yaryan that you had investigated that dispatch; had you investigated it?—A. I had made inquiries about it, and had learned that that was the true solution of the lightning-dispatch story.

Q. Did you express yourself satisfied with that solution?—A. I do not think that I expressed any opinion on the subject, except that I said I had investigated the matter.

Q. Where did that conversation take place between you and Yaryan?—A. In the Register's room in the Treasury Department.

Q. When?—A. Soon after my return from Saint Louis.

Q. How soon after?—A. I should say within twenty-four or forty-eight hours.

Q. In what month?—A. In December, 1875.

Q. Do you recollect the date?—A. I cannot exactly fix the date. I know that I left Saint Louis in the morning after the verdict was rendered in the Avery case, and came right through to Washington. It was somewhere about the 6th of December.

Q. I believe you have stated that about a year before the seizures were made, and after a conversation with Yaryan, you went to Commissioner Douglass?—A. I have not so stated.

Q. Did you not state so in your testimony?—A. I did not.

Q. When did you go to Commissioner Douglass and tell him about the plan which you and Yaryan had been talking about?—A. That was about the month of February, 1875.

Q. Did you not say that it was well known that frauds were being perpetrated in Saint Louis, Milwaukee, and Chicago in the whisky business for more than a year prior to those seizures?—A. I did not say that it was well known. I said that it had been rumored. At least, that was the effect of what I said.

Q. You did not use the words that "it was well known"?—A. I do not think I did. I intended to say that it had been rumored.

Q. Had you known that Yaryan and somebody else had made a report to the Commissioner of Internal Revenue which was suppressed, and which showed conclusively that frauds had been committed there?—A. I had heard that a report had been made by Revenue Agents Brasher, Yaryan, and Gavitt.

Q. How long before the seizure had this report been made?—A. I should think about two years before.

Q. Do you know why the Commissioner of Internal Revenue did not act on that report?—A. I have no knowledge.

Q. Did you see the report?—A. Not the original.

Q. Did you see a copy of it?—A. I think I saw it published in the newspapers.

Q. It showed some pretty gross irregularities, did it not?—A. My impression is that it only showed loose, careless administration of the law in Saint Louis.

Q. In your judgment, as a revenue-agent, did it show enough to justify an investigation?

The WITNESS. I am not exactly a revenue-agent.

Mr. COCHRAN. Well, you are acquainted with internal-revenue matters.

A. My judgment was, that an investigation would have been very proper.

By Mr. PLAISTED:

Q. Did McDonald give you any assistance or information when you were in Saint Louis the first time?—A. No, sir.

Q. Did he make any offers to give you any information?—A. Johnny McDonald is one of those jolly, good sort of fellows who are very active in their offers if they can be of any possible assistance.

Q. Did he, to your knowledge, give any information to others?—A. I have no reason to doubt but he did.

Q. When was Yaryan made chief of the revenue-agents?—A. While I was in Saint Louis, in May, 1875, I think; immediately on his return from Saint Louis.

Q. Who was his predecessor?—A. He had none; there was no such position known previously.

Adjourned.

WASHINGTON, August 2, 1876.

BLUFORD WILSON recalled and further examined.

By Mr. COCHRANE, chairman of the subcommittee:

Question. You spoke about the appointment of Mr. Henderson as one of the counsel for the Government in Saint Louis in the whisky trial. You also spoke of conversations which you had had with the President in reference to Mr. Henderson. Did you receive any letter from Mr. Henderson prior to his dismissal, explanatory of his position in those cases?—Answer. I received a letter from Mr. Henderson under date of November 5, 1875.

Q. Did you read that letter to the President at any time?—A. I had that letter with me in my interview with the President on the 8th of December. I showed it to him. The Secretary of the Treasury also took the letter to the President—at least, I gave it to him for that purpose.

Q. Please read the letter.—A. [Reading:]

"SAINT LOUIS, Mo., November 5, 1875.

"DEAR SIR: I ought to have written you oftener than I have in reference to the progress of things here. My excuse is that my whole time has been devoted to the work of developing the inner workings of two 'rings,' the Missouri and Illinois rings. This duty and that of watching cases in court and preparing to meet the multiplicity of demurrers, motions, &c., leave me no time to correspond with anybody. In addition to all this, I have deemed it most prudent that Mr. Dyer, who is the responsible head of the office, and who is devoted to the work before him, should attend to the whole correspondence, by which uniformity of information without repetition would be secured. I write now simply to post you on one or two points, that you may the better understand the present status and better anticipate the future.

"First, in reference to the marshal of this district. In August last, you remember, I made no positive recommendation in the conversation on the subject with General Pierrepont, General Bristow, and yourself. In September, however, a letter came from General Pierrepont to Colonel D., asking him to consult me, and that we join in a recommendation of some fit person. We consulted, and agreed on Benjamin R. Bonner, of this city. I naturally supposed that the appointment would at once be made; but owing, I presume, to the President's absence, it was delayed till telegrams came announcing the appointment of Bonner, and finally until other candidates found out by some means that Colonel Dyer and myself had recommended Bonner.

"Thereupon, divers persons from this city, who seem to know more about the duty of the Government attorneys than they do themselves, proceeded to Washington and most kindly informed the President that I was a most bitter and relentless enemy of his, both personally and politically, and that the appointment of Bonner was a scheme devised to aid in the purposes of my malevolence. They further urged him to think, as I have reason to believe, that the developments here as to his secretary, General Babcock, were nothing but a put-up job to strike the President himself by aspersions and calumnies upon persons occupying confidential relations with him. These things were said, not because they had one particle of foundation in truth, but simply to effect the defeat of Bonner and the appointment of their own favorites. These things so long delayed the appointment that Newcomb had already been compelled to summon both grand and petit jurors for the term. After this was done, it was exceedingly doubtful whether it would be politic to change officers until after the court, and this conviction was the more strongly impressed upon my mind by the antecedents of some of those who might be appointed. How easy for the incoming man to practice treachery and place the responsibility of our failure on the shoulders of the outgoing officer who summoned the juries; hence, with a double view, one in the interest of the public service here, and the other to thwart a political trick which its projectors expected to accomplish through falsehood to the President and injustice to me, I telegraphed to General Pierrepont to postpone the change of marshals, but in the course of ten days after that dispatch signed by Eaton and myself, I became satisfied that the present marshal should not be retained on my responsibility, and Eaton seemed to feel equally the necessity of divesting himself of all responsibility in that behalf. He requested that I go to Washington. The court was in session. I could not leave, and he concluded to see about two things, to wit, first, what could be done in regard to the marshal, and to remove from Mr. Pierrepont's mind all apprehension in regard to the personal malevolence of the assistant prosecutors here toward the President and the secret purposes on our part of injuring the party, as he, Mr. Pierrepont, seemed to have been informed. Under the circumstances I concurred in his going, and I hope and believe he has confined himself to the objects of his mission after he left; the night after new facts were disclosed to me, which made it certain not only that Newcomb should not be retained, but also that no explanations in regard to Mr. Babcock could be made without making ourselves ridiculous in the future; hence, I sent the dispatch which you have, and which you can easily understand in the light of what I have now said. To conclude on this subject, the Department has my recommendation of Mr. Bonner for that place, and I do not and shall not change it, and still believe he should be appointed. Circumstances are such as to make it impossible for me to intimate that Mr. Newcomb should remain.

"Second. In regard to the prosecutions here you may have absolutely no apprehensions. No one will be indicted except those whose guilt can and will be established before a petit jury. We are prudent; ay, more, we are cautious. But we have unwound the skein of the most gigantic fraud perpetrated of late years, and intend to bring every one connected with it (high or low) to condign punishment. So far as I am concerned, I have no malice against any man indicted, and my whole action shall be based on a simple discharge of duty. Under these circumstances, I desire that General Pierrepont, who, perhaps, has become unnecessarily frightened by the stories of interested parties, should guard against any premature gush of sympathy predicated upon the hypocritical plea of malice on my part against any one prosecuted or to be prosecuted, either civilly or criminally; and what I say in reference to myself, I think I can truthfully say in reference to all connected with the attorney's office here.

"Third. As to the progress of our work, you are doubtless informed from day to day by Colonel Dyer, and, I need hardly say, that recent developments here make it certain that the service in Illinois and Wisconsin has been as corrupt as that in Missouri since 1871.

"It is difficult for us to unearth it at this point as it should be done, but we will be able soon to give you sign-posts, by which your officials in Illinois may anerringly travel to the exposure and conviction of the guilty.

"Now, excuse me for this bore, and believe me yours, truly," J. B. HENDERSON.

"Hon. BLUFORD WILSON."

Q. When you were about closing your testimony last Friday, I called your attention to certain reports which had become somewhat wide-spread, in reference to some papers which it was alleged belonged to the Treasury Department, and which it was said you had abstracted or were about to take away. You did not have an opportunity to answer that question at that time. You may now make any explanation you desire with reference to that matter.—A. As Solicitor of the Treasury, I was charged by Secretary Bristow, as I have already stated, some time in the spring of 1875, with the duty of making a strictly confidential, secret, and thorough investigation into the alleged whisky frauds in Saint Louis and other western cities. Previously—indeed, it was my first official duty after entering upon the office of Solicitor of the Treasury—I had been charged with an investigation into what is commonly and notoriously known as the safe-burglary affair. In the progress of those investigations I was necessarily obliged to keep the details largely, if not entirely, in my own hands; and in point of fact, so far as the safe-burglary matter was concerned, I did conduct the whole investigation myself, from its inception down to the time when I laid before the grand jury the evidence upon which Harrington and others were indicted, and subsequently transferred such evidence to the Department of Justice. So, in connection with the whisky prosecutions, the entire details of that investigation were kept in my own hands. Mr. F. W. Winslow, of the secret-service division, acted as my amanuensis, and wrote at my dictation from time to time. The accumulations of documents and papers with reference to that investigation, as well as the safe-burglary matter, were placed in the desk which I occupied in the Solicitor's Office along with my private letter-books, letters, and papers, together with some confidential official documents. They were carefully excluded from the eyes of every other officer or subordinate in the Solicitor's Office. After Mr. Winslow was appointed to a position in the Revenue Bureau, young Mr. Dixon took his place; Mr. Winslow and Mr. Dixon, therefore, by reason of having acted as my amanuenses and confidential assistants, were thoroughly familiar with letters, papers, books, and documents in my possession. On the 30th of June, the day I vacated the office of Solicitor, I called upon Mr. Winslow and Mr. Dixon to pack my papers, and instructed them to assort them carefully, leaving the public and official, and packing only the private. Mr. Winslow says this was done. I did not see a paper that went into the boxes, not one; I relied entirely upon the familiarity of the gentlemen with the papers, and upon their proved fidelity to my instructions. After the packing was completed, I understand that Mr. Dixon nailed up and marked the packages "Bluford Wilson, Springfield, Illinois; handle with care." On leaving the Treasury Department, which I did at 12 o'clock that day, I told Mr. Robinson, the Assistant Solicitor, that the janitor, Carroll, had in his custody my household effects, to be shipped to my order as soon as I had a home in Springfield, and that the box or boxes of books, letters, &c., if not in the way—and I presumed they were not—I would leave in the office, where they were to be shipped when the other private property was. I was to notify Robinson when, (Carroll not being able to read,) and he was to notify the janitor, to all of which Robinson agreed, fully and cheerfully. I think Mr. Elmer Washburn was present; also Elmes, Winslow, Dixon, Carroll, some or all of them. I left the city to go West, but before I succeeded in establishing myself fully at Springfield, the city of my choice, I received the telegram of the committee calling me back to Washington. On Friday, the 21st of July, I arrived in this city, and called at the Treasury Department, where I saw Messrs. Morrill and Pratt. I said to them that I should want to read the official records which I had caused to be made and preserved touching my investigations into the whisky frauds, for the purpose of refreshing my recollection before I testified. I was told by Mr. Morrill and Mr. Pratt to call on Mr. Robinson. After seeing Mr. Morrill I called on Mr. Robinson and said to him that I had the permission of the Secretary of the Treasury to examine the records which I had made in connection with the whisky frauds, and such other papers as might be necessary to refresh my recollection; to which Mr. Robinson readily assented. I then said to him that as the record itself was in the Office of the Commissioner of Internal Revenue, broken up and divided out to be copied, I could not see it, I presumed, on that day, and that meanwhile I would be glad if he would direct Carroll, the janitor, to bring over my boxes containing my private memoranda, records, and property to the Riggs House. To this Robinson said, "Yes, yes," that he would send the papers over. Will-

iam B. Moore was present. Whether he heard what passed between Robinson and myself I cannot tell. In the morning Mr. Robinson asked me if I knew where the Barnard letter, containing the President's indorsement, was. He said it was missing. I answered, "No," but to ask Winslow. If Winslow did not know where it was, I did not, as he packed the boxes, and if it was in my possession it was there through a mistake, but that I would examine the boxes carefully as soon as they were sent over to me, and return it if found. The same morning I saw Winslow, and asked him if he knew where the letter was. He said he did not; that he was willing to swear that it was not in the boxes, and that he thought it went to the Secretary's Office. Dixon was also questioned in regard to it, and said that he did not remember to have seen it go in. Both Winslow and Dixon, therefore, the men who ought to know, assured me that the letter was not in the boxes, that they were entirely confident of that. Mr. Robinson did not send the boxes and papers to my hotel, as he had promised. I waited until 2 o'clock, at which time Mr. Webster Elmes, the chief clerk, came over. I asked Elmes where my boxes were, and why they were not sent over. Said he, "That is what I called to see you about. Robinson feels a little embarrassed just now in view of the present excited and inflamed condition of affairs in the Treasury Department, growing out of Yaryan's testimony, and says that, as the boxes could only go out of the Treasury Department on his order, he would, or might be, misunderstood, and, therefore, embarrassed, and he said that if the matter were permitted to run along for four or five days it would probably be all right, and it would save them all some annoyance." I said to Elmes that I did not want to give Robinson, of all men, any embarrassment, but that I thought he would be very much more embarrassed, under the circumstances, by refusing to give me my property than by giving it. Mr. Elmes also remarked that there was an old coat, a pair of rubber shoes, and one or two other articles of wearing apparel in the Solicitor's Office which might also be sent to me; whereupon I said to him that Robinson might, with just as much propriety, retain my old shoes and coat as my boxes. I also requested Elmes to say to Robinson that I thought he had no right, under the circumstances under which the boxes were left in his possession, to raise any question as to their contents, especially so after the statements of Winslow and Dixon, and that I hoped he would comply with his promise made in the morning to send the boxes over. Later on I wrote a note to Robinson in which I said to him that I desired to repeat what I had already said to Elmes—that he had no more right to retain the boxes containing my private papers and records than he had to retain my old shoes or coat; that my instructions to Winslow were explicit with reference to packing them, and that if my instructions had been followed, and I was compelled to believe they had been, the boxes contained nothing but what was clearly and fairly my own. I said to him: "If you doubt my word, send for Winslow and Dixon, the young men who packed the boxes; go through them all, and when you are through send me what is left." That was the situation on Friday night. That night I was taken quite ill, and remained under the treatment of Dr. Verdi until Monday morning. On Monday I went over to the Solicitor's Office. They had gathered together the record of the whisky raid from the Internal Revenue Bureau, and I spent the day in reading it over. At the close of the day I said to Robinson, "Send for Carroll and let us open these boxes and see what is in them." He sent for Carroll, but did not find him. I said, "Send for Dixon." He did send for Dixon and did not find him. I said, then, "Let us go and get the boxes ourselves and open them." To this he said that it was late in the day, and let it go till morning. I said to him: "No; now while I am here with you, Robinson, let us make this examination ourselves." I felt as though at the moment an indignity was sought to be put upon me in refusing to deliver me my private property, and also in the suggestion which had been made, that they should be examined at all before they were delivered into my possession. I said to Robinson that if he did not make the examination then, I wanted it distinctly understood that no man with my consent should go through those papers until they were delivered to me, and with that understanding we parted. On Tuesday morning I called upon the President of the United States, and after stating the case substantially as I have stated it to the committee, I asked the President to be good enough to give me an order on the Secretary of the Treasury for the boxes. To this he replied that he thought the boxes ought to be examined before they went out of the Treasury Department. He said that Mr. Morrill would designate some one man, and the Solicitor of the Treasury perhaps another, and that he saw no objection to my being present at the examination. To this I replied that I could not give my assent. I told the President that I thought it was putting me in the attitude of being a suspected party; that after careful inquiry I was assured by both the young men who had to do with packing the boxes that they contained nothing of a public character of which copies were not left on file, and as to the Barnard letter, I said to him that their assurance was definite that it was not in the boxes, but that if it was there he might rely upon my promptly returning it as soon as I could make the proper examination to ascertain if it was contained in the boxes. Quite a long conversation ensued between the President and myself, in which I endeavored to satisfy him that my record, both professional and official, was of a character that entitled me to the courtesy of being

treated as an honorable man. I appealed to the President in the strongest terms I could employ to deliver the boxes to me, after such an examination as he and the Secretary of the Treasury (without just warrant under the circumstances in my judgment) seemed to think necessary to subject them to. He told me that he would see the Secretary of the Treasury, and after I had asked him again specifically for an order on the Secretary, and had been refused, our interview closed. On my return to my room I wrote the President a note in which I said to him, "Your son, U. S. Grant, jr., your private secretary, and my brother, General James H. Wilson, have my permission to examine my boxes now in the Office of the Solicitor of the Treasury, unless, on reflection, you can see your way to order them to be delivered to me for the examination which it seems to be thought proper to subject them to before I can have them." I added a postscript, viz: "I must recall your attention to the fact that the boxes were packed by the young men who acted as my private secretaries; that I did not see a paper that went into them—not one; and also the fact that I had requested the Treasury officials on Friday to make the examination with the aid of the young men who had packed them."

To that note I received this answer:

"EXECUTIVE MANSION WASHINGTON.

"DEAR SIR: The President directs me to say that he sees no objection to General Wilson being present at the examination of the papers referred to in your note just received, but the party on the part of the Treasury Department should be the new Solicitor, or some one designated by the Solicitor of the Treasury.

"Respectfully,

"C. C. SNIFFIN,  
"Secretary.

"Major BLUFORD WILSON,  
"Care of Acting Solicitor of the Treasury, present."

This note I received in the Treasury Department. I immediately went up to see the Secretary. After waiting some time, being quite ill, I obtained an audience. I showed him the note of the President to me, and asked him if he had seen it. He said he had. I asked him if he had seen my letter to the President in which I had offered to submit the papers to the examination of his private secretary and General Wilson. He said he had. Then I said: "Mr. Secretary, you have the whole case. I wish to say to you that I cannot accept the suggestion of the President of the United States." He asked me why, and I said, "For the reason that the boxes packed in accordance with my instructions, according to the best information I can obtain, contained nothing but my private books and papers. Of this I have the assurance of both the young men engaged in packing, and I am not willing by consenting to an examination of my boxes, under the circumstances, to recognize that there is anything either in my past career as a public officer, in my attitude toward the President or the Secretary of the Treasury, or in the circumstances under which the boxes were packed that would justify me in submitting to what I think would be an indignity." The Secretary said to me that he was informed that I myself admitted that the boxes contained public papers. I asked him what authority he had for that statement. He said, "Mr. Robinson, the Assistant Solicitor." I told him to send for Mr. Robinson. He did so, and Mr. Robinson came. I asked Mr. Robinson when and where I said to him, either directly or indirectly, that these boxes contained public papers. He replied, "You never made such statement to me, either directly or indirectly." I turned to the Secretary and said, "Mr. Secretary, Mr. Robinson's answer is precisely the answer which I knew as an honorable man he would be obliged to give."

Now, with reference to the Barnard letter. I called the Secretary's attention to the fact that Mr. Winslow, who knew the letter, said it was not in the box, and that he was willing to make affidavit to that effect; that Mr. Dixon concurred; that I had myself, on Friday, written to the Treasury officials to make an examination, with the aid of Messrs. Dixon and Winslow; that on Monday evening I again made an effort to have the examination made and had failed, and that now, under all the circumstances, I wished to say to him that he could not cause an examination to be made of those boxes without subjecting me to an indignity which I believed no honorable man would put upon another. He was angry at this, and after some brief words the interview ended. I then sent word to the Solicitor's Office that I did not want the boxes searched unless I was present, either in person or through a friend. That night, as it seemed evident to me that I was to be put in the attitude of doing a suspected part and of taking public papers, I telegraphed to a mutual friend of my own and the President to come down. He came, and on the next day called upon the President, and the result was an order to the Secretary of the Treasury directing him to submit the boxes to my friend and to Mr. Robinson for examination. When the examination was made I was present. They contained what I always supposed they did—my original office drafts of my operations against the whisky ring, the safe burglary, and some other matters of a highly confidential and pri-

vate character, which I thought then and still think the Administration was quite as much concerned in keeping secret as I was, and that was really the reason why I suggested that the boxes be examined by the President's private secretary and General Wilson. The Barnard letter was also found by myself, as the gentlemen who were making the search had overlooked it, it being marked "Private and confidential" on the outside, which is doubtless the reason why it was overlooked by the young man who did the packing. The question as to whether I should have the originals or a carefully-prepared copy that had been prepared under my instructions by Mr. Winslow, and left on the official files as the official record, was submitted to the Secretary of the Treasury, and he said that I was entitled to one or the other; he thought I had better leave the originals, and he would direct the official copies to be turned over to me as soon as a further copy of them could be made for the use of the Department. This was entirely satisfactory to me; I have never yet, however, received the copies, but I presume I shall.

I wish to add affidavits of Messrs. Winslow and Dixon, as follows:

"WASHINGTON, July 27, 1876.

"In March last I was requested by Hon. Bluford Wilson, Solicitor of the Treasury, to arrange for copying into a permanent record all of the correspondence in his possession relating to the detection and prosecution of frauds on the revenue on distilled spirits. I was specially instructed by him to include in this record not only all official documents, but also a large number of personal and confidential letters, addressed to and written by him, which, however, contained valuable information on general subjects. In accordance with this request I superintended the preparation of this record, and took pains to so arrange the correspondence as to present a consecutive and intelligible history of his connection with the detection and prosecution aforesaid. In the latter part of June I added to this record a copy of all papers of interest which had accumulated since March. On the 30th day of June, immediately prior to the departure of Major Wilson, I was further requested by him to sort out from the papers copied as aforesaid and place among his private effects all personal letters above referred to, and also a number of semi-official letters and telegrams which seemed to have no proper place on the files of his office or of the secret-service division.

"I intrusted the packing of these papers, together with such letters as from their indorsement appeared to be purely personal, to Mr. Dixon, private secretary of the Solicitor, but so far as my part in the matter is concerned, I can say that no document was included, with my knowledge and consent, among the personal papers of the Solicitor, which did not belong to one of the classes above described, and of which a copy did not appear on the record. I have to say further, that on the morning of June 30, aforesaid, Major Wilson was constantly occupied with official business, and so entirely trusted the assorting and packing of his papers to Mr. Dixon and myself, that he had no personal knowledge of the individual character of any paper placed in the boxes to be sent to him.

"FRANK W. WINSLOW.

"Sworn and subscribed before me on this 27th day of July, 1876.

"T. J. GARDNER, J. P.

"I have read the foregoing, and fully concur in the same. The statements therein are true, to my personal knowledge and belief.

"J. R. DIXON.

"Sworn to and subscribed before me this 27th day of July, A. D. 1876.

"P. E. O'CONNOR,  
"Notary Public."

By Mr. COCHRANE:

Q. What were these private letters and papers which you spoke of a few moments ago?—A. I must decline to answer that question.

Q. Did they have any bearing in any way on the whisky trials?—A. They did. One series of papers had a direct bearing on the whisky prosecutions; another series of papers had reference to an altogether different subject—to a Cabinet officer.

Q. Do you not feel at liberty to give a statement of their bearing on whisky transactions?—A. I went as far in that direction in my examination last Friday as I fairly and justly could, in view of the position assumed by the Secretary of the Treasury and the President.

Q. Then you decline to answer, availing yourself of your supposed privilege?—A. I do.

Q. But you thought that these papers were of a sufficiently private character to necessitate the presence of President Grant's son as one of the examiners?—A. O, not especially. I mentioned him because I thought that he would at once see and appreciate the highly confidential character of the papers.

By Mr. PLAISTED:

Q. Who was the mutual friend who examined the papers with you and Robinson?—  
A. My brother, General Wilson.

Q. Do you not feel that the letter of the President to Secretary Bristow, relieving him of all obligations of secrecy, applied to all subordinates of the Secretary as well as to himself?—A. I said the other day that I had no doubt that such was the President's purpose, but he did not so express himself in his letter.

Q. Do you not feel that any fair construction of that letter would include all subordinates of Secretary Bristow?—A. Yes; that was my warrant partly in testifying as fully as I did last Friday.

By Mr. COCHRANE:

Q. In your examination last Friday you stated that President Grant had become satisfied, from facts submitted to him, that General Babcock, who was then on his way from Saint Louis to Washington, had been implicated in Black Friday gold speculation. State fully and in detail any facts within your knowledge bearing on that matter.—A. To that I have simply to say that whatever papers there may be bearing on that question were, I believe, submitted to his Excellency the President, and left in his possession. They are the best evidence of their contents.

Q. Have you any knowledge of the contents of those papers?—A. I have.

Mr. PLAISTED. Personal knowledge?

The WITNESS. I have personal knowledge of their contents.

By Mr. COCHRANE:

Q. Did you see the papers?—A. I did not.

Q. Did the President state to you what they contained?—A. He has not made any statement to me in reference to them.

Q. Did the Secretary of the Treasury state to you what they contained?—A. I decline to go any further in answer to that question than I went in my examination the other day, and I call attention to the statement which I have just made, that the papers are themselves the best evidence of their contents.

Q. I understand you to say that the President of the United States had in his possession papers proving that General Babcock was connected with Black Friday gold speculations?

Mr. PLAISTED. I object to the word "proving."

The WITNESS. I have said that I have satisfactory information that papers are understood to establish that fact. Whatever papers exist were delivered into the hands of the President on the morning of the 21st, 22d, or 23d of February.

Mr. PLAISTED. Do you know that General Babcock was at San Domingo during the Black Friday speculations?

The WITNESS. No; I do not know anything about where he was.

Mr. COCHRANE. In the Cincinnati Daily Gazette of Monday, July 31, 1876, I see the following statement:

"Some weeks before Attorney-General Williams was removed, Secretary Belknap met Solicitor Wilson on the street, and showed him part of an anonymous letter which he had received, charging that his house had been furnished out of the proceeds of the French-arms sales; that as he was well aware the investigation had developed an unknown woman figuring in the affair, and that as the writer knew he [Belknap] was also well aware of the identity of this woman, Secretary Belknap was anxious that Solicitor Wilson should attempt, through the secret-service force, to discover the writer of that letter. Mr. Wilson undertook the work and made a private report to the Secretary of the Treasury on the subject, which the President had seen. This report was among the private papers of Mr. Wilson. It showed that letters of a similar style—that is, printed with a pen—had been sent to Mrs. Grant, to Secretary Robeson, and to other persons in the Cabinet families, making charges upon nearly all, which it is not necessary to mention at length. Specific charges were preferred against the President in a shape to give great annoyance to the Executive household. The several attempts to destroy the Navy Department were ascribed to a desire to destroy vouchers which would compromise the Secretary.

"Statements were also made to him about his family, and the whole series, when collected, showed such a curious acquaintance with inside Cabinet affairs and relations as to excite general interest among those aware of the inquiry in progress as to its results. The letters were all printed. A close inspection under light showed that they had in fact been done in a fine hand, as if the writer, in forming some of the words, had forgotten for the moment the necessity for disguise, and that these words had been inked over by some other hand and the style of the letters been somewhat changed thereby. These slight changes, which were uniform in various letters, led to the discovery that the retouching had been done by Colonel Whitley, ex-chief of the secret-service division, who, for reasons which no one had been able to understand,

had, after he was removed, been given employment by Mr. Williams. The next step was the discovery of the author of the fine handwriting. The prepotent removal of the Attorney-General followed. If the President's indiscreet friends persist in charging that Major Wilson attempted to steal papers, Wilson's friends will probably continue their description of those which he declined to leave for the files of the Department."

The question I desire to ask you is this: You have stated that there were certain private papers contained in that box which were on file. I desire to ask you whether the papers mentioned in that article were contained in that box and were on file.

The WITNESS. To that I simply say that question is not pertinent to the subject-matter of inquiry, and therefore I object to answering it.

Mr. PLAISTED. I ask that the whole of that newspaper article, with question and answer, be struck out.

[The motion was reserved for future consideration and decision.]

By Mr. COCHRANE:

Q. Have you ever taken surreptitiously or improperly, as Mr. Plaisted intimates he has heard, any letters or papers from any of the Departments?—A. Never.

Q. Or, as Mr. Plaisted suggests, the letter of Secretary Bristow on the mule subject?—A. No, sir.

Q. Mr. Tutton, in his examination to-day, testified that he had been informed that you had authorized the United States district attorney and private counsel at Chicago to make a settlement in certain cases known as the "first batch of cases." State any fact within your knowledge on that subject.—A. That subject has been made a matter of very full and careful correspondence between the Secretary of the Treasury, myself, Mr. Tutton, and the local officers; I premise what I have to say on the subject by simply saying that Mr. Tutton's statements, so far as they affect me, are unqualifiedly false; my own record in the premises is found in my letter of January 17, 1876, to Mr. Tutton.

The witness read to the committee the following letters, which were made part of the testimony:.



*Mr. Wilson to Mr. Tutton.*

"DEPARTMENT OF JUSTICE,  
"OFFICE OF THE SOLICITOR OF THE TREASURY,  
"Washington, January 19, 1876.

"MY DEAR SIR: Preliminary to any reply to so much of your letter of the 15th instant to the Secretary as refers to myself, I desire to say that I accept without any qualification whatever the responsibility which all parties at Chicago, save yourself and Mr. Washburn, and the Secretary and myself here, seem to attribute to me for having advised and directed the late official action at Chicago, which, in my judgment, will result in the utter and complete overthrow of the corrupt ring in that city.

"In the next place, I deem it due both to the Secretary and yourself that I should say that you have not misconstrued his position, and correctly stated it in the conference at Chicago.

"He rejected Russell's overtures, as made through Supervisor Matthews, as he has uniformly rejected all other overtures of like character absolutely and without qualification. He distinctly stated to Colonel Matthews when here that he would enter into no arrangement and make no terms with accused parties, and the responsibility of dealing with such of them as might choose to give the Government valuable information must rest with the district attorney, associate counsel, and the local revenue officers, while the court itself must be left to say what immunity, if any, the party should have. In this he spoke also for the President, the Attorney-General, and the Commissioner.

"Adding, therefore, this my statement to Matthews's and to yours, which agree, (page 17 of your letter,) and taking them all, with the telegram of the Secretary to you of the 14th instant, it must be confessed that it was a violent assumption indeed on the part of any officer that for a moment placed him in any other position.

"Now, in response to the statement of Mr. Dexter, that I had authorized and recommended the acceptance of the particular proposition of the distillers, which seems to have been accepted, let me say either that you do not quote Mr. Dexter correctly, or else he is radically mistaken in relation to what took place on the occasion of my last visit to Chicago.

"You quote Mr. Dexter as saying that the proposition of the distillers before me was in substance that 'the parties under indictment, Russell, Juncker, &c., would give information that would lead to the seizure of certain distilleries, and the probable conviction of Rehm, Heeing, and Buffalo Miller, provided they could have complete immunity, not only from criminal proceedings, but also from forfeiture of property seized last May.' 'Mr. Dexter,' quoting still further from your letter, 'said Mr. Wilson and

Mr. Matthews agreed, and recommended the acceptance of this proposition, provided no better terms could be obtained; that on leaving, Mr. Wilson told them to make the best bargain they could, but make it.' To all of which it is quite sufficient to say that there were just three parties, four at most, included in the proposal which was made to General Webster and myself, and discussed in the conference at the Palmer House, Russell, Parker, R. Mason, and Golsen and Eastman, and the discussion was limited to these particular persons, with the right of substituting in the place of either Mason or Golsen the firm of Roelle, Juncker & Co. By the acceptance of those four persons as state's evidence, it was promised that we should have proofs against all distilleries not then seized, except Schufelt's, and conclusive evidence against those who had inspired and organized the corrupt combination which had been so long and extensively defrauding the Government.

"This, you will see at once, is altogether a different thing from what has been finally decided upon in the exercise, doubtless, of the sound discretion of those who are now representing the Government in Chicago.

"The reason why Colonel Matthews and Russell visited Washington was not that the proposal as made to me was not satisfactory, but that on further consultation *after my departure from Chicago* it was found that he desired to include with him all the distillers and rectifiers at that time indicted in Chicago. On the arrival of the gentlemen in this city, and on ascertaining what was in mind and under consideration, without a moment's hesitation I imposed a peremptory and emphatic veto thereupon. Not only that, I told Mr. Russell, as I told Colonel Matthews, that I would resist by all means in my power the granting of any such terms. You will see from this that I was in perfect accord with the President, Attorney-General, Secretary of the Treasury, and the Commissioner, and, indeed, with Colonel Matthews himself. Here is a copy of a telegram sent by me to General Webster the very day that Russell was sent away: 'Proposals rejected without qualification, and unconditional surrender insisted upon. Matthews returns to-night, and will give you details.'

"In returning with Colonel Matthews I may have urged him, in the strongest terms I knew, to knock the bottom out of the ring, by all honorable means, before he got through. But nothing was said inconsistent with the telegram, and it is not possible that he could have understood me as giving advice in direct conflict with the explicit instructions of my official superiors.

"In reference to Colonel Matthews's letter of the 23d, advising me of the surrender of the Chicago distilleries, he used these words: 'When I left Washington I felt that, in the end, the Saint Louis plan would be adopted, and now I feel sure of it.'

"Remembering the cardinal feature of that plan was to leave the responsibility of giving immunity, and the extent thereof, with the court, it will be, I think, conceded that nothing more need be said as to my position down to the date of your conference with Mr. Dexter and others on Friday last, (14th.)

"I, therefore, leave this branch of the subject with the remark that if, as you claim, all the parties present alleged that Mr. Wilson had agreed that even the distillers' own proposition above referred to should be accepted, if no better terms could be obtained, then that all the parties present were mistaken.

"This much I have deemed it proper to say in vindication of my true position in connection with the negotiations now in controversy. I beg, however, that you will not understand me as for one moment reflecting upon the district attorney, his associates, or the local revenue-officers to whose sound discretion it has been the pleasure of my official superiors to intrust the interest of the Government. My sense of duty to the Government and to them compels me to say that, in my judgment, in the light of all the circumstances, they have not been parties to any improper 'bargain' or 'sale,' nor have they decided upon any plan which is inconsistent with the interests committed to them.

"On page 10 of your letter you put them in the attitude of offering immunity to ten or a dozen whisky men, for the sake of endeavoring to punish a few local politicians who are not under any special obligation to the General Government, and throughout your letter assume that the distillers, to whom immunity has been given, are to be permitted to go acquit without suffering any punishment themselves or furnishing the Government any adequate consideration for the leniency extended to them.

"You seem to forget entirely that these very men, as part of the understanding against which you inveigh so earnestly, have agreed to surrender unconditionally to the Government the vast seizure of property made by you at my instance, under the approval of the Secretary, last spring, the practical effect of which, I have no doubt, in many instances, will be the impoverishment of the parties.

"You ignore entirely the moral advantage to the Government which must result from an open and frank confession of guilt on the part of these distillers.

"You ignore also the fact that the result of the testimony furnished by them was the seizure of property of much greater value than that which we have already forfeited, and the arrest of those leaders of the ring who have, with utmost despotic power during the last three years, dominated the agencies of the Government and subordinated

them to the exigencies of local politics, while they have persistently used them for their own corrupt, pecuniary advantage.

"In conclusion, it is in view of the great results already obtained, and in the promise of future honest administration of the Federal revenue law at Chicago, that induced me at the outset, not lightly, but in full knowledge of all the facts, to say that I would cheerfully accept all the responsibility in the premises, which it may please Mr. Dexter, Colonel Matthews, and others to put upon me.

"BLUFORD WILSON.

"A. P. TUTTON, Esq.,  
"Supervisor, &c."

The CHAIRMAN. Did you receive any answer to that letter ?

The WITNESS. No, sir.

*Mr. Wirt Dexter to Mr. Wilson.*

"PORTLAND BLOCK, CHICAGO, January 18, 1876.

"DEAR SIR : I find upon a re-examination of the evidence that we have a case against but six of the indicted distillers. Ten in all, I believe, plead guilty, so that up to this time we may lose the conviction of six distillers and perhaps as many gaugers and storekeepers. On the other hand we get from six to ten new distilleries and rectifying-houses, and, what is much more important than all put together, Hesing, Rehm, Buffalo Miller, (our old county treasurer and a prominent politician,) and Hoyt, and perhaps more beyond and higher. We have not put before the grand jury half our evidence, yet to-day by a unanimous vote they said there was quite enough to authorize the presentment of the last four named. This of course must be kept secret, as our indictments may not be returned for two or three days.

"A good many people can count who cannot reason. Mr. Tutton seems to think that one head is as good as another. It has been my observation that more good is accomplished by the conviction of one prominent, influential offender than many obscure ones.

"Mr. Tutton asked me who Hesing and Rehm were. I replied that the evidence recently received—of which, by the way, he knows little—reveals that these men had been able to take to themselves the absolute administration of this important revenue post. They were not Government officers, yet they appointed collectors and their deputies, assigned gaugers and store-keepers, collected monthly assessments from the distillers and gaugers, punished the refractory, i. e., the honest distillers, and rewarded the thieves.

"They have debauched the Federal and municipal service ; not by occasional inroads, but upon a plan of systematic villainy ; and now that they are in peril they have suddenly become anxious for the public interest, and assert that we are permitting too many of their victims to escape.

"The pressure in various ways against our policy is great, very great. The object to a person on the ground is plain enough. Their only hope is that the evidence we have acquired be taken from us, either by conviction, or taking them, the witnesses, to their side, and one of the ways to accomplish the latter purpose is to disseminate doubts as to the good faith of the Government.

"It has kept me busy the last few days to prevent the appearance of a quarrel in our own ranks, and to repress interviews into which Mr. Tutton has allowed himself to be drawn. Indeed, I left my home last evening at 10 and returned between 1 and 2 in the morning on precisely that errand.

"I presume Mr. Tutton and Mr. Washburn were sent here to aid in enforcing, and not to revise, our policy.

"Was it not an impertinence for these subordinates to dispatch you on a question so thoroughly understood between us, and that, too, without seeking information as to the evidence the Government held against those who recently plead guilty ; but still further, after learning that their remonstrance was of no effect, was it not Mr. T.'s duty as an obedient officer to *support*, not *criticise*, the policy adopted ? Who cares for his *personal* opinions ? He has no business with any against the policy of the Government.

"When reached, we are to have a terrible struggle, and I hope you will attribute whatever I have said to a desire to present an unbroken front to a most desperate foe, who with experience in dark ways, plenty of money, and powerful coadjutors, will keep us busy enough.

"Very truly,

"WIRT DEXTER.

"General BLUFORD WILSON,  
"Treasury Department Washington."

*Mr. Wirt Dexter to Mr. Wilson.*

"PORTLAND BLOCK, CHICAGO,  
"January 22, 1876.

"DEAR SIR: I have just read the Secretary's letter, your own, and Mr. Tutton's, and as there is nothing in the two first indicating any disposition to stay our hand against the powerful combination we are pursuing, I am content to leave Mr. Tutton's voluminous paper unanswered, except in one particular which is so gross a misstatement as to call for immediate refutation.

"He says: 'And in addition to those, most of the store-keepers and gaugers, &c., would have to be included on account of information imparted by them.'

"This is not the fact, as I fully explained to Mr. Tutton. We need but few of the gaugers and store-keepers, and most of those we want are not indicted.

"In the October indictments the plan seems to have been to present *all* the store-keepers and gaugers connected with a seized distillery without specific evidence; the result is that not one in four can be convicted. We shall convict very many, but it will be chiefly by evidence recently obtained and from sources to which Mr. Tutton so much objects.

"Not every lawyer is a judge of evidence; but Mr. Tutton sees his way to conviction merely because an indictment has been returned. He is mistaken in many cases, as the counsel now know from inspection of the evidence.

"In regard to the case against the combination: It is not important whether four or six distillers are recommended for mercy, i. e., it would be stupid to make a weak case with four, where it could be made strong with six, and we have gone no further than is necessary to make sure of the proposed end.

"The combination consisted of the collector, his chief clerk, Rehm, Heeing, and the county treasurer, Miller, backed by some members at Washington, which last are equally guilty whether they pocketed the money or not, and before we get through that conclusion will be reached.

"Now, in the light of the evidence we have, it is idle for Mr. Tutton to talk about the guilty distillers prostituting the gaugers. The combination furnished gaugers already prostituted. It is also tolerably certain that the distillers did not set this on foot, whatever occasional frauds may have existed previous to the grand scheme, *because the parties who engineered this villainy were not connected with the service*, and, therefore, the distillers would not, of their own motion, seek them on revenue business.

"Besides, we have evidence that Heeing actually went to the distillers and sold protection in the illicit trade at a stipulated sum.

"It also appears that the combination had information of the movements of the special agents from Washington, who gave timely warning. So absolute was the system, that I am apprehensive that we shall find more than ordinary difficulty in convicting hitherto respectable distillers.

"It is plain that the largest guilt rests upon those high officials and influential politicians who organized this plan. The public will appreciate this when they know the facts. Indeed, without reaching this combination, the whisky trials in Chicago would be a failure. They would end in the conviction of a few men who were powerless to resist—whether disposed to or not—the demands made upon them.

"It seems to us of the last importance that the Government render this necessary traffic, so full of peril and temptation, as safe as possible, and teach politicians the lesson that the revenues of our country cannot form any part of their traffic.

"In every view of the case, we are in pursuit of the deep and real criminals. I will say nothing of Mr. Ayer and myself; but I have become convinced that General Webster and Colonel Matthews are prudent men, and not at all disposed to trifle with or forego the rights of the Government, and we are all willing to take the responsibility the fullest extent of the course we are on.

"Very truly,

"WIRT DEXTER.

"BLUFORD WILSON, Esq.,  
"Treasury Department, Washington."

"Supervisor Matthews to Mr. Wilson.

"UNITED STATES INTERNAL REVENUE, SUPERVISOR'S OFFICE,  
"DISTRICT OF ILLINOIS, MICHIGAN, AND WISCONSIN,  
"Springfield, February 18, 1876.

"MY DEAR SIR: The report of Supervisor Tutton, a copy of which you sent to me some days ago, does such gross injustice to me and the revenue-officers and attorneys with whom I am and have been acting for some time past that I have concluded to answer it somewhat in detail.

"That you may better understand what has been done, I will in brief state the condi-

tion of the prosecutions in Chicago before the late action was taken. Indictments had been presented by the grand jury which met in Chicago in October last against Golsen & Eastman; Roelle, Junker & Co.; G. G. Russell; R. C. Mercereau; Geo. Miller & Co.; B. M. Ford; Oliver & Co.; Andrew Cochran, and Rue P. Hutchins, with some twelve gaugers and eight store-keepers, which were pending against these parties when the seizures hereinafter named were made.

"That grand jury remained in session until near the middle of November, and, as I know, were furnished with all the information in the possession of the Department, or in the hands or under the control of the local officers in Chicago.

"Mr. Tutton was in attendance with his revenue-agents, assisted by the elder Mr. Brooks, and a corps of clerks for the purpose of seeing that every man against whom the shadow of case could be made or found should be indicted.

"They had all the means in the power of the United States placed at their command, to the end that they might make their work thorough and complete. The result was as above indicated. This left the distilleries of the 'Illinois Distilling Company,' the 'Chicago Alcohol Works,' 'Dickeson, Abel & Co.,' 'William Cooper,' and 'Simon Powell,' together with the rectifying houses connected with each, three independent rectifying-houses, and several vinegar-manufactories untouched. From what I had heard of the operation of the ring in Chicago, I became fully satisfied that all of the last-named houses had been in the corrupt combination, and were all alike guilty, differing only in degree. The ordinary means of discovering frauds—the Government books which were in the possession of these houses—had long since been destroyed. I had also discovered by many circumstances, too numerous to mention in this report, that prominent local politicians and ring-men had instituted and put on foot, and kept in life the ring itself. The evidences of these frauds, while they indicated to my mind the pith of what I have above stated, were not sufficient legal proof upon which to base an indictment with any reasonable hope of conviction.

"In this dilemma I had either to allow these 'guilty men to escape,' or to resort to some means of procuring evidence from some of the men under indictment. I had an interview with G. G. Russell, also with Golsen and Eastman, and from them I found out that all of my suspicions were well founded. They were reluctant to put themselves in the attitude of informers, but seemed willing, if they could have what they called fair treatment, or treatment usually given to parties who had turned 'State's evidence,' (which they understood to be substantial immunity from criminal prosecution,) to become witnesses for the United States, and furnish evidence against the guilty men not under indictment—ring-men, distillers, gaugers, and store-keepers—and also to furnish evidence upon which the houses then in operation could be seized and condemned. After some time spent in negotiating, the following understanding was reached by the counsel representing the defendants and the district attorney and his assistants, representing the United States, to wit:

"All the defendants were to come into court and plea guilty to some good count in each indictment, to withdraw all defense in the civil proceedings, and to suffer a forfeiture of the property seized without the expense of litigation.

"It was further understood that if the defendants should furnish valuable information to the Government, (and whether it was of value or not was to be passed upon by the counsel for the United States,) no sentence should be moved against them. This seemed the best that could be done. It either had to be accepted or these guilty men would go unwhipped of justice, and the ring in Chicago, with its political organization, would remain intact. I did not hesitate one moment about the matter. I approved the plan, and still think I was right in so doing. From the best information I could get at Washington, (where I had gone in connection with this very matter,) I was led to believe and did believe that any reasonable arrangement made by myself, the local revenue-officers, and the district attorney and his able corps of assistants, would be approved by the Department, and upon my return so stated to my associates in Chicago. The result of this understanding was the immediate seizure of a large amount of property; the arrest and indictment of many parties, including Hering, Rehm, Miller, two deputy collectors, many corrupt gaugers and store-keepers, and two aldermen of the city of Chicago. The further immediate result was the destruction of all confidence between these whisky-men, rendering it utterly impossible to again establish a whisky or any other ring to defraud the United States in that city.

"So demoralized were these men that many of them openly proclaimed their guilt on the streets, and declared their intention to plead guilty to all the indictments presented, and to yet disclose evidence that will reach higher than has ever been anticipated. How far these declarations will be carried out remains to be seen; but of one thing I feel certain, that by this arrangement we will be able to send to the penitentiary twice as many guilty men as we could send by the Tutton plan. We will secure to the Government more than twice the amount of property. Our punishments will fall upon the men who organized, kept up, and gave strength to the combination; and in addition will, as before stated, destroy confidence between these men to such an extent that under no circumstances will they again be able to

establish themselves in their fraudulent practices. The exact amount of property we will be able to condemn, and the number of criminals we will be able to convict, is, of course, in the future. I do not ask the Department to approve what has been done until it shall have been fully consummated. If then it should turn out to have been a mistake, I am willing to bear the responsibility; and should it prove to be a success (as I am convinced it will be, if we are not interfered with,) I am willing that the Department should have the credit for all of good that may be accomplished. I have no interests to serve but to promote the best interests of the service. This plan of using accomplices as witnesses is as old as the common law itself, and will have to be adopted in this country to insure the prompt and complete collection of the revenue. There is no other way by which the most guilty men can be reached. They made no reports, took no checks, and always had the cash paid in some unusual way. Within the last week I have had these men to come to me and propose to make important disclosures, if they could be granted immunity from criminal prosecution. They were the distillers at Morris, in the sixth collection district of Illinois. They say they corruptly paid Collector Weeks five hundred dollars per month during the most of the time they operated their distillery, August, September, October, and November, 1874; that they paid Gauger B. B. Graves in the aggregate two thousand dollars; and to Peter Grant, store-keeper, fifteen hundred dollars. They also state that they paid to one Rossiter, a freight-agent at Morris, three hundred dollars to make secret shipments of their wines.

"The other was a rectifier at Rock Island, in the fourth district of Illinois, who proposed to make disclosures in regard to the Milan distillery and to furnish evidence that would lead to the indictment and conviction of all the officials connected with the house, including the deputy collector, Weiser; but in the present state of suspense and uncertainty I hesitated.

"I would like to have your views on these questions; and especially if they differ from those herein expressed.

"Yours, very truly,

"A. C. MATTHEWS,  
"Supervisor."

"HON. BLUFORD WILSON,  
"Solicitor United States Treasury, Washington, D. C."

I wish to close this matter with a letter from General J. D. Webster, then collector of internal revenue at Chicago, who is referred to by Mr. Dexter in the letter just read from him, and referred to, also, in my communication, and who was the party at whose instance I went to Chicago at the time and under the circumstances referred to in my letter. General Webster's letter is as follows:

"CHICAGO, February 6, 1876.

"MY DEAR SIR: From intimations in the papers and other things I begin to fear that the efforts to make a breach between the President and Secretary have been at least partially successful. If so, I deeply regret it. A few days ago I wrote a long letter to the President on the situation here, our policy as to the trials, &c. I wrote strongly, as it seems to me nothing but mischief can result from any interference now. The skirmishing is over and the whole team is engaged. It is no time to change the plan of battle. I cheerfully assume all the responsibility that my position makes it proper for me to claim. I am sure our policy was and is the right one—the best to secure the ends of justice. I hope Mr. Ayer and Mr. Dexter will go to W. to see the Attorney-General and the Secretary. It is so much better to talk than to write. Could I do any good by going? I am anxious about the political future. To succeed, the republican party must re-affirm strongly the doctrine of *nationality*, and must make the people believe that it is in *dead earnest for administrative honesty and integrity*. These two are the great ideas now in the minds and heads of our best men, and with them we can win. If you can enlighten me any on the situation, please do so. Are there any new combinations? We are now consulting here on the best way to get the influence of the best men uppermost. The 'bummers' are desperate—but they mean to control yet, if possible.

"Very truly, yours,

"J. D. WEBSTER.

"HON. BLUFORD WILSON."

By Mr. COCHRANE:

Q. Some of these letters referred to "influences which were at work at Washington." Do you know, from your official connection with that transaction, to whom that expression refers?—A. It will be noticed in Dexter's letters that after enumerating those who composed the ring—Hesing, Rehm, Miller, and others—he says, "backed by some of our members at Washington." Mr. Farwell undoubtedly was there referred to, and

Senator Logan also. In the statement which Mr. Bangs testified to-day that he forwarded to Washington, as from Rehm, Ward's name was mentioned as being in the ring while a member of Congress; but that statement also said that Rehm claimed not to know anything against either Farwell or Logan.

By Mr. PLAISTED :

Q. Have you any evidence—I mean *evidence*—implicating either Logan or Farwell?—A. I never have been furnished with any official evidence except the statements made to me by the prosecuting officers, that those gentlemen were suspected and were the subject of inquiry.

By Mr. COCHRANE :

Q. What reasons have you for believing that such was the case?—A. I have not said that I did believe that they were in it.

Q. Well, do you?—A. I have not at any time expressed any belief or opinion that those parties, or either of them, were implicated, and I would prefer not to give any opinion now. The question as to their attitude toward the prosecution is another subject altogether.

Q. Did General Webster convey to you any information as to Logan or Farwell being connected with the whisky ring at Chicago?—A. He never conveyed to me any writing or paper which I considered evidence on that subject.

Q. Had your Department any information showing that Logan and Farwell received any money or assistance from the persons concerned in the whisky frauds at Chicago; and, if so, what was that information?—A. We have received no information on that point, except that it seems to have been developed in the trial of one of the whisky cases at Chicago that Farwell had paid Washington Hising \$25,000 in consideration of his withdrawing from the congressional race against him. Whatever was developed in that matter, however, was developed in the trial of the case, and is matter of official record in the courts at Chicago.

Q. Before you leave this subject, I desire you to state what you know in regard to the *nolle prosequi* of the indictments against Ward and Wadsworth, in relation to which Mr. Bangs testified yesterday?—A. On that point I have to say that I was firmly opposed to the dismissal of the cases against Ward and Wadsworth, and my views on that subject were communicated to the local counsel in a letter written on the 29th of May last, shortly after the acquittal of Munn, from which this is an extract :

“T. S. KINNEY, *Revenue Agent* :

“And now as to the revenue cases, don't yield—not an inch. Munn, Ward, and Wadsworth are guilty, and must not escape except on the verdict of juries after a most determined and vigorous fight. The Sagetown case, not resting on Rehm's testimony, ought to be kept on the docket and studied thoroughly by Bangs, with Washburn's help. McKinney and Dixon should be strengthened all in your power, and no effort should be spared to bring out all the facts, leaving the results to judge and jury. In no event should *nolles* be entered. The cases may be continued, if necessary, a single term, in order to study the situation and gather strength for a new start; meanwhile General Bristow and myself will call together to-morrow on the Attorney-General and demand that our lawyers be paid. The Secretary knows the sentiments expressed on the other page, and agrees fully therein. You can read this, if you think, best to Dexter and Ayer, but I have no doubt the Commissioner of Internal Revenue will give you official advices to the same purport, and don't continue unless absolutely necessary.

“Faithfully, your friend,

“BLUFORD WILSON.”

That letter was received by General Kinney, and by him read to the local counsel and the local revenue-officers, as indicative of the views of General Bristow and myself as to the disposition that ought to be made of those cases. Subsequently those views were re-affirmed and re-asserted by me in consultation with the local counsel and the local revenue-officers at Chicago, in which consultation every one of them without exception, in response to my question, expressed a conviction of the guilt of Ward and Wadsworth; whereupon I said to them that if they conscientiously believed from the evidence that the men were guilty, that closed the argument, and the cases should be tried, and the responsibility for the acquittal left where it properly belonged—with the judge and juries.

Q. Mr. Bangs, in his testimony yesterday, said that you went to Chicago just before the Cincinnati convention and urged upon him the importance of vigorously prosecuting Ward and Wadsworth, and he intimated that your action was in some way affected by the Cincinnati convention which was about to be held.—A. Any intimation, coming from whatever quarter, from Mr. Bangs or from other local counsel, that my action at Chicago (which was, as I have just indicated to the committee, and as set forth in the writing submitted) was actuated or affected, either directly or indirectly, by the Cincinnati convention is absolutely and unqualifiedly false.

Here is a telegram I sent on the 4th of May :

"ELMER WASHBURN, *Palmer House, Chicago, Ill.*

"Have written C. fully, out of personal kindness to him, and after careful consideration have decided not to visit Illinois until after the convention. My motive will be misunderstood, and I cannot afford to confound my official matters with State politics.  
"BLUFORD WILSON."

I wish to read in this connection an official communication from myself to the Attorney-General:

"JUNE 20, 1876.

"SIR: Referring to our interview this morning, touching the dismissal of the criminal prosecutions at Chicago against Ward and Wadsworth, indicted for violation of the revenue-law, I have the honor respectfully to forward, for your consideration, a copy of a telegram sent by me to the Secretary of the Treasury on the occasion of my late visit, under his direction, to Chicago. The telegram indicates clearly the conclusion of all taking part in the conference on the date referred to. This conclusion I deem to be entirely just and proper, and the only one consistent with my views of the public interests. I have rested upon it in the full assurance that it would be carried out in the further vigorous prosecution of the indicted parties. I cannot but express my surprise and regret that, since my departure from Chicago, the prosecuting officers have, contrary to their understanding with me, decided to discontinue the prosecution against these parties. I invite your attention to the concluding sentence of my telegram, which expresses my conviction at this time.

"With great respect,

"BLUFORD WILSON,  
"Solicitor of the Treasury.

"HON. ALPHONSO TAFT,  
"Attorney-General United States."

By Mr. COCHRANE:

Q. Do you know the motive which prompted the nolle-prosequis in those cases?—A. I do not. It was unanimously resolved at the conference to which I have referred that the cases should be tried, every one of them, and that they would begin with the case of Cullerton, which rested largely upon the testimony of accomplices. Cullerton, I believe, was tried and convicted after I left.

Q. You did not know, then, after the conversation you have referred to, what action they proposed to take until you got news of the nolle-prossing of those cases?—A. I had no intimation of it whatever. I was surprised when I heard it.

Q. Do you know whether Mr. Tutton got any papers in Chicago implicating Mr. Farwell with the whisky ring?—A. Mr. Tutton when in Chicago obtained evidence that Mesereau, a distiller of that city, was crooked. He also found that he transacted his official business in the house of Farwell & Co., and I believe he subjected that house and the members thereof to a pretty careful and thorough investigation touching their connection with Mesereau; he went so far as to object to J. B. Farwell being foreman of the grand jury, by reason of the business relations between their house and that of Mesereau. It is also a fact that Mr. Farwell, through Senator Logan, intervened on behalf of Mesereau, on the 11th of last May.

By Mr. PLAISTED:

Q. You cannot state that of your own knowledge?—A. Yes; I can state it of my own knowledge. It is a matter of official record, and I have got the correspondence here if you want it.

Q. Did Mr. Tutton get any papers in Chicago implicating Mr. Farwell; if so, what was done with them?—A. Mr. Tutton obtained the bank-checks of the house of Mesereau and others, and made the matter the subject of a careful investigation. Whether in his judgment the papers implicated Mr. C. B. Farwell or not, I cannot say.

Q. Have you copies of those papers?—A. I have not.

Q. Are they in the Department?—A. I believe they are not.

Q. What became of them?—A. I do not know. I saw them in Mr. Tutton's possession on the occasion of one of my visits to Chicago last fall. I presume Mr. Tutton knows where they are, and can account for them.

Q. Mr. Gavett, a revenue agent, when upon the stand yesterday, testified that he had had an interview with you in Cincinnati, and that you had taken occasion to instruct him that Secretary Bristow was going to be the next President of the United States, that Bristow was "the man," and must be made President, and that "we must all go for him;" and he testified that that conversation, substantially, was repeated on two or three occasions.—A. To all of which, I wish to say that Mr. Gavett draws upon his imagination for his facts. I cannot recall time or place in which Mr. Gavett or myself ever exchanged one word upon any subject except that of the business we had in hand, and that was during the month of June at Cincinnati to catch the thieves, against whom I had some evidence. Mr. Gavett's connection with myself was quite brief.

After he finished at Cincinnati, he went to Illinois, and was soon withdrawn from them there by reason of this statement in a letter from Webster, dated August 25, 1875 :

"CHICAGO, August 25, 1875.

"MY DEAR SIR: Colonel Matthews has just told me what he has said to the Commissioner about Gavett and Vance. They are too indiscreet to be trusted with such extensive powers as they are exercising. Colonel Whiting, late collector at Peoria, now member of Congress, told me this morning that they (Gavett and Vance) had a woman of easy virtue with them—thus scandalizing the decent part of the community. However that may be I think they should work under the *immediate orders* of wiser men. There seems to me to be great difficulty in working agents *from Washington*. I fear it will cause trouble. I think the Department will hear further about this from other sources. Revenue agents, it appears to me, ought to report to supervisors. The present organization will lead to interferences and complications."

By Mr. PLAISTED :

Q. Do you feel as if you wanted to put that on the record?—A. I do; because it was the basis of official action with reference to those gentlemen.

By Mr. COCHRANE :

Q. In pursuance of that letter, was there any action by the Department?—A. Mr. Morse was dropped from the service, and Mr. Garrett was relieved from duty in connection with investigations into frauds in the West. He was very much chagrined and disappointed at it, and especially so with Mr. Yaryan.

By Mr. PLAISTED :

Q. Do you state that upon personal knowledge?—A. I do.

Q. From interviews with him?—A. Yes, sir; and I wish to say, in justice to Mr. Yaryan, that he says he did make the remark attributed to him by Gavett, "Stop that damned Blaine business;" and for the reason that Mr. Gavett gave more time to politics than he did to business, and it was against the rule, both of Mr. Pratt and Mr. Yaryan, for any of the special agents to interfere, directly or indirectly, in politics.

Q. How many special agents were at Cincinnati in the interest of Mr. Bristow?—A. No one that I can now name.

Q. Was not Mr. Matthews there?—A. Mr. Matthews was; he was supervisor.

Q. Were not most of the supervisors South there?—A. I cannot recall one now except as they were there as delegates. Chamberlain, I believe, was there as a delegate from Georgia. Those are the only two people that I can now recall as having been there in the interest of Mr. Bristow, and one of them was a delegate properly elected; while there were hundreds of revenue agents there in the interest of other candidates. I believe there were eighty or one hundred there from the custom-house in New York in the interest of Roscoe Conkling, and there was a very large number there in the interest of Morton, and quite a large number in the interest of Mr. Blaine.

Q. That is a matter of belief?—A. It is a matter they won't deny.

By Mr. COCHRANE :

Q. State whether Mr. Yaryan made a faithful and efficient officer, so far as you know, in the prosecution of these frauds?—A. He was, as I stated substantially in my letter to him on the 30th of June last, one of the most efficient and faithful public servants that I have ever had the pleasure of being acquainted with, or been brought into official contact with. He was wholly and entirely devoted to the public interests and to the performance of his official duties here in Washington, and elsewhere when sent into the field by his official superiors; and he is entitled to all the credit which Mr. Pratt and the Secretary of the Treasury ever gave him for faithful and efficient performance of duty.

Q. Mr. Chapman, whom you probably know as connected with the revenue service, when a witness before the committee a day or two ago, undertook to express the opinion that Mr. Yaryan had not behaved as he ought to have done, when they went to Saint Louis together, had not given any information that amounted to anything, and had left them in three or four days. Do you know anything about that?—A. I am astonished at that statement of Mr. Chapman. The evidence upon which seizures were made was full and, to my mind, satisfactory, and Mr. Yaryan having been largely instrumental in working up that evidence, and being thoroughly familiar with it, was, under the direction of the Secretary of the Treasury, designated, alone with Mr. Hawley, to take responsible charge of the seizures and to give practical effect to the evidence which we had accumulated.

Q. Do you know of any complaint having been made of Mr. Yaryan's official conduct there?—A. I know of none. Mr. Chapman was selected by Mr. Yaryan as one of the young men from the Internal Revenue Bureau who should accompany Mr. Hawley and him to aid in making the seizures. Mr. Chapman doubtless carried out my instructions after the seizures were made, which were to accumulate all the evidence possi-

ble in addition to what we had, to make assurance doubly sure, to pile up the evidence in every direction. My written instructions to that effect are on file in the Treasury Department, and Messrs. Chapman and Hawley, in going on, were simply pursuing my directions. Mr. Chapman knew nothing whatever about the situation at Saint Louis until after it was worked up and the cases perfected for seizure.

WASHINGTON, D. C., August 3, 1876.

BLUFORD WILSON recalled.

By Mr. COCHRANE:

Question. Is there any matter connected with your testimony of last evening or the preceding day about which you desire to speak at any greater length, or are there any papers which you desire to introduce? If so, please do so now.—Answer. As I have just heard the testimony of Mr. Tutton on the question of the controversy between himself and others and myself at Chicago, I wish to call the attention of the committee to the fact that since last night I have found some additional papers which throw light on that question. In the first place, I desire to direct the attention of the committee to the copy of the telegram from myself to General Webster, which was included in my testimony on the first day in reference to the position of the Secretary of the Treasury and myself with regard to this particular controversy, and which I desire to be taken as part of this answer.

I also desire to read the following letter to Colonel Matthews:

"JANUARY 18, 1876.

"MY DEAR COLONEL: Inclosed I send you copies, first, of a telegram from Mr. Tutton, dated the 15th instant, in relation to the surrender of distillers at Chicago, and expressing his views strongly in dissent; second, of the reply thereto of the Secretary of the Treasury, dated the 18th instant; and, third, of my own reply to so much of Mr. Tutton's letter as relates to myself. The correspondence explains itself, and I trust will be found satisfactory to you. I wish to suggest in this connection that the decrees of forfeitures of the property seized last spring should be entered as soon as possible, the property sold, and the proceeds covered into the Treasury. Push this all you can, and do not let it hang. The civil suits for taxes and penalties should also be pressed as rapidly as possible. Under no circumstances, were I in your position, would I put myself in the attitude of promising any immunity to any accused person who has not told the whole truth without reservation. As you will see from my letter, I am with you in what you are doing, still I cannot say that I would have taken in quite so many as you have. I am not at all inclined to question, however, the wisdom of the course decided upon by yourself and associates, and feel quite confident that the results will fully vindicate your action.

"Very truly your friend,

"BLUFORD WILSON.

"Colonel A. C. MATTHEWS,  
"Grand Pacific Hotel, Chicago."

On the 20th of January, 1876, I sent this communication to Colonel Matthews, [reading:]

"MY DEAR COLONEL: Since writing you last night Tutton has arrived, and has repeated in substance, to the Secretary and myself, what he said in his letter. He makes a strong issue with you and your legal advisers on the policy that has been adopted, and insists that the whole thing is really a political move, that none of the distillers will be tried before June, and that the practical result of the whole will be to let them all out, and leave the Secretary with the empty bag to hold and the responsibility to bear. Fortunately, I had a letter from Russell Jones repeating a conversation between General Webster and yourself, in which he quotes him as saying that he will convict and send to Joliet twice as many by your plan as any other, besides securing the forfeiture of a large additional amount of property and the conviction of Rehm and Helsing, and others, who have been regarded by all of us, including Mr. Tutton, as the head and front of the offending in that city.

"The Secretary read this to Mr. Tutton, who also was confronted with the statements of my letter, copy which was sent to you yesterday, so that he openly encountered the important and valid facts going far to, if they do not absolutely, justify everything that has been done by you. Mr. Tutton also stated that Mr. Swett boasted openly in Chicago not only that his clients were not going to the penitentiary, but that their property would not be lost to them. I do not know that I can add anything to my letter to you of last night except that results are what is now wanted before all.

Besides pressing the forfeitures and civil suits, you must not delay to bring to trial some of the distillers, and, if possible, Hesing and Rehm, at this term of court. Nothing short of this will make matters easy all around, and afford the vindication that you and all desire. *Look out specially for bad bonds on property lately seized.* On this point, Mr. Tutton seems last spring not to have made a success. Appraisements should be for the actual value of property, and the last dollar should be covered into the Treasury before we get through. The suggestion that Dexter, Webster, and Ayer are really looking after political effect alone is one which, for my part, I indignantly repel. In my judgment, it could not come from any mind less prejudiced and narrow than that of A. P. T. You may call their attention to this, and I think you will make no mistake in urging them to turn their batteries upon the distillers and rectifiers as well as Hesing and Rehm. Above all, on no account let up on any other individual; stop negotiation, and fight hereafter for what you will get.

"Very truly, your friend,

"BLUFORD WILSON

"Col. A. C. MATTHEWS,  
"Grand Pacific Hotel, Chicago."

On the second day of February, with the approval of the Secretary of the Treasury, I wrote this to Mr. Dexter :

"FEBRUARY 2, 1876.

"DEAR SIR: Your letter of the 25th instant was duly received, and has been submitted to the Secretary. In renewing his assurance of confidence in yourself and associates, he gives me leave to say, in the strictest confidence, that there seems to be some reason to believe that there is a disposition on the part of the Attorney-General, and possibly of the President, to raise a question with District Attorney Bangs as to the propriety of the policy that has been decided upon by yourself and associates in relation to the prosecution of the suits pending in Chicago. I have it from unquestionable authority that Senator Logan has been in conference with the President to induce him, if possible, to cause the district attorney to be ordered to move for sentence in all cases where pleas of guilty have been entered. If this information turns out to be true it would undoubtedly create embarrassment there as well as here. It cannot be done with the approval of the Secretary, nor do I believe it can be done with the approval of the country, as the practical effect of such an order would be to put an end to further developments against the ringleaders, while, obviously, it would be a move, whether intended or not, directly in the interest of Rehm, Hesing, and any parties who might by chance stand with or behind them. Preliminary to any action of this kind it is presumed that Mr. Bangs will be called upon by the Attorney-General to state just what the understanding, if any, is with Russell and others, and I have to suggest that if such a request is made upon him you take care that the facts of the situation may be fully set forth so that there can be no excuse for any mistake. I make this suggestion for the reason that I am told by those who claim to know that Bangs is not a very strong man and may be inclined to weaken in the presence of danger or trouble, and besides this he is under the influence of the politicians. Tutton openly asserts that Bangs is with him in his views, and if this is true he cannot be trusted to state the case to the Attorney-General for our side. I hope in all of this I am mistaken, and that he will, if occasion arises, prove himself capable of taking high and strong ground on the question. It may not be out of the way to recall here a sentence from the President's letter, which followed fast upon the injunction to 'let no guilty man escape,' to the effect that we should be especially vigilant against all who claim that they have high influence to protect them. If this means anything it means just what you and we are striving against, with all the resources at our command, to-day. It is possible that nothing will come of all this, and that you will be left to carry out the wise plans you have endeavored to do, backed, I am sure, by the aid of the Secretary. If so, all will be well. If not, it will be highly important that the responsibility for the failure of justice shall be fixed where it belongs. You may show this to Mr. Ayer and Mr. Matthews if you think best.

"With great respect, your friend,

"BLUFORD WILSON.

"WIRT DEXTER, Esq.,  
"Portland Block, Chicago, Ill."

General Bristow's own letter, which has been referred to, and which was submitted to me before it was mailed to Mr. Tutton, is as follows :

"WASHINGTON, D. C., January 18, 1876.

"SIR: I am this moment in receipt of your letter of the 15th instant, giving an account of what you understand to be the situation with reference to prosecutions in revenue cases in Chicago.

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"While I have not time to reply in detail, I deem it proper to say that, so far as the reported arrangement with indicted distillers, &c., at Chicago, is concerned, neither the Solicitor of the Treasury nor I have had any connection with it except to remit the whole question to the district attorney, his associates, and the local revenue officers at Chicago. Neither of us has insisted upon, or even suggested, any arrangement with them. It is possible that you are right and they wrong in their view of the subject, but the responsibility is on them and there it must rest. Neither the Solicitor nor I directed or authorized any arrangement whatever, but expressly said to Supervisor Matthews, when here, that the officers in charge of the prosecutions in Chicago must conduct them according to their own judgment.

"This direction was given after conference with the President and the Attorney-General, and with their approval. It should be observed that neither the Secretary of the Treasury nor the Solicitor has power by law to control the conduct of the prosecutions. After the cases are in court they are under the direction of the Attorney-General and the officers of his Department, and we have not assumed to exercise his functions. We have always entertained the opinion here that it was important, and on all accounts desirable, by every proper means to reach the parties who were most responsible for these frauds, and therefore most guilty.

"Speaking for myself, I have always deemed it of the utmost importance to secure the conviction of all officers of the Government who had betrayed their trust and entered into corrupt combination to defraud the revenue. I think both sound policy and good morals require that prosecutions shall be especially vigorous against such.

"I may say in general terms that I think you have mistaken the purpose of the officer at Chicago—the district attorney and his associates—when you assume that their chief desire is to get hold of a few local politicians. Our information here is that by far the largest distilleries escaped entirely from your investigation last spring, and that the late supervisor of the district, who is alleged to have been in complicity in all these frauds, was not indicted in the course of your investigation.

"It is now said that sufficient proof has been developed to justify his indictment in a number of cases, and a number of the largest distilleries have been seized and their owners arrested on proofs recently obtained. Surely, such results cannot be said to be without value. I do not refer to these facts in any spirit of criticism of your course, for I have no doubt that you did all that could have been done by any one at that time, but simply by way of showing that time and opportunity have brought other and perhaps more important developments.

"Nor are these suggestions made for the purpose of vindicating any arrangement that has been entered into at Chicago, for I have no knowledge of any such arrangement other than what is derived from your letter, but merely for the purpose of showing that I think you have underestimated the importance of the results to be achieved by securing the testimony of parties indicted last fall.

"Referring to that part of your letter in which you speak of a proposition made by Mr. Russell, I wish to say that I did not see Mr. Russell in person when he was here, but I do know that the Solicitor, the Commissioner of Internal Revenue, and myself expressly declined to entertain his proposition at all, and it was rejected without qualification. It is due the officers at Chicago to add that I have entire confidence in their zeal and fidelity, and I have no doubt that whatever they have done has been prompted by the best motives. Nor have I any reason to question the soundness of their judgment and discretion. At all events let us hope that the best results will flow to the Government from what has been done.

"Very respectfully,

"B. H. BRISTOW,  
"Secretary."

"A. P. TUTTON, Esq.

"Supervisor Internal Revenue, Philadelphia, Pa."

I wish also to read a copy of a telegram addressed to me at Saint Louis by the Secretary of the Treasury, in October, 1875, as indicative of the views of the Secretary upon the question in controversy:

"WASHINGTON, D. C., October 12, 1875.

"To BLUFORD WILSON, Saint Louis Mo.:

"It is not easy at this distance to say what, if anything, should be conceded by the Government in particular cases in order to reap greater benefit in others. The district attorney and associates being on the ground, and in possession of all the facts, are better qualified to decide such questions. I would say generally, however, that, unless important ends are to be gained in other cases, I would make no terms with any indicted party. The question in hand does not relate alone to the amount of money involved in these particular cases, but affects the integrity of the revenue, and complete success in these prosecutions would be of great value to the Government hereafter. Therefore, I would say to parties who offer to surrender, and ask terms, that they

should plead guilty to the charges, or to such of them as they admit to be true, make their statements to the court, throw themselves on its clemency, and submit to such punishment as the court may pronounce; I would make no agreement in advance for suspension of judgment, nor would I ask the court after pleas of guilty to suspend sentence in any case, unless, upon hearing the statement of the party in open court, it should be deemed proper to use him as a witness against a greater offender. A conviction and punishment of corrupt and guilty officials is of the first importance, and all proper means to this end should be used. The Attorney-General and Commissioner of Internal Revenue concur in this view.

"B. H. BRISTOW,  
"Secretary."

I wish to say that that telegram was read to Mr. Dexter on the occasion of his visit to this city, in reference to the question of accepting Jacob Rehm for state's evidence. The Attorney-General, the Secretary of the Treasury, myself, and Mr. Dexter were present in conference. It was read to Mr. Dexter as indicative of the views of the Secretary with reference to the settlement of that question, and, as matter of fact, the Attorney-General, the Secretary, and myself concurred in stating to Mr. Dexter that we had no instructions whatever to give to him with reference to Mr. Rehm; that he was on the ground; that he understood all the arguments pro and con for accepting him as state's evidence; that we had entire confidence in Mr. Dexter's ability, and that of his associates, to settle local questions; and that we remitted it then and there to Dexter for such action, after consultation with his associates, as might be deemed proper.

By Mr. PLAISTED:

Q. Did you read that telegram to him?—A. It was read to him.

Q. Was it said he should be governed by the views therein stated?—A. No; we gave it as indicative of our views.

Q. Did you expect him to be governed by the views expressed there?—A. Yes.

By Mr. COCHRANE:

Q. You referred last evening to a telegram which you said you would look up. Have you found it?—A. I have not been able to find it, but it is part of the official files of the Attorney-General's Department. It was a telegram from myself, sent from Chicago to the Attorney-General at Washington, dated, I think, about the 5th of June, 1875. The substance of it was this: "My arrival here seems every way apportioned. I found our counsel discouraged by the acquittal of Munn, and the failure of the Attorney-General promptly to pay their fees. After full consultation, it was unanimously decided that the cases against Ward, Wadsworth, and others, still undisposed of on the docket, should be tried, beginning with the case of Cullerton. The counsel are unanimous in the expression of their convictions, upon the evidence before them, of the guilt of Ward, Wadsworth, Munn, and others." I closed by saying that any other course than the trial of the cases, leaving the responsibility of acquittal to judge and jury, where it belonged, would, in my judgment, be a cowardly betrayal of public interest.

By Mr. PLAISTED:

Q. You state the substance of the contents from recollection?—A. From recollection. As stated last night, I sent a copy to the Attorney-General in connection with the letter which I put in evidence last evening.

Q. There is one other matter to which I desire to call your attention, namely, the western matter, to which your attention was called last night. I wish you would state the facts, and any communications you have in the premises bearing upon that, without trenching upon any of the points which you spoke of when other matters were suggested last night.—A. I wish to state that I have been unable since last evening to refresh my recollection by reference to the records touching the details of the matters referred to. Whatever I did in the premises as district attorney for the southern district of Illinois, and subsequently as Solicitor of the Treasury, appears in my letters to the Commissioner of Internal Revenue, in which I briefly stated the facts in connection with the defaulter Parker. For more full and perfect answer to your question, and also for information as to some suits for the recovery of portions of the money for which it was supposed the banks in Springfield were liable, I must refer the committee to my official reports and letters.

Q. Do you not think that the trials out there have been delayed in those matters?—A. To that question I wish to say, not with the consent or connivance with the prosecuting officers either directly or indirectly.

Q. But have they not as a fact been greatly delayed?—A. They have indeed been very greatly delayed.

Q. Did you not go out last fall for the purpose of directing the trial of Smith?—A. I went out last spring in that connection to Springfield, Illinois, with special re-

ference to the propositions which had been made in compromise of that liability, and the understanding was full and complete between myself and Conolly, the district attorney, that the cases would be tried; and I believe they would have been but for the failure of the appropriation for the payment of the jurors.

Q. Was that what stopped the trial?—A. Yes, as I understand; the cases were set, and were ready to be brought to trial. I know they were ready, because I made the evidence a matter of consultation with Mr. Conolly. We both felt that the cases were ready as far as the Government was concerned; fully so.

Q. Have you copies of the communication which you sent to the Commissioner?—A. I have not; they are in the official letter-books, however, of the office of the district attorney, and the originals of the letters are on file in the office of the Commissioner of Internal Revenue.

WASHINGTON, D. C., August 2, 1876.

MARK BANGS recalled.

By Mr. COCHRANE:

Question. Do you know a party in Chicago by the name of Hildreth?—Answer. Yes, sir.

Q. Who was Mr. Hildreth?—A. He was a citizen of Chicago.

Q. Prior to the non-prossing of the cases against Ward and Wadsworth, was not the Government offered the testimony of Hildreth to corroborate or confirm the testimony of Rehm?—A. To some extent.

Q. What was the testimony of Hildreth to be, as you understood it?—A. My recollection as to Ward's case is that Hildreth had had some talk with one of the distillers to the effect that he, Hildreth, was to be instrumental, in some way, in getting an indictment modified, or altogether abated, against the distillers through Ward's influence as district attorney, and that in case it was effected, the distillers were to pay Ward \$5,000. I believe that was the substance of it.

By Mr. PLAISTED:

Q. Did you place any confidence in that testimony?—A. We took occasion to examine the distillers and look after the thing carefully, and found it did not bear that coloring at all. There was some talk about the distillers being willing to give \$5,000, but the matter was never carried out, or consummated, and there did not appear to be evidence that Ward had agreed to take it.

By Mr. COCHRANE:

Q. Did you ever examine Hildreth to ascertain what he would prove?—A. Yes, sir. You personally?—A. Yes, sir.

Q. Did he allege that Ward had agreed to take it?—A. Well, not in so many words. His statement was so much inferential that it caused us to look after the other parties.

Q. Of course you did not put the distiller on his oath when you examined him in reference to this matter, did you?—A. No, nor Mr. Hildreth either. It was a mere statement.

By Mr. PLAISTED:

Q. Was one of the fugitives called back?—A. Yes, sir.

Q. From France?—A. No; from Canada.

Q. Was there not one called back from France?—A. No, sir; there was one of them that had been to France, I believe, but we did not call him from France. We called him from Canada.

Q. What was the name?—A. Chord.

Q. Where was he brought from?—A. From Windsor, Canada, under a safe-conduct.

Q. What was Chord's offense?—A. I think he was a gauger.

Q. For how long a time?—A. I do not now remember. He had been in the "crooked" but a short time, I believe.

Q. How long had he been a gauger?—A. Five or six months I should think, from recollection.

Q. He was brought back to testify against whom?—A. Against Cullerton.

Q. What was the character of Cullerton's offense?—A. He was a fellow-gauger.

Q. How long had he been a gauger?—A. I don't remember; several months, perhaps years.

Q. You are positive that none of those fugitives were brought from France?—A. The testimony of Chord disclosed the fact that he had been to France, and I suppose that that is where the error arose. I know we sent to France for no one.

Q. Had you any communication with him while he was in France?—A. No.

WASHINGTON, D. C., August 2, 1876.

ASA BIRD GARDNER sworn and examined.

By Mr. PLAISTED :

Question. Where do you reside?—Answer. I am stationed at West Point.

Q. Are you an officer of the Army?—A. I am.

Q. To what arm of the service do you belong?—A. I am on duty at the Military Academy as professor of law.

Q. How long have you held that position?—A. Two years.

Q. I will read you a paragraph from the testimony of Mr. Bluford Wilson before this committee, as follows :

"On Sunday night, February 27, statements were submitted to the President of the United States, by which it appeared that Orville E. Babcock, the private secretary of the President, had been engaged in the "Black Friday" transactions; that he and others lost in that transaction \$40,000; that the money was lost to Jay Cooke & Co., of whom Fahnstock seemed to be the party through whom the transactions were had; that, to make good his own losses and those of his associates, Babcock made a trustee of his property, with Asa Bird Gardner, of West Point, subsequently the judge-advocate of the military court of inquiry ordered at Chicago, as trustee."

State whether your attention has been called to this paragraph of the testimony of Major Bluford Wilson.—A. My attention was called to the evidence of Major Wilson as it appeared in the New York Tribune of last Saturday, as I have quoted it in my letter to the chairman of the subcommittee, (Mr. Cochrane.) That which I did see purporting to be the testimony of Mr. Bluford Wilson, and which I then read, was as follows :

"The President was fully apprised of General Babcock's betrayal of his confidence by his connection with the "Black Friday" conspiracy, and of the means which General Babcock resorted to to shield himself from a criminal prosecution in the civil courts, by securing the appointment of a military court of inquiry, and the detail of Asa Bird Gardner, whom he had made his trustee, and who was therefore bound to shield him, as judge-advocate of the court."

Q. State whether you were ever a trustee of General Babcock.—A. In the winter of 1868 I was stationed in New York City as acting Assistant Adjutant-General and disbursing-officer of the general recruiting service for the Army. While I was so stationed I had occasion, as a matter of politeness, to attend to a real-estate transaction on behalf of General Babcock. I do not think I had any letters or communications from him on any matter whatever for certainly three or four years before the Babcock court of inquiry which sat last winter at Chicago.

Q. State what that transaction in real estate was.—A. While I was on duty in the capacity named, Brevet Major-General Butterfield was the superintendent of the recruiting service. General Butterfield had on several occasions prior to that time, and subsequently, from his knowledge of real-estate transactions in New York City, enabled officers of the Army to invest their savings in property which had a probability of appreciating in value. In December, 1869, or the beginning of January, 1869, I do not recollect exactly which, my impression is that General Butterfield spoke to me of a piece of property on One hundred and eighty-fifth street in the city of New York, between Eleventh avenue and Kingsbridge road, containing four lots, 100 feet front in the total, saying that he thought it would be a good investment; that but little purchase-money would be required; the property was rising in value very rapidly, and that the remainder could be obtained by a loan from some savings-bank. My impression at the present time is that he spoke to me first as to that piece of property and offered it to me, as he did not at the time himself desire to invest; I, however, was unable to take it. I think that about that time General Grant and some of the officers of his staff came to New York, and among them General Babcock; I am not positive of that, though it is my impression; at any rate the piece of property was offered to Colonel Babcock by General Butterfield. As near as I can now recollect, Colonel Babcock agreed to accept it, but I think he said to me, or else General Butterfield told me in his office, that he was unable to pay all the purchase-money then; it seemed, however, to be so good a piece of property that he decided to take it.

Q. State the value of the property.—A. The consideration was \$7,800. As a matter of accommodation at the time, in consequence of a mortgage being required to be obtained upon the property as part purchase-money, and in order to settle up some little mortgages that were on the property at the time, and to see that the deeds and other papers were all in correct shape, at Colonel Babcock's request, I attended to the matter for him. I took the deed in my own name on the 20th of February, 1869, for those lots. On the 16th of March, 1869, the Citizens' Savings-Bank took a mortgage of \$5,000 on it from me. On the 27th of March, 1869, I made a deed of it to General Babcock, subject to the mortgage, having meanwhile settled up the prior mortgages upon the property and seen that the taxes, &c., were all paid up. He subsequently refunded to me the actual disbursements which I had made in the matter, which, I think, from present recollection, were somewhere in the neighborhood of \$31.

By Mr. PLAISTED :

Q. You looked up the title, did you ?—A. Only a little, because the searches had been made previously, up to a very recent time. My action in the matter was simply in the way of obliging Colonel Babcock. I had done like acts for other officers before, and have since ; I received no recompense whatever, in any shape or form, for what I did in the matter.

By Mr. GLOVER :

Q. What was the object in taking the title in your name ?—A. The object, from my recollection of it, was simply to save complications, inasmuch as Colonel Babcock and his wife were in Washington and a mortgage had to be given on the property ; I took the whole thing in my own name ; I think General Butterfield requested it.

By Mr. PLAISTED :

Q. Did you have any conversation with General Babcock before you took the deed ?—A. I don't think I saw him at all from that time I referred to. I had several letters from him thanking me for the kindness I had exhibited in the matter.

Q. What you did was at the request of General Butterfield ?—A. Yes ; and my impression is that General Babcock, (or *Colonel* Babcock as he is officially designated,) was in New York in December or early in January, 1869 ; I think that General Butterfield also aided him at the time by lending him some of the money with which to pay for the property. The total amount to be paid you can reach by subtracting the amount of the savings-bank mortgage, \$5,000, from the total consideration, \$7,800. My present impression is that I made another mortgage on that property, which was not recorded, to secure General Butterfield, but I am not positive as to that ; in looking over my papers I did not run across anything on the subject.

Q. Is that the only trust-deed or real-estate transaction of any kind you ever had with General Babcock ?—A. After transferring that property absolutely to him, I individually had no more concern in it, but the Citizens' Savings Bank continued to send to my office the notices of interest coming due. My impression is that I used to send those notices to General Babcock, or else hand them over to General Butterfield. I know that General Butterfield, as a matter of favor, once or twice paid the interest for him, and the insurance premiums also. General Butterfield suggested one or two insurance companies in which the property should be insured, and when I happened to be in the neighborhood I attended to it. Finally the property was deeded away by General Babcock ; I cannot now recollect whether I drew that deed or not.

Q. Do you know anything about the transaction by which Babcock parted with the property ?—A. No. I understood at the time that he sold at an advanced price. I think the name of the gentleman to whom he sold it was Holmes, but individually I had nothing to do with it.

Q. Do you know when he sold the property to Holmes ?—A. I think in the following year, 1870—in the summer.

Q. What previous acquaintance had you with General Babcock ?—A. I had met him probably a half-dozen times in the course of my Army experience, in an official way, never socially.

Q. You were appointed judge-advocate of the Babcock court of inquiry at Chicago ?—A. Yes.

Q. In what year was that ?—A. Last December, 1875.

Q. Up to that time what acquaintance had you had with Babcock or how often had you met him ?—A. I had met him a very few times. I think the last time I had seen him was nineteen or twenty months before, when I was here as judge-advocate of the court of inquiry in the case of Brigadier-General Howard, of which General Sherman was the president.

Q. State how you came to be appointed judge-advocate of the Babcock court of inquiry.—A. I received on Saturday evening a telegram from the Adjutant-General of the Army notifying me that I was appointed on a court of inquiry to sit in Chicago. The telegram was dated Washington, December 4, 1875, and stated :

"You are appointed judge-advocate of court of inquiry to meet at Chicago, Thursday, 9th instant. Order will be sent you to Chicago. Acknowledge receipt.

"E. D. TOWNSEND,  
"Adjutant-General."

I started at once for Chicago, not knowing very clearly what sort of investigation I was called upon to act in.

Q. Was that the first you knew of your appointment as such judge-advocate ?—A. Yes.

Q. Had you ever acted in the capacity of judge-advocate before ?—A. I had been judge-advocate of the last court of inquiry that sat here, under a special act of Congress, in General Howard's case. I was on that court four months.

Q. Were there any other judge-advocates of the Army who could have been appointed?—A. There were seven judge-advocates of the Army scattered from Washington to California.

Q. State whether or not you were the first officer appointed to the duty.—A. I do not know anything of my own knowledge on that subject. I only know what officers who had reason to know told me.

By Mr. COCHRANE:

Q. Do you remember the year of the Black-Friday transaction?—A. My impression is that it was in October, 1869.

Q. And when did you say that real-estate transaction took place?—A. The negotiations began in January, 1869, and were closed up in March, 1869.

Q. Was the Black-Friday transaction about that time?—A. My impression is that it was in about October of that year; and I base that impression with reference to General Butterfield's subsequent field of duty.

Q. This property, if I understand, was conveyed by General Butterfield?—A. No; but by a man named Rogers and through General Butterfield's real-estate agent, Mr. J. Romaine Brown. General Butterfield was informed of it by Mr. Brown, who was a neighbor of his.

Q. General Butterfield was not able to purchase it himself?—A. I understood that it was not convenient for him at the time; he had other transactions.

Q. And he wanted you to purchase it?—A. That is my recollection.

Q. You did not desire to purchase it at the time?—A. No, sir; I was not able to do so.

Q. And subsequently general Babcock agreed to take it?—A. Yes.

Q. Who made the deed to Babcock?—A. I did.

Q. Who made the deed to you?—A. John Rogers, the owner of the property.

Q. Did you ever see Rogers?—A. I think I did once; I know I called to see him several times; I think his office was in Chambers street at that time. I had several little notes from him.

Q. Was there any money paid to Rogers at the time of the sale?—A. O, yes.

Q. By whom?—A. I think I gave him a check; but I think the check was from General Butterfield; it might have been a draft from General Babcock.

Q. How much was that check?—A. I can get at the amount, as I marked it down at the time. I have here some papers, upon the subject, [producing them.] Here is a deed from John Rogers to myself. I know that he was paid \$4,200, and I think there were \$500 originally paid to clinch the bargain.

Mr. COCHRANE. I wish you would refer to your papers and be certain about the cash part of it.

The WITNESS. [Referring to papers.] John Rogers was paid, on February 12, \$500; February 20, \$4,200. (I take these items from a memorandum made at the time.) Then on March 13, \$1,348.74 was paid to a Mr. Gallagher to satisfy a mortgage which stood on that John Rogers property, but that came out of the purchase-money to Rogers.

By Mr. PLAISTED:

Q. That makes \$7,000, does it?—A. It makes \$7,000, with another mortgage for \$1,300 and interest, I think.

By Mr. COCHRANE:

Q. Was this first \$500, which, by this memorandum, is stated to have been paid February 12, furnished to you by Babcock?—A. No, I think General Butterfield paid it for him.

Q. Was General Babcock present at all during the transaction?—A. No, sir, I think not; not after his first visit, in December or January, to New York. He may not have been there at all, but my impression is that he was.

Q. Then the \$500 was all that was paid at the outset?—A. Five hundred dollars.

Q. What was the total consideration of the deed?—A. Seventy-eight hundred dollars was, I think, the total amount paid.

Q. Sixty-five hundred dollars is the consideration mentioned in the deed?—A. But it says in the deed, "Subject to a mortgage."

By Mr. GLOVER:

Q. The mortgage made up the difference?—A. Yes, sir.

By Mr. COCHRANE:

Q. But the consideration mentioned in the deed to be paid is \$6,500?—A. Yes, sir.

Q. Then, if I understand you, there was a mortgage of \$1,300 and interest upon the property at the time?—A. Yes, sir.

Q. That was assumed by the vendee?—A. Yes; and on the occasion of making that transaction, another mortgage which had been on the property was cleared off.

Q. Who suggested to you that you should take the deed of this property in your own name?—A. I think General Butterfield did.

Q. Did General Babcock?—A. I have no recollection of his doing so.

Q. Did you have any authority from General Babcock in reference to this matter at all?—A. I think so. I may have seen him, as I said before. My impression is that I did see him when he was in New York, prior to the transaction.

Q. Do you remember now whether you had authority from General Babcock to close the transaction and purchase this property, and take a deed in your own name; or whether you acted as you did on the representation of General Butterfield?—A. My impression is (I could go no further than an impression) that I either saw General Babcock then, or else he wrote to General Butterfield in answer to something from General Butterfield, for I know they corresponded in reference to this property, as well as in a friendly way.

Q. You don't remember, however, of any arrangement with General Babcock by which you were to take the title in your own name?—A. I have no recollection of any, but of course I would not have done it without supposing I was doing what was desired.

Q. Have you anything now from which you judge that General Babcock gave you any authority in the premises?—A. No; nothing definite.

Q. General Butterfield, then, paid the first \$500?—A. I think he did.

Q. Was it in money, or in check?—A. His invariable custom was to pay by check, and I presume he paid by check on that occasion. Observe, the real-estate agent was a near neighbor of his.

Q. Did you have any understanding with General Babcock that you were to raise money on a mortgage on this property?—A. I must have had an understanding of that description, as well as the understanding in regard to taking the deed in my own name.

Q. Do you recall any such understanding?—A. I do not recall it.

Q. Why did you not take the deed in the name of General Babcock if he was the real purchaser?—A. Because it would take time for the savings-bank to make their searches, and I believe there was also some delay in money matters. It was desired, also, that these other matters should be closed up.

By Mr. PLAISTED:

Q. You mean the mortgages?—A. The other mortgages. It was desired that they should be settled, and I attended to them.

By Mr. COCHRANE:

Q. Could you not have done that just as well under a power of attorney from General Babcock?—A. I suppose so.

Q. Then have you any recollection why that course was not pursued—why the deed was not made to Babcock and the power of attorney executed to you?—A. Simply for the convenience of the matter.

Q. Do you think it was any more convenient?—A. Well, I was attending to another transaction at the same time.

Q. For General Babcock?—A. Not for General Babcock.

Q. For General Porter?—A. For General Porter.

Q. What was that?—A. That was, I think, for two lots on the south side of the same street.

Q. Did you take a deed for the Porter lots in your own name?—A. I think I did, sir; both.

Q. I observe that this memorandum, to which you referred a few moments ago, and which I hold in my hand, is entitled "Statement of Babcock and Porter account," and shows the receipt by you, February 15, of a draft for \$2,000; it also shows items, reading, "Note, \$2,000; Shackleton mortgage, \$6,000; Rogers mortgage, \$5,000;" making a total of \$15,000. That is correct, is it?—A. I presume it is. Yes, I think it is.

Q. This deed is not made to you in trust, I observe?—A. No, sir; it is an absolute deed.

Q. Did you execute any certificate showing your trusteeship?—A. No, sir.

Q. No declaration of trust?—A. No, sir.

Q. Was there a mortgage executed to Rogers at the time he made this?—A. No, sir.

By Mr. GLOVER:

Q. Did I not understand you to say that there was a mortgage which was never recorded?—A. That was a mortgage which, I think, I made subsequently; but still I am not positive.

By Mr. PLAISTED:

Q. To whom?—A. To myself.

By Mr. COCHRANE:

Q. A mortgage you made to yourself?—A. I think so. My impression is that it was executed by General Babcock. Still, I would not be certain that he executed any such mortgage; I have merely an impression to that effect.

Q. For what purpose was that mortgage executed?—A. To secure that \$2,000 note, I presume, which you find mentioned on that memorandum. This memorandum containing this "Statement of Babcock and Porter account," which I have found among my papers of eight years ago, is a statement which I made up for the information of General Butterfield, as well as myself, because whatever moneys he had advanced for General Babcock or General Porter he wanted to know of. I presume I must have given him a copy of this. I advanced no money, except, as I have said, in the way of expending \$80 for certificates, stamps, &c., which was subsequently refunded to me.

Q. Your recollection, you say, is that a mortgage was subsequently made by Babcock to you for \$2,000, to secure the payment of a \$2,000 note mentioned in this account. What was on the note?—A. That, I think, was a note he had temporarily given to General Butterfield as security for the payment of money which he had loaned him.

Q. Money which General Butterfield had loaned Babcock?—A. Yes. This account, observe, is an account which I presented to General Butterfield, of transactions in which he was engaged, for I see his marks on the back. The words "credit-balance" on the back are in General Butterfield's handwriting. In making it up I found that there was a small amount to the credit of the joint account.

Q. Let me understand this transaction if I can. Rogers, the owner of these lots, received at or prior to the time of the making or delivery of this deed to you the sum of \$500?—A. Yes; that was only money which he received at first; that was a preliminary sum which was paid him on a contract of sale which he had made with J. Romaine Brown, real-estate agent, in December, 1868, or January, 1869, before Mr. Brown brought the property to the notice of General Butterfield.

Q. If I understand you, this deed was delivered by you to him without giving any mortgage or other security to him for the payment of the balance of the purchase-money?

The WITNESS. To whom?

Mr. COCHRANE. To Rogers.

A. No.

Q. I wish you would explain it; I want to comprehend it fully.—A. I see where your mistake is. In December, 1868, or in January, 1869, J. Romaine Brown, a real-estate agent in New York, and familiar with property in that part of the city, found that he could get this property at a low figure, so he drew up a contract right on the spot with the owner of it, John Rogers, and, if I mistake not, gave him \$500 to bind the bargain; or, at any rate, \$500 was to be the first cash payment upon it. The \$500 was, as a matter of fact, the first payment, and \$4,200 was the second payment, to Rogers, and made before the actual delivery of the deed.

Q. Then there were more than \$500 paid to him before the delivery of the deed; there were \$4,200 and \$500?—A. Yes.

Q. Who paid the \$4,200?—A. That I cannot recollect, but my impression is that General Babcock sent the money to General Butterfield, and General Butterfield drew his check for it. Butterfield's check-book would show.

Q. That makes \$4,700. Was there any mortgage or other security given for the balance?

The WITNESS. For the balance of the consideration mentioned in the deed?

Mr. COCHRANE. Yes.

A. I have said that the original consideration was \$7,800.

Mr. COCHRANE. Yes.

The WITNESS. It is very evident that that is erroneous; the whole consideration received was the \$4,200, the \$500, and there was paid to Mr. J. Romaine Brown, as real-estate agent, \$350. That, I think, comprises all that was paid.

Q. Then, your recollection now is that all the money that Rogers received was \$500, and \$4,200, and that there was \$350 paid to J. Romaine Brown?—A. Yes.

Q. And that that comprised the whole of the purchase-money?—A. Yes, sir.

Q. That would make \$5,050?—A. And \$10 to Rogers's lawyers for a mortgage not used.

Q. That would make \$5,060?—A. Yes.

Q. Then the consideration-money mentioned in the deed as having been paid by you to Rogers for the property, \$6,500, is not the true consideration?—A. I think not, sir, according to that.

Q. Can you explain why it is that a different and much larger consideration is put in the deed than the amount paid?—A. I think I can.

Q. Please explain it.—A. I think that that was so stated, as is very common with real-estate men in New York, in order that the property might, by the consideration which was expressed, have a value which was greater than its actual value.

Q. Then the design was to mislead any one who might want to purchase this property, and induce them to believe that in point of fact \$6,500 had been paid, whereas only \$5,060 had been paid?—A. No, sir; I do not think it was with that intention at all. I think that the consideration mentioned there was what each party thought was the value of the property at the time.

Q. Yes; but you know as a lawyer that the consideration mentioned in a deed, a solemn instrument of that kind, raised the *prima-facie* presumption that that amount of money has been paid for the property?—A. Certainly.

Q. If this deed were offered in evidence in a court of justice it would be *prima-facie* evidence that \$6,500 had been paid for that property, would it not?—A. No, sir.

Q. You think it would not?—A. I do not think it would. I do not think it would be gotten in in that way.

Q. You think that if the execution of the deed were proven, and the deed admitted in evidence, it would not be *prima-facie* evidence that \$6,500, the consideration mentioned in the deed, had been paid?—A. No, sir; not in that view.

Q. Have you any distinct recollection why this \$6,500 was placed in the deed, or do you base your statement upon what you *presume* might have been the reason?—A. I only base it upon what I presume might have been the reason; my agency in the matter was largely ministerial.

Q. Have you any recollection that General Babcock sent \$4,200 to be paid on this property?—A. I presume he did; I do not know.

Q. Are you prepared to say that?—A. I am not prepared to say it, because I do not know.

Q. Do you know of your own knowledge of General Babcock's having ever paid a dollar for this property?—A. No, sir; not of my own knowledge.

Q. You negotiated a mortgage with the bank for how much on this property?—A. General Butterfield attended to the negotiation. The mortgage was for \$5,000.

Q. You made a mortgage upon this property for \$5,000?—A. Yes.

Q. To whom was that money paid?—A. I think that the check was drawn to the order of myself, though it might have been drawn to the order of General Butterfield. I do not know to which officer it was drawn.

Q. Can you not recollect to whose order it was drawn?—A. No, sir, I cannot.

Q. Do you remember whether you ever received that money?—A. Yes.

Q. You received it in some shape?—A. It was received.

Q. Was it received by you?—A. That I can't recollect.

Q. Received from the bank?—A. Received from the bank.

Q. Did you ever have any communication with General Babcock with reference to the negotiation of this \$5,000 mortgage?—A. I have no recollection of it.

Q. You don't remember of having had any?—A. My letters were all subsequent to that; at least, those that I have found were subsequent.

Q. How long after the delivery of the deed was it that you negotiated this mortgage?—A. I think that the application must have been put in even before.

Q. The application was put in before the delivery of the deed?—A. I think so.

Q. When was the money received and the mortgage executed?—A. The mortgage to the Citizens' Savings Bank was dated March 16, 1869, for \$5,000, and recorded on the same day.

Q. This deed is dated February 20. I suppose that is the date of its delivery?—A. I think so.

Q. And on the 16th of March the money was received on this mortgage?—A. Yes.

Q. If you held this property in trust for General Babcock, and if you understood that General Babcock had paid to General Butterfield \$4,200, and \$500 prior to that date, how did you come, without any authority from Babcock, to execute a mortgage for \$5,000 on that property, and allow Butterfield to get the money?—A. As I have said before, my recollection is that that property was purchased with the understanding that General Babcock was to have it. Most of that arrangement was made through General Butterfield, with whom I was on duty at the time.

Q. That is hardly an answer to the question. If you held this property in trust for General Babcock, and understood that General Babcock had paid Butterfield \$4,200, and \$500 prior to that date, how did you without authority from Babcock come to execute a mortgage for \$5,000, and allow Butterfield to get the money?—A. I do not think that General Babcock had paid that money to General Butterfield before that time; I am inclined to think that General Butterfield at that time had paid that money for General Babcock, because this statement of the Babcock account which I have produced from my old papers was a statement of monetary transactions on the part of General Butterfield as the agent, as I understood it, of General Babcock. In this statement I find that on June 10, 1869, I was paid by General Butterfield, on behalf of General Babcock, the eighty odd dollars disbursements which I had made for General Babcock in purchasing that property.

Q. When I asked you, a few minutes ago, what money had been paid to Mr. Rogers prior to the execution of this deed of the 20th of February, 1869, did you not state that he had received \$500 and \$4,200, the \$4,200 having been furnished by General Babcock, as you understood?—A. I think it is quite likely that I said so, but in saying so I think you will also find that I said my impression was that General Butterfield loaned the money originally to General Babcock for a few days, in order to complete the transaction.

Q. Did you have knowledge of the fact that that was a loan from Butterfield to Babcock?—A. I must have done so from the fact that I have made out this statement.

Q. Is there anything in that statement to show that Butterfield loaned Babcock \$4,200?—A. No, sir; but from that statement I have recollection of conversations with General Butterfield about this property, and I am quite positive that he spoke of preliminarily advancing this money until money could be received from General Babcock. My transaction was ministerial merely.

Q. Then, assuming that General Butterfield told you that Babcock was indebted to him in the sum of \$4,200, which he had borrowed from him, were you content as trustee for Babcock, and without any authority from Babcock, to give a mortgage upon this property, and pay over to Butterfield \$5,000?—A. The question as between General Babcock and myself was simply one of honor. The deed was absolutely in my own name, and the transaction, up to the moment of making a deed to Babcock, was in my name, except as to the payments of moneys, which were transacted, as near as I can recollect, through General Butterfield.

Q. You were, however, a trustee, if I understand you, for General Babcock?—A. I would hardly say that I was a trustee in the legal acceptance of that term.

Q. Then you think that legally, technically, you would have been the owner of the property yourself?—A. I was, sir; and the monetary transactions up to the moment of turning the property over, by deed, to General Babcock, were between myself and General Butterfield; that is my recollection of it, though, as I said before, I may have received something from General Babcock. I can find no scrap, however, among my papers of that day which would refresh my recollection.

Q. You advanced no money yourself for this property?—A. Not a cent, except the disbursements which I made in looking up the title, &c.

Q. How could you be the owner if you paid nothing for it?—A. The title was in me. Q. I understand that, but did you consider yourself the legal and equitable owner of that property?—A. I considered myself the legal owner of it.

Q. Well, were you a trustee for General Babcock or not; was the equitable title to that property in General Babcock?—A. Not recalling now the nature of the communications between General Babcock and myself at that time, I cannot say whether or not the equitable title was in General Babcock.

Q. Was the equitable title in you?—A. I shall have to answer that as I did before.

Q. How was that?—A. As I have just answered.

MR. GLOVER. Repeat your answer, if you please.—A. My answer was, that not recollecting exactly what the communications were at that time held with General Babcock on the subject, I cannot say whether the equitable title was in myself or not.

Q. Was the equitable title in General Butterfield?—A. I cannot say as to that any more than as to Babcock.

Q. You really are not able to say on your oath where the title to that property was?—A. Yes; the legal title was in myself.

Q. But the equitable title was in whom?—A. That would have been a consideration depending upon evidence.

By MR. PLAISTED:

Q. As to who paid the purchase-money?—A. Yes. I feel quite positive that General Babcock paid the purchase-money.

By MR. COCHRANE:

Q. Do you know that fact?—A. Only from my impression and conversation. I had a good many letters from him afterward, thanking me for my kindness in that transaction.

By MR. GLOVER:

Q. Did he say anything in these letters to the effect that he had furnished a dollar for that property?—A. I do not think he did. That was after.

By MR. COCHRANE:

Q. Did you receive any compensation for your services?—A. Not a cent. I had done like services for other officers.

Q. Did you receive any compensation for your services to General Porter in his real-estate matter?—A. Not a cent.

Q. This was, then, an entire gratuity on your part?—A. Entirely.

Q. A desire to oblige Butterfield, Porter, and Babcock as officers?—A. As officers. If I may add a word to that, I would say that I had incurred larger disbursements, and been at much more trouble for other officers in the Army.

Q. General Babcock did not tell you or General Butterfield, or any of those people, that this whole transaction was gotten up for the purpose of getting out of some gambling operations, did they?—A. I never suspected it.

Q. Did he or they never tell you that, or anything like it?—A. No, sir; never the slightest intimation of it.

Q. You do not know that that is not the case?—A. I am pretty positive it could not have been.

Q. Why?—A. Because I am quite positive John Rogers was paid his \$4,200.

Q. How do you know that?—A. From the fact that I have this statement here in my own handwriting of such a payment.

Q. You did not pay it to him, did you?—A. That I cannot recollect. I know, from the exactness with which I keep my own accounts, that I must have been perfectly cognizant of those payments, for I say here (on the memorandum) "paid John Rogers \$500," and "paid John Rogers \$4,200;" and I am quite willing to swear that that must have been the case.

Q. You are quite willing to swear that you paid the money?—A. That the money was paid.

Q. That you saw it paid?—A. That the money was paid.

Q. Did you see it paid—are you willing to swear to that?—A. I think so. Yes, I think now, as I recall, that I went to his office with the check myself.

Q. On what day?—A. On the date mentioned there.

Q. Have you no recollection outside of this memorandum?—A. None outside of this memorandum.

Q. Why did you not recollect that prior to this time in your examination; is that a sudden recollection that has come to you?

The WITNESS. As to what?

Mr. COCHRANE. As to the going down there with the check for \$4,200.

A. No, sir. In looking a second time at this memorandum, and bearing in mind your present question, which suggested further recollection, I am of the opinion that I must have handed that to Mr. Rogers or to his lawyer.

Q. Who was his lawyer?—A. I don't recollect his name; I would have to look through my memoranda to see.

Q. Whose check was it you took down?—A. My present recollection is that it was General Butterfield's. In fact I am quite positive that it was General Butterfield's, for this reason, that this was a statement of the account between him and Generals Babcock and Porter for moneys paid out and moneys received from Porter and Babcock.

Q. That was a statement between General Butterfield and them, was it?—A. Yes; for Butterfield's handwriting is on the back; "credit balance" are, I think, his words.

Q. Are you prepared to say that that was written by General Butterfield?—A. O, yes.

Q. You swear to that?—A. Yes; I think so; but it is eight years since I saw that memorandum.

Q. Are you prepared to say under oath whether that was done by him or not?—A. That is my belief.

Q. You are not sufficiently sure about it to swear to it, are you?—A. That is my belief. I have never seen those papers since 1869.

Q. If this is a statement of his account, why has he not got it—how do you come to have it?—A. I think I said once before that I must have given him a copy of it. My clerk kept his check-book, and kept his money-accounts for him, and frequently (and, as I suppose, in that case) he must have said to me, "Tell your clerk to credit the balance."

Q. This is all supposition on your part, is it not? You have no distinct recollection on the subject?

The WITNESS. As to what?

Mr. COCHRANE. As to any of these matters that you have been stating about the checks, &c. f—A. Only what the memoranda give me to understand.

Q. You judge that because this statement that you have produced here contains an item, "February 20, \$4,200," you therefore took that \$4,200 down and paid it?—A. I have no doubt of it, sir; no doubt in the world that the money was paid.

Q. That you paid it?—A. That I paid it.

Q. Did you take a receipt for it?—A. Yes.

Q. Where is that receipt?—A. There it is—the deed, duly executed.

Q. This was paid February 20. Was the deed delivered at the time you paid that?—A. Yes.

Q. Did you not say a few minutes ago that this payment was made some time before?—A. No; the payment of the \$500 was made February 12.

Q. Did you pay that?—A. I presume I must have done so, for I have said on that paper that it was paid on that day.

Q. Do you remember having paid it?—A. Only from the memorandum, which is in my handwriting, and which was made at the time of these transactions.

Q. How was that \$500 paid—in cash or by check?—A. At the distance of eight years it is very hard to say; but I presume all by check.

Q. Did you take a receipt for that?—A. I presume I did, sir.

Q. Where is it?—A. I do not know. I think more than likely the payment was by a check to order, which would be a receipt itself.

Q. Did you not say heretofore in your testimony that this \$4,200 might have been either a check drawn by General Butterfield, or a draft from General Babcock?—A. Yes.

Q. How do you explain that ; which was it ?—A. All these money matters with reference to this property, General Butterfield kindly undertook on behalf of General Babcock. As I have said before, my action in the matter was simply, you may say as an attorney, attending merely to the legal part of the transaction, and having nothing otherwise to do with it.

Q. That is hardly an answer to the question.

(Question repeated, and answer read.)

A. I will go on with my answer and say : the money, if it was a draft from General Babcock, would have been sent to General Butterfield, and by him handed to me ; that is my impression.

Q. Might he not indorse the draft and hand it to you ?

The WITNESS. Indorse it to my order ?

Mr. COCHRANE. Yes.

The WITNESS. Very likely.

Q. Then you do not really remember whether it was a check that you took down and paid, or whether it was a draft ?—A. I cannot tell that. I am pretty certain that it was not cash.

Q. Are you reasonably certain of that ?—A. I am, sir ; because in my own money transactions I did those things by check. I know General Butterfield made it his almost invariable practice to do so also.

Q. It was not a check of your own ?—A. I think not. I am pretty positive it was not.

Q. Did you hand this check, or draft, or whatever it was, to Mr. Rogers personally ?—A. I cannot recollect whether I handed it to him or to the attorney on his behalf, but from the memorandum "paid" I know I must have paid it. If General Butterfield paid that, his check-book will show.

Q. This you say is a statement of the account of General Babcock and Porter with General Butterfield ?—A. I think so.

Q. Then when the word "paid" is used, that means paid not by you but by General Butterfield, does it not ?—A. Paid by General Butterfield, I think.

Q. This is not a statement of any moneys paid by you, is it ? It is a statement of moneys paid by General Butterfield ?—A. I have not said that there was any money actually paid by me. The money which was used for these transactions either came from General Butterfield or General Babcock.

Q. There is nothing on this statement to indicate that you paid anything, either out of your own money or out of anybody else's money, is there ? because it is a statement between General Butterfield and these people, not between you and them.—A. O, it is a statement made up by myself, and I was cognizant of all these transactions, and attended myself, as my recollection is, to all these payments.

Q. I see an item : "March 13, paid Harriet E. Shackleton \$750." Did you pay that ?—A. I must have done so, as I have it there.

Q. Have you any recollection of it ?—A. I have a recollection of several times seeing her lawyer.

Q. You have no recollection of specifically paying it ?—A. By reference to the date when the mortgage was closed, if I had the satisfaction-piece, I should, of course, be able to swear positively.

Q. I see an item here : "March 16, paid Harriet E. Shackleton \$7,150." Did you pay that ?—A. I undoubtedly did pay that.

Q. How ?—A. I think by check.

Q. Whose check ?—A. My impression is it must have been General Butterfield's.

Q. Do you remember anything about the transaction ?—A. I think it must have been his check.

Q. Do you remember ?—A. Yes ; I am pretty certain it was a check from General Butterfield.

Q. Paid to her personally ?—A. I think to her attorney.

Q. Are you sure about that ?—A. I am pretty positive it was in her attorney's office that I did it.

Q. "March 13, Mr. Galligher, to satisfy mortgage, \$1,348.74"—did you pay that ?—A. Yes, I did ; that transaction I particularly recollect.

Q. How was that paid ?—A. That was paid by check. Whether it was General Butterfield's check or General Babcock's, I cannot tell, but I took it myself to him.

Q. Was any portion of this money the proceeds of the mortgage that you negotiated—either the \$750, the \$1,348, or the \$7,150 ?—A. The \$7,150 was a portion of it.

Q. You handed the money over first to General Butterfield and then you think General Butterfield gave you a check afterward ?

The WITNESS. Handed what money ?

Mr. COCHRANE. The money you got from the bank—the proceeds of this mortgage.

A. I think I must have indorsed it to him. I am pretty certain I did, because these officers were away from the city.

Q. Were you trustee for any other property than this for General Babcock ?—A. I don't know that I was trustee for that in the legal acceptance of the term.

Q. Did you have any similar transaction in reference to any other property?—A. Yes.

Q. In reference to what?—A. Some property of General Horace Porter.

Q. Where was that located?—A. That was located on One hundred and eighty-fifth street, on the southerly side of the street, between Eleventh avenue and King's Bridge Road.

Q. When did that transaction take place?—A. At the same time.

Q. Who sold that property to General Porter?—A. I gave the deed in my name; it was an analogous transaction to that of General Babcock's all through.

Q. And who was the party that made the deed to you?—A. Harriet E. Shackleton was the owner of that property.

Q. Were you trustee for General Babcock for any other property than that you have mentioned?—A. I never had any transaction with him with reference to any other than that.

Q. Did you have any transaction with any one else for him in regard to any other property?—A. No, sir; I never had any other business transaction with him whatever.

Q. Of any kind?—A. Of any kind.

Q. Or with any one else in his behalf?—A. No, sir.

By Mr. GLOVER:

Q. I understood you to say that this Rogers property was offered to you?—A. That is my impression, sir.

Q. And you were not able to carry it?—A. I think so. I know that General Butterfield did offer me a piece of property, and, as that was small in value, I had got that impression.

Q. Are you very certain that that was the piece he offered you for your own?—A. I am not certain.

Q. You say it was not convenient for General Butterfield to make that investment on his own account?—A. That is my impression; he had large transactions of his own which he was carrying on at the time.

Q. You have spoken here of a contemporaneous transaction for General Porter; have you the deed that you executed to General Porter?—A. No, sir; but I have a description of the property. Of course I sent the deed to General Porter.

Q. What amount did General Porter pay for the property, or what amount did you pay for him?—A. [Producing a paper.] Here is the contract made through J. Romaine Brown, with Mrs. Shackleton, for the purchase of that property.

Q. Who was J. Romaine Brown?—A. A real-estate agent.

Q. Is he General Butterfield's real-estate agent?—A. Yes.

Q. And that is the lady's name from whom the purchase was made?—A. Yes. I have also transacted other business with Mr. Brown.

Q. In connection with these two gentlemen?—A. No, sir; for others.

Q. State what was the consideration received by Mrs. Shackleton for the sale of her property.—A. Seven hundred and fifty dollars was the first payment; the second was \$7,150.

Q. Who paid that first amount of \$750?—A. I paid that on March 13, to Mr. W. B. Harrison, her agent, at his office.

Q. Were you purchasing this property for yourself or for General Porter?—A. My idea was that the property was to be purchased for General Porter.

Q. Where did you get that \$750?—A. I think that that must have come in a check from General Butterfield; that is my impression.

Q. Then you paid him \$7,150?—A. Yes.

Q. Where did that come from?—A. I am inclined to think that it came from General Butterfield. It either came, as I have said in reference to the Babcock property, on March 16, in a draft from General Porter—no; not in a draft from Porter; he would not have given a draft for all that amount, as the Savings-Bank gave \$6,000, I think.

Q. Do you know anything of this money coming from either General Babcock or General Porter? Can you say, of your personal knowledge, that either of them ever paid one copper for this property?—A. I can only give my impression and belief at this lapse of time.

Q. Do you say that you have knowledge or have not knowledge?—A. I have knowledge, and my knowledge is derived from my own memorandum, which shows a draft from these parties for \$2,000, on the 15th of February, 1869.

Q. What parties?—A. Porter and Babcock.

Q. Did you receive the draft from them?—A. That I cannot recollect, but my belief is that the draft must have come to General Butterfield.

Q. That it must have come through him?—A. Through him.

Q. And indorsed to you?—A. It was indorsed to me, or else he gave me his own check and deposited the draft for collection.

Q. Please explain how it is that as this property has all been in your own name, and you have been the holder of these deeds, General Butterfield has been made the

medium by which any money has been transferred from these gentlemen; why did they not transfer it to you?—A. They were not personal friends of mine, by any means—these gentlemen.

Q. But they were friends enough for you to become their agent to purchase this real estate?—A. Well, I had not the funds which I could have loaned them if needed. General Butterfield was the gentleman who had put them in the way of making this investment.

Q. So I understand, but I understand you further to say that these gentlemen remitted moneys by draft to General Butterfield; then General Butterfield was not loaning them money, was he?—A. I presume he did loan them money.

Q. What were they sending drafts to him for if he was loaning them money?—A. They did not send apparently enough money to meet all these payments, because I see in this memorandum that there was a note which on March 13 came from them for \$2,000.

Q. Are you able to say that it came from them?—A. I have not the slightest doubt of it in the world, for this reason—

Q. [Interposing.] I want you to state your *knowledge* first; if you have no knowledge, you can then state your reasons for thinking so.—A. My clerk was General Butterfield's clerk for all his private transactions. The General used frequently to consult me about his monetary affairs. His clerk brought his check-book to me always. General Butterfield was a little careless, probably, in the charge of his office-papers.

Mr. GLOVER. That is getting off the question.

The WITNESS. I only want to give you the sources of my knowledge—why I have made this memorandum as it is. If any checks or drafts came to General Butterfield from General Porter, he would hand them to me almost as a certainty. That was his constant custom. Anything of that kind he would hand to me and say, "Gardner, I wish you would send down the messenger and make this deposit for me;" or, "I wish you would direct your chief clerk to draw a check for me to such a person's order;" so I was quite cognizant of all his personal transactions.

Q. Now, let me ask you where were those check's cashed, and in what bank were they deposited—those checks which you speak of as coming from those gentlemen?—A. I cannot at this lapse of time state.

Q. Can you not state the banks with which you did this business?—A. I cannot recall what bank General Butterfield kept his account in. His check-books were kept in my outer office safe, and sometimes I drew his checks for him, but not often.

Q. But I am speaking now of the drafts sent by Generals Porter and Babcock, and which were handed over to you by General Butterfield; upon what banks were they drawn; where were the payments made, and where were the deposits made?—A. That I cannot recall at this lapse of time.

Q. Have you any knowledge, now, of a single dollar having been paid by either Babcock or Porter for this property?—A. My only knowledge is derived from the fact of their sending at one time that \$2,000.

Q. Do you know that they sent \$2,000?—A. Yes; I do, from that memorandum.

Q. From what point did they send it?—A. They were in Washington.

Q. In what form did they send it?—A. I think it must have been in a draft.

Q. Have you no memorandum or data by which you can tell upon what bank or person that draft was drawn?—A. Not at all; you can ascertain that from General Butterfield's check-books.

Q. Did you take the title to yourself of the Porter property?—A. I did.

Q. Did you do that at General Porter's instance?—A. My impression is that I did; I did it in his behalf.

Q. I thought that you stated a while ago that you were not intimate enough with Porter or Babcock to receive a draft directly to yourself from them; will you explain why it was that you were intimate enough to take a deed to be made directly to yourself of property to be redeeded to them?—A. Yes; but I dislike to answer such a question. I have nothing to conceal about it; the reason is that I was pretty well known in the service, and known to these officers.

Q. Known to Babcock and Porter?—A. Yes; and my reputation was such (although I have to say it myself in answer to your question) that those gentlemen had no hesitancy in the matter whatever.

Q. What matter?—A. They had no hesitancy in seeing the deed to this property go to my name.

Q. But I understood you to say a moment ago that you were not well enough acquainted with Babcock and Porter to have drafts sent directly to you, so that they were sent probably to General Butterfield?—A. I did say that.

Q. And now I understand you to say that you were so well known to them and so well acquainted with them—

The WITNESS. [Interrupting.] A. No; not "so well acquainted with them." I did not say that. I was well known to them in the Army, as I was to a good many others; and this whole transaction, which appears to be a transaction without any safeguards

whatever on their part to protect them from anything that I might have done with reference to that property, was purely based upon the confidence they had in me as an officer and gentleman.

Q. What was the aggregate amount paid by you as agent for Porter, or more directly as agent for Butterfield, in the matter of this property which was finally deeded to Mr. Porter?—A. It is stated in that memorandum.

Q. You purchased two pieces of property; I want to know what is the aggregate payment for each piece?—A. For the Babcock property there was \$350, \$500, \$4,300, and \$10, making \$5,060. We must add to that the cost of getting the searches through for the Citizens' Savings-Bank, which expense we had to pay.

Q. That is a matter of expense; I am speaking about the purchase of the Babcock property. The purchase-money amounted to \$5,060, did it?—A. Yes, if you figure it up so.

Q. What was the amount of purchase-money upon the Porter property?—A. There were \$750 and \$7,150, making a total of \$7,900. Then to John W. Pirsson, attorney of the Citizens' Savings-Bank, for passing title and obtaining mortgages on these two pieces of property, was paid \$179.26.

Q. What is the aggregate of the purchase of both pieces and all the expenses?—A. Up to the date of rendering this account to General Butterfield it was \$14,733.50.

Q. You rendered your account to Butterfield instead of Porter and Babcock?—A. I presented this statement to him, and he paid me my disbursements by his own check, so that I supposed he must have had money from them to do it with.

Q. Why do you suppose that?—A. Because there were received, as I have stated here, \$15,000, all told.

By Mr. PLAISTED:

Q. That included the mortgages?—A. Yes.

Q. What was the amount of both mortgages?—A. \$5,000 on the Rogers (or Babcock) property, and \$6,000 on the Shackleton (or Porter) property.

Q. That made \$11,000?—A. Yes.

Q. Then how much cash was required?—A. \$4,000 more.

Q. That was all the cash that was required to come from Generals Babcock and Porter?—A. Yes.

By Mr. GLOVER:

Q. You say there was money received by mortgage on the Porter property?—A. Yes.

Q. Did you raise that money?—A. Yes; or, rather, formally, I made the application to the Citizens' Savings-Bank. General Butterfield could not do it because he was a trustee of that bank.

Q. The property was deeded to you?—A. Yes.

Q. And you gave a mortgage to the bank to raise \$6,000?—A. Yes, on the same date and for the Porter property.

Q. Did you receive that money from the bank?—A. I think I did.

Q. What did you do with it?—A. Either I indorsed that \$6,000 over immediately as part purchase-money to Harrison, the attorney for Mrs. Shackleton, as it was to my order, or else I must have given it to General Butterfield, and he given me a check, plus the difference between that and the \$7,150.

Q. Will you explain how it is that when you became the agent to purchase property for Generals Babcock and Porter, General Butterfield is mixed up in it all the time?—A. I will, as I understood it then and as I understand it now. General Butterfield was a warm personal friend of these two officers; he had served with them through the war a good deal. They were on intimate terms; so I understood at the time. He was desirous of doing them a kindness, (this I gathered from General Butterfield at the time.) I understood that this property was increasing, and would increase, rapidly in value; that they would have to spend but very little themselves; that the savings-bank of which General Butterfield was a trustee would give a mortgage on each piece of property for the sums named, \$5,000 and \$6,000, respectively, as it would be a good investment, and the property was being purchased low, so that that would leave very little for them to pay, and each man could get his property really for a comparatively small amount. General Butterfield was a trustee, if I recollect aright, and still is, of the Citizens' Savings-Bank, and a large stockholder in it.

Q. How much do you think General Butterfield loaned these parties to effect or perfect that purchase?—A. I think he must at that time have loaned them all but the \$2,000 received from them by draft on the 15th of February.

Q. But you do not say that you have any knowledge that they sent that money?—A. I have no doubt of it in the world, from the fact that I was so familiar with his monetary transactions.

Q. From which one of these two gentlemen did that \$2,000 come?—A. That I cannot recall; I have merely made a memorandum here of the \$2,000.

Q. I understood you to say at the outset that General Butterfield thought this property very valuable; that he thought it would soon enhance in value, and that he took

interest enough in these friends of his to suggest that they should purchase it; that he could not himself purchase it for want of means?—A. No, I did not say that he could not purchase it for "want of means." General Butterfield is a very rich man.

Q. What was the reason that he did not purchase it?—A. My impression is that at that time he was carrying a good deal of real estate, and he did not care to add to it. That is only my impression or belief, however.

Q. But did he not virtually take it, either by the money of the bank, or his own individual money loaned to these gentlemen?—A. No, I think not; he was very glad to do them a favor. These gentlemen were then officers of the staff of the General of the Army. This was before General Grant became President. I know of other transactions in which he loaned money and assisted other officers to make purchases.

By Mr. PLAISTED:

Q. This loan to these officers was only a temporary loan?—A. That is as I understood it—merely to perfect the arrangement.

By Mr. GLOVER:

Q. Could not these gentlemen have transmitted that money after a notice from you that you had perfected the contract, and now wanted the money? Could not that have been done in an hour—the information given, and the checks sent by the next mail?—A. It could have been done.

Q. Did these gentlemen tell you they were not able to buy that property, and they wanted you to make these loans through the bank?—A. I have no recollection more than what I have stated. I stated that my recollection is they were not able to purchase without having the loans. I am inclined to think that the whole suggestion as to the mode of getting the loans (in fact I have not the slightest doubt in the world of it) came from General Butterfield. I always looked on this transaction as complete when the loans were made.

Q. Your impressions, then, are that that purchase, the mode of purchase, and the method of securing the payments, were all at the instigation and through the aid of General Butterfield?—A. Through his friendly assistance—yes.

By Mr. PLAISTED:

Q. This was before General Grant was President of the United States?—A. Yes.

Q. This deed which I have in my hand is the deed you took from Rogers?—A. Yes.

Q. In which the consideration is stated to be \$6,500?—A. Yes.

Q. You paid in cash \$5,060, did you?—A. Yes, sir.

Q. Does not this deed state that it is subject to a mortgage of \$1,300 and interest?—A. Yes.

Q. Does not that make the consideration \$6,500?—A. Yes.

Q. Then is there any fraud in the consideration as stated here—as suggested by Mr. Glover?—A. There was no fraud on anybody, sir.

Q. Did you have anything to do with a man named Fahnestock in any of these transactions?—A. I think I did.

Q. Where, and what was he?—A. My recollection is that he was a partner of Jay Cooke & Co.

Q. What was that transaction?—A. That I cannot wholly recall.

Q. What had it to do with the Babcock transaction?—A. My present recollection is that he was the agent or banker for the man to whom General Babcock sold the property.

Q. Did you have anything to do with Fahnestock during the time that this property was in your hands?—A. No; this must have been about the summer of 1870.

Q. It was at that time that Fahnestock came in?—A. Yes.

Q. You think General Babcock sold the property to Fahnestock, do you?—A. No; he sold it to a gentleman by the name of Holmes. I went to Fahnestock's place once to see about getting some payment for General Babcock on that property, and my impression is, and it is a very strong impression, that I received a draft in payment. I never saw the man but once in my life, and that is the only time I have any recollection of being there.

Q. The payment was made to Babcock?—A. Yes; for I have a distinct recollection of sending to Generals Babcock and Porter a draft for the purchase-money of that property.

Q. For how much?—A. That I cannot recollect.

Q. Do you know for how much it sold?—A. No, sir; I cannot recollect that. If I had had time before coming on here to have gone to the register's office in New York, I could have found it all out.

By Mr. COCHRANE:

Q. When did you make a deed of this property to Babcock?—A. When I have stated, March 27. The deed was recorded April 24, 1869.

Q. When was the sale made by Babcock through Fahnestock?—A. The following  
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year, 1870. I think this property must have come into the hands of Fahnestock subsequently.

Q. Why do you think that?—A. The reason I think so is because that mortgage was not paid.

By Mr. PLAISTED :

Q. The mortgage for \$1,300?—A. No ; the mortgage for \$5,000 to the Citizens' Savings-Bank. That for \$1,300 was closed up by myself before I deeded this property to these officers.

By Mr. COCHRANE :

Q. You do not want to state *positively* anything in reference to that draft which you received for this money. It is a mere impression upon your mind, is it not ?

The WITNESS. Which draft do you mean ?

Mr. COCHRANE. The draft you received for the purchase-money on the sale of this property.

A. Fahnestock was a banker ; Holmes, I think, bought it, but him I never saw and did not know.

Q. You know that Fahnestock was acting?—A. Yes.

Q. You have no definite recollection of his sending a draft in that case, have you ? It is a mere impression of yours, is it not?—A. I am pretty positive, and I know that I did receive a draft, because there is a letter here on the subject from which I will refresh my recollection.

At the suggestion of Mr. Cochrane, the witness presented, to be embodied in the record, the following letters :

"EXECUTIVE MANSION,  
"Washington, D. C., May 7, 1870.

"DEAR GARDNER: Your letter came to me this morning. You are very kind in your offers, and I avail myself of the permission and ask you to attend to them for us, in the following manner :

"General Butterfield was kind enough to say that he would pay the interest for us. Please procure the money from him and pay it.

"The insurance we would remit, but do not know the amount. Please send that, and we will remit at once ; or in case there is not time to do that, will you please to pay it and send us the amount, which will be forwarded at once. I had hoped Sharpe would find a good place for you. If a vacancy occurs in the Judge-Advocate's Department, I assure you we will do all we can to secure it for you.

"I am aware that we are imposing upon you not a little in asking you to do so much, but we take you at your offer.

"General Porter is quite well and joins me in thanking you and sending kind regards.

"Yours, truly,

"O. E. BABCOCK.

"To Capt. ASA B. GARDNER, U. S. A.,  
"Corner of Houston and Greene Streets, New York."

"EXECUTIVE MANSION,  
"Washington, D. C., May 24, 1870.

"MY DEAR GARDNER: I am sorry that I have been so negligent about sending you the money you paid for insurance. It is late, but we are just as thankful as we would have been had we been prompt.

"We have not heard a word from General Butterfield, so do not know whether he paid the mortgage interest ; we trust he did. Please accept our thanks for your kindness. I will remember and do what I can in case a vacancy occurs in the Judge-Advocate's Department.

"I do not know that any vacancy is anticipated. Let me know if this comes home safely. Porter joins in thanks and regards.

"Your truly,

"O. E. BABCOCK.

"Capt. ASA BIRD GARDNER, U. S. A.,  
"Corner of Houston and Greene Streets, New York City, N. Y."

"EXECUTIVE MANSION,  
"Washington, D. C., October 27, 1870.

"MY DEAR GARDNER: When the notices come of the interest due on the mortgages, old and new, on the 'up-town' property, please send them to Mr. H. Fahnestock, of Jay Cooke & Co., and oblige. Will you please tell me when the last mortgage expires and when the interest is due on it ; I have forgotten. All well here. I hope you are all well.

"Yours very truly,

"O. E. BABCOCK.

"Maj. A. B. GARDNER, U. S. A."

"EXECUTIVE MANSION,

"Washington, D. C., November 2, 1876.

"MY DEAR GARDNER: Many thanks for your letter. The interest is supposed to be paid to date of execution of the mortgage to you, that is up to some time in July. We would prefer to have you collect, yourself, and remit, if it will not trouble you too much. I am in great haste, so write simply a line. Porter is well. Success to you. I know you are busy.

"Very truly yours,

"O. E. BABCOCK.

"Maj. A. B. GARDNER, U. S. A.

"P. S.—The interest is supposed to be paid to date of our transfer of the property to Mr. Fahnestock.

"O. E. B."

"EXECUTIVE MANSION,

"Washington, D. C., March 28, 1871.

"DEAR GARDNER: Your telegram came last night. We are under many obligations to you. The money will come in good time for me."

"San Domingo commissioners here are enthusiastic for annexation.

"I am very busy to-day, so please excuse haste, and believe me,

"Very truly, your obedient servant,

"O. E. BABCOCK.

"Maj. ASA BIRD GARDNER."

"EXECUTIVE MANSION,

"Washington, D. C., March 30, 1871.

"DEAR GARDNER: The package came to hand this morning all right. Your action on all points is just as it should have been.

"We are much indebted to you for your kindness in this and other matters, and hope to be able some day to reciprocate.

"General Porter joins me in sending kind regards and many thanks. We have been very busy these days, and see no prospect for leisure until Congress leaves. If we can be of service to you, please command us. \* \* \*

"Yours, very truly,

"O. E. BABCOCK.

"Maj. ASA B. GARDNER, U. S. A.,

"Houston and Greene Streets, New York City, N. Y."

"EXECUTIVE MANSION,

"Washington, D. C., November 2, 1869.

"DEAR SIR: I received your letter to-day containing the deeds for the New York property, and am much obliged to you, as is General Babcock also, for your kindness throughout the whole transaction. Please command either of us if we can at any time be of service to you.

"Yours, very truly,

"HORACE PORTER.

"Capt. A. B. GARDNER, U. S. A."

"EXECUTIVE MANSION,

"Washington, D. C., November 8, 1869.

"DEAR SIR: I received yours of the 4th containing the notices of the interest due on mortgages, and am much obliged to you for forwarding them. General Babcock will be in New York to-morrow, and will make the payment at the bank.

"Yours, very truly,

"HORACE PORTER.

"Capt. A. B. GARDNER, U. S. A."

**THE WITNESS.** From one of those letters I got the impression that there was a second mortgage for \$2,000, equivalent to that note which Babcock had given on that property, and, as I have said before, I think that mortgage was made to myself. I was doing a very large law business at the time for the Government, and disposed of hundreds of thousands of dollars.

**By Mr. COCHRANE:**

Q. I observe that in one of these letters a statement is made, "The interest is supposed to be paid to date of our transfer of the property to Mr. Fahnestock"—then the property was transferred to Mr. Fahnestock?—A. That I don't know.

Q. Did you sell the property to Fahnestock?—A. No.

Q. General Babcock did?—A. That I do not know; I only give you the source of my information.

Q. Did you take any mortgage from Fahnestock for the property?—A. I have no recollection of anything of that sort, because I never saw the man but once in my life, on this occasion that I went there. I went twice to his office, I believe, but on one of those occasions he was not in.

Q. Are you prepared to say that there was ever any money paid by Fahnestock to you on this property?—A. Yes; there certainly was. A draft came to me which I forwarded to them.

Q. But you do not know the amount of it, or anything about it?—A. I cannot recollect, because I have no memorandum. It is a good while ago.

Q. You simply have a recollection that from Fahnestock there was a draft?—A. From Fahnestock or some one in that office.

Q. From some one in that office a draft came?—A. Yes.

Q. But what the character of it was, or what it covered, you do not undertake to say?—A. It was certainly over \$2,000.

Q. How do you recollect that?—A. I only recollect it by a species of comparison, but I am quite positive from that letter that it must have been over \$2,000.

Q. You don't remember what that was for?—A. No.

Q. Or what the transaction was?—A. No; but I know I was sued a year ago on this same piece of property.

Q. Fahnestock was a member of the firm of Jay Cooke & Co., was he not?—A. So I understand.

By Mr. GLOVER:

Q. Was it of Jay Cooke & Co. or of Jay Cooke, McCulloch & Co.?—A. I do not know; I never met him before or since.

Q. Were the sums of money raised on mortgage to pay the purchase-money on those two pieces of property raised at the suggestion of General Butterfield and through his bank?—A. Yes.

Q. Do you know the date at which Butterfield was appointed to the position which he subsequently occupied in New York?—A. No; I was absent on sick-leave at the time. He had been relieved some time before, and General Reeve had taken his place.

By Mr. COCHRANE:

Q. Was there a suit subsequently brought against you by the Citizens' Savings-Bank on this Babcock mortgage?—A. Yes; it remained unsatisfied; the interest unpaid.

Q. Have you any of the papers relating to that matter?—A. Yes; I have with me the summons and complaint, [handing a paper to Mr. Cochrane.]

Q. Is this a correct copy of the summons?—A. Yes.

It is as follows:

"Supreme court, city and county of New York.

"CITIZENS' SAVINGS-BANK, PLAINTIFF,  
against

ASA BIRD GARDNER, ORVILLE E. BABCOCK, PHILIP  
W. HOLMES, HARRIS C. FAHNESTOCK, and MARGARET  
A. FAHNESTOCK, his wife, EDWIN M. LEWIS, as trustee  
of the estate of Jay Cooke & Co. in bankruptcy,  
Moritz Kopperl, Michael Gallow, defendants.

No. 1.  
Summons for relief. (Com. not  
ser.)

"To the above-named defendants:

"You are hereby summoned and required to answer the complaint in this action, which will be filed in the office of the clerk of the city and county of New York, and to serve a copy of your answer to the said complaint on the subscriber at his office, No. 11 Wall street, in the city of New York, within twenty days after the service of this summons on you, exclusive of the day of such service; and if you fail to answer the said complaint within the time aforesaid, the plaintiff in this action will apply to the court for the relief demanded in the complaint.

"Dated April 26, 1875.

"JOHN W. PIRSSON,  
"Plaintiff's Attorney, 11 Wall Street.

"To ASA BIRD GARDNER,  
"West Point."

By Mr. PLAISTED :

Q. Was judgment obtained in that suit ?—A. Yes ; judgment was obtained.

By Mr. GLOVER :

Q. Has it been satisfied by General Babcock ?—A. I believe it has, but I don't know. General Porter wrote me to say that his attorney was directed to defend the case, and that I would not be held responsible ; but when they got judgment, I was held responsible all the same.

By Mr. PLAISTED :

Q. You have stated that this suit was on a mortgage ?—A. Yes, sir.

Q. The mortgage which you gave to the bank ?—A. Yes ; and I was also liable on the bond. The mortgage was foreclosed and judgment rendered.

WASHINGTON, D. C., August 2, 1876.

ALEXANDER P. TUTTON sworn and examined.

By Mr. PLAISTED :

Question. Where do you reside ?—Answer. I reside at Darlington, Pa., near Philadelphia.

Q. What is your business now ?—A. I am collector of the port of Philadelphia.

Q. How long have you been collector of the port of Philadelphia ?—A. Since the 5th of June, 1876.

Q. Prior to that time what was your business ?—A. Supervisor of internal revenue.

Q. How long a time had you been supervisor ?—A. From the fall of 1868—November, perhaps, of that year ; some time immediately after the presidential election.

Q. Where were your headquarters ?—A. At Philadelphia most of the time.

Q. Have you been stationed at Chicago in the mean time ?—A. Yes ; I was transferred to Chicago in May of last year—1875.

Q. On what date ?—A. I arrived there on the evening of the 9th ; the order of transfer was, I think, about the 6th or 7th. I went home and staid one night, and went immediately to Chicago, getting there on the evening of the 9th.

Q. By whose order ?—A. The order of transfer was by Secretary Bristow ; I also had orders from Commissioner Douglass.

Q. Did you have any special instructions when you went there ?—A. Yes, sir.

Q. From whom ?—A. I had instructions from Mr. Douglass to seize certain establishments in Chicago, and had seizing power given to me by him. I was to seize certain establishments that were indicated in the testimony which had been furnished by Mr. Brooks, of the secret service, whom I knew very well, and who had served with me five or six years as a revenue-agent. Mr. Brooks had been at work in Chicago and Milwaukee through March and April, and up to this time in May, and his reports were shown to me by Solicitor Wilson, and certain details had been made out from them, indicating which houses had been detected by him in committing frauds. I went out there with the understanding that I was to seize these houses. One or two were left to my discretion, but the evidence was so positive as to most of them that I did not have any doubt as to the propriety of it, myself, the information coming from a man whom I knew very well. I reached there on Sunday evening, the 9th of May. I had been directed to go to the Palmer House and that there I would find Mr. Brooks, as well as Mr. Washburn, chief of the secret service, who would lend me any aid necessary. I also carried along with me instructions for supervisor Hedrick, of (I think) Iowa, who had been directed to meet me there and take charge of matters in Milwaukee. Investigation had been made by Mr. Brooks at Milwaukee as well as at Chicago. When I reached Chicago on the evening of Sunday, I found Mr. Brooks and Mr. Washburn there, and also some men that Mr. Washburn and Mr. Brooks had procured from Pinkerton's detective force. I took with me also, by order of the Department, two revenue-agents from Pennsylvania—Revenue-Agent Mitchell and Revenue-Agent Livingstone—that is, I took Mitchell actually with me, Livingstone having gone there a day or two before. Mr. Hedrick, it seems, although in Chicago, did not know me. I did not register when I got to the hotel, having purposely avoided that, and going immediately to Mr. Washburn's room. As Mr. Hedrick was looking out for the registering of my name and could not find it, he did not know that I was there. That evening Hedrick not coming to time, I organized a force under Brooks and Revenue-Agent Mitchell, and another revenue-agent named Hugg was along. I sent them to Milwaukee about 11 o'clock that night with a number of Pinkerton's men. They had not seizing power, but they were to make destraint and hold places for 48 hours. They could not under the law make formal seizures, but they could hold the places for 48 hours if Hedrick did not put in an appearance. They started off, and immediately

afterward Mr. Hedrick came. He had just found that I was there. He started on the train later, and left with me his revenue-agent, named Brown, whom he had brought with him. I sent this revenue-agent, Brown, to take possession of certain rectifying-houses—

Q. [Interposing.] Before you proceed to the seizures, I wish to inquire what you had had to do with organizing this descent, or in ferreting out these frauds, prior to this time.—A. I cannot say that I had anything special except this: an order for the transfer of supervisors had been made by the Secretary some time in February. That order transferred me to Saint Louis, and transferred all the supervisors from one place to another—I believe there were ten of them. Supervisor McDonald was to come to Philadelphia, and Supervisor Munn was to come to New York, I think. That order was made and promulgated in the latter part of January, to take effect on the 15th of February.

Q. Was it promulgated through the press?—A. Yes; but I was notified officially.

Q. State what action you took.—A. I came down here and had a conversation with Commissioner Douglass about it, and asked him what this meant; whether it was to be a permanent arrangement for me to remain in Saint Louis; if so, I could not go there, and would not go there to remain permanently. He said, "Well, no;" he did not think it was permanent. Said he, "You had better see the Secretary about it." The Secretary was confined to his room at the Arlington Hotel; I went up there to see him and asked him whether he meant this transfer of me to Saint Louis as a permanent thing, because if he did, I could not go, and I might as well resign then as at any time; there was not enough in the office to induce me to make Saint Louis my residence—there was some property and things that I had that did not make it desirable for me to leave. He said it was not to be permanent, but might be for six months or a year. I told him I could not go even for that time. I finally told him I might go to remain from February to the 1st of April, but could not remain any longer than that. The Secretary went on to state that he believed large frauds were being committed at Chicago, Milwaukee, Saint Louis, and other points, and he believed, too, that it was being done with the connivance on the part of many of the officers. I stated to him that if that were so I would not think that his plan of transferring supervisors was the way to get at it; that these people all knew now, about three weeks in advance, that there was to be a change of officers. The people in Saint Louis knew that I was to be transferred there with my revenue-agents, and the people in Philadelphia and Baltimore knew that McDonald was being transferred there; and if there was any such arrangement as he spoke of in relation to the commission of frauds through the connivance of officers, and with their knowledge, the whole thing would be buried, so that they would never be able to get at it or find it. He said he did not know but what that would be the case, but the order had been made and we would have to try it and see what could be done.

By Mr. GLOVER:

Q. Did you go to the President?—A. I suggested to Mr. Bristow that my plan of doing that thing would be to send somebody without its being known to the officers or anybody else; to send some man like Brooks, or some person in whom he could have confidence. Then he suggested to me that I should go to the President and talk to him about it. I went up to the President and said substantially this to him: that I was satisfied that this course would not reach these frauds if they existed, and that I had suggested to the Secretary what I thought would be a much better plan—to send some men out without its being known, and let them investigate and find what those people were doing—whether they were stealing, and to what extent. I suggested Mr. Brooks as the best man I knew for that purpose. The President, after thinking over the matter, said, "I believe you are right. I do not believe this transfer of supervisors will accomplish the end, and I will have the order suspended for the present." When I knew the order was going to be suspended I went home, and the first thing I knew about it Brooks had been sent for by the Secretary. He was on duty, I think, in New York at the time; at any rate I saw him. He stopped in Philadelphia, and I knew he had been sent for by the Secretary, and without knowing any of the details I knew that he was at work on this thing; that they had authorized him to go to Chicago and Milwaukee and, I think, to Saint Louis to find out what was going on, and knew that he took a man or two with him from Philadelphia—one man at least—but I did not know any of the details. I did not know what he was doing, what particular place he was looking after, or anything of that sort, but I believed and knew that he was looking after the matter. I got a dispatch from Washington asking me to come there, about the 6th or 7th of May, and then I was shown Brooks's report as to what he had found out at Chicago—the number of houses he had watched there, and what they were doing; and the same particulars as to Milwaukee. I then was transferred by the Secretary, and got directions from Mr. Douglass to go there and make these seizures.

Q. Was this order countermanding the transfer published?—A. The fact was pub-

lished, but I do not think the order itself was published. I was officially notified, first by telegraph and then by letter, that it was done, but the fact was published by the papers.

Q. Was it made public immediately?—A. I think it was made public immediately.

Q. Did Secretary Bristow favor the order countermanding the order of transfer?—A. At the time I spoke of it to him, and when he directed me to go and see the President about it, I do not know that he approved or disapproved of it; but soon after it was done, and perhaps after these seizures in Chicago, he told me that he entirely approved of that plan, and the only reason he did not change the order of transfer of supervisors himself was that that order had emanated from the President, and therefore he did not speak to me about changing it himself, but told me to go to the President; that is, that he had suggested that something ought to be done, and said he entirely approved of it himself, and did not say anything about it at the time, because it had come from the President and he did not know that it would meet his view.

Q. Do you know that Mr. Henderson in his argument in the Babcock case took occasion to censure the President severely for countermanding that order?—A. Yes; it looked so to me in reading Mr. Henderson's speech. The inference I took from it, as I understood it, was that he charged Babcock first with being in complicity with the whisky ring at Saint Louis, and then charged him with having influenced the President to revoke that order in the interest of the ring, and that the President had done it from improper motives, to favor Babcock; that is the way I understood the speech.

Q. Do you know of your own knowledge that this charge of Henderson's was false?—A. I was satisfied that Mr. Babcock had had nothing to do with the changing of the President's mind, for when I first went to see him he had no idea of changing that order at all. He said that something ought to be done, that the Secretary thought great frauds were being committed, and they should be got at in some way; that while he did not himself think that any of these officers at Saint Louis or Chicago were in collusion with the distillers, yet his impression was that they had got accustomed to the routine way of doing things which the officers there had, and that they knew exactly how to evade or escape them.

By Mr. COCHRANE:

Q. Who said that?—A. The President. I remember he said that he found that to be the case in the Army—that officers whom he considered good men, and men who intended to do their duty, would get into the habit of doing things in a certain routine way, and that people who wanted to get around them could do so. He said, "I believe that may be the case with these revenue-agents, and by making a change the parties that come in anew can do things in a different rut, and by that means run against the thieves." I remember saying to him, (although when testifying about this matter before I did not think of it,) "Do you suppose if I had any arrangement with the distillers in Philadelphia or Baltimore, now that I have notice that I am going to be sent away and that Mr. McDonald is coming to Philadelphia with his revenue-agents, I would not go to work and bury that thing so deep that nobody could find it?" He rather laughed and says, "Of course you would." "Well," said I, "if there is anything wrong out there, they will do the same thing." Then he said he would suspend that order and I left him.

Q. Did he say or did you say anything about making the order of suspension as public as the order for the transfer had been made?—A. I said to him this: that if this order of transfer of supervisors were rescinded now, and that rescission made public, those people, if they were committing frauds, as the Secretary said or supposed they were, would be emboldened by the rescission and would think the coast all clear and keep on committing frauds, and that this would be just the time to send a man like Brooks right in among them, quietly, to see what they were doing. I said they would be running things pretty lively, and they could be found out at once. I do not know that these are my words exactly, but that is the substance of them.

Q. Now go on and state as to the seizures in Chicago.—A. I directed Brown, the revenue-agent, to go to the rectifying-house of Rolle, Junker & Co., and take with him a sufficient number of men so as to leave two in charge, and go also to the rectifying-establishment of Golsen & Eastman, and to the rectifying-house of Parker R. Mason, and of George L. Crosby, all of Chicago.

Q. Were all those establishments seized?—A. Yes.

Q. According to your directions?—A. Yes; I myself with Mr. Washburn and a sufficient number of men went to Lake Shore distillery, and found that running in violation of law, (without any store-keeper, and with many other violations besides,) and we seized it. We had evidence enough against all these parties furnished from Brooks's report before we came there. However, we found it actually running in violation of law, and therefore seized it on the morning of the 10th. We sent also to the distillery of Russell & Furlong, and found them running in violation of law, (without any store-keeper,) and having been in operation apparently all night, judging from the number of mashes that they had on hand. That place we seized, as also the distillery of R. M. Mersereau.

Q. Were those that you have named also named in the list which had been given to you with your orders?—A. Yes.

Q. Did you seize any not specified in your order not to be seized?—A. Not at that time. I also directed Mr. Brown that afternoon to go down and seize the Union Copper Distillery, fourteen miles from Chicago, at a place called Calumet.

Q. Was that in the list which you got?—A. There was some evidence against it, but not of so positive a character as against the others.

Q. State in a general way what you did subsequently.—A. After making these seizures, and after Mr. Brown made his seizures, we met at the office of the collector, and reported to him what we had done. Mr. Wadsworth was collector at that time. I asked him to detail clerks and deputy-collectors to make up inventories of the property seized in all these places, not only the distilleries, but the rectifying-houses, so that we could report the seizures formally to the court and to the district attorney. We went and called on the district attorney (Mr. Ward) and reported to him what we had done, and asked him to prepare as soon as possible the necessary papers for getting the matters into court; which he did; he went promptly at the work.

Q. Did Mr. Wadsworth co-operate readily with you?—A. Yes; Mr. Wadsworth acted with a great deal of promptness—behaved very well, indeed, and put the men to work immediately to make up the inventories in all these places; and Mr. Ward did very well, too. He could not commence immediately because they had to have these inventories and submit those appraisements, &c., before he could do anything; but they both acted very promptly and efficiently, so far as I was able to judge. This distillery of Russell & Furlong was a very belligerent establishment. Those people made all kinds of threats about us carrying away their books. We carried away all the Government books that we could find there. Soon afterward they ran into the office and beat our watchmen, and opened the safe and took away our books. I had them both arrested for that maltreatment. They had threatened us when we were there, but they had not made trouble except in those demonstrations.

Q. What has become of Russell & Furlong?—A. The last I saw of Mr. Russell he was running the supervisor's office up there, and getting information.

Q. They have not been tried?—A. No; Russell plead guilty, with the understanding, I am told, that he was not to be sentenced. This was only one case, however, out of a great many. I staid there two or three weeks and got all the matters as complete as possible. Bonds were given for all the property. Of course I did not know anything about the bondmen, but depended upon the district attorney for that. Those people whom I thought likely to go away I had arrested and put under bonds for appearance at court.

Q. Did you take any steps to work up the evidence against these parties whose establishments you seized?—A. Yes; we worked up the evidence, for instance, in the Union Copper Distilling case, only getting back, however, to June 1, 1874; but we found that in those sixteen months and ten days (to the time of the seizure) that concern had used over 100,000 barrels of grain, for which they had not accounted in their books. We found that they had absolutely shipped 8,819 barrels of whisky in that time more than they had returned and paid tax on.

Q. Were they convicted?—A. No, sir; they were allowed to plead guilty, too, with the understanding that they were not to be punished. The facts in that case could have been proved beyond the possibility of doubt by the railroad books, and by the records in their office. They made the shipments right from the distillery. The railroad books show that they shipped this number of barrels; and assuming that that was all merely proof-spirits, the tax on it amounted to \$327,000. That made up a statement showing what was shipped every day, and what they paid tax on every day.

Q. Were they not compelled to pay that amount?—A. A portion of it was got out of them, but only a small portion of it. We had assessments made out for it. They had a great deal of property; the distillery they could not transfer, but they transferred their other property and sold it to different people, and got it out of their hands. A large amount of property was got out of their hands before we could get hold of it.

By Mr. COCHRANE:

Q. How much did the Government get out of them?—A. I think the Government got \$50,000 for the distillery. That was a thing they could not transfer. I think they got \$40,000 out of one of the members of the firm. (That was my impression.) I do not think they got any more. After working up this evidence as far as we could until some time in June, I returned home, and Mr. Brooks remained there to work on the evidence, and also one of my revenue agents remained there. In October the grand jury was ordered to hear these cases, and I went out there again, and then it was I made up the briefs of the various cases, giving the evidence and the names of the witnesses against these parties to submit to the district attorney. I also sent a copy of it to the Secretary of the Treasury at the time. I had a very great deal of trouble in getting very much of the evidence that we wanted and in getting many of the papers that were necessary—original documents. Mr. Yaryan,

who seemed to be running the revenue office here, had ordered the printed blanks, numbers 59 and 122; (gangers' reports and rectifiers' statements,) to Washington, and they were all packed up and sent down here. Knowing that these papers were important, I had taken them with others out of the collector's office. The safe which he had there was open to all his men, and I knew they would be very important in the trial of the cases; so, by permission of the district attorney, I put the papers in his (the district attorney's) safe, to which only the district attorney himself and his assistants had access. I took them away, not that I was afraid of the collector, Mr. Wadsworth, as I thought he was all right; but because everybody had access to the papers—that is to say, his men in the office had access to them, and even those very distillers and rectifiers seemed to have the run of the office very much. I took the precaution to take them away, but left them in the district attorney's office there when I came away. Subsequently an order was sent from the Department to have them all shipped down here, and they were sent, and we had a great deal of trouble to get the necessary papers back again.

Q. Did you get them back?—A. Not all of them. I got a large number of them back. After I came down here and made pleas to Secretary Bristow, he ordered that all the papers we needed should be sent out. We got most of them. At the time of the meeting of the grand jury at Chicago, I had been there eight or ten days getting up and preparing a statement to be submitted to the district attorney. Up to that time Brooks and myself and Washburn, but principally Brooks and myself, had kept the evidence to ourselves in a great measure, because we did not know when there were going to be trials. The grand jury sat in October, but we did not know when the trials were going to be, and we endeavored to keep this testimony as far as we could to ourselves up to that time. Of course there were persons that knew parts of it, but we tried as far as possible to prevent exactly what we did know getting out. At that time I made briefs of the evidence of which this is a copy. One copy I sent to the district attorney, and another copy to the Secretary.

Q. At what time?—A. In October, when the grand jury met there. I have now given you the substance of the Union Copper Distilling Company case, showing that they had removed 8,819 barrels in the time specified. The next case I find here is the rectifying house of Rolle, Junker & Co. As to the latter house we traced 3,300 duplications, that is, barrels that had been used at least twice. I have here the details of the different duplications, but that was the result—3,300 barrels.

Q. And obtained proof of it?—A. I have positive proof of it. I have their own records to show.

Q. Were they prosecuted?—A. I had bills found against them, but they came in on this first batch, as it was called.

By Mr. COCHRANE :

Q. How much did the Government realize out of them?—A. I do not think the Government got anything out of them.

Q. Are their suits now pending?—A. They gave bonds for their appearance, but I do not think there was anything ever done with them.

Q. Are there not civil suits now pending on those bonds?—A. I suppose there are.

Q. Then, when you say they come in under the first batch, you mean that they were relieved from criminal prosecution?—A. They were relieved from criminal prosecution as I understand, with a definite understanding then that if any application was made to the Department—

Q. [Interposing.] Do you know this fact yourself?—A. I simply know it from the attorneys.

Q. It was before Mr. Bangs came into the office that these arrangements were made?—A. Yes. The next case was that of Golsen & Eastman. This brief contains various details about it.

Q. Did you have sufficient proofs to convict them?—A. I have not a doubt of it. They removed from the 19th day of April, 1875, to the 10th day of May—eighteen working-days, 5,400 gallons that they had not entered on their Government books at all. That I can show by their own shipping-book. We have a great many details as to where they shipped them to, &c. There was no doubt in my mind as to their conviction, and I cannot see how they could escape. In fact, they admitted their guilt themselves. There was a large number of duplications traced there, and we proved beyond doubt—would have proved if we had been allowed to go into court—their guilt as to what has been termed "India-rubber" packages; that is, sending out a full barrel of sprite, and calling it five or ten gallons. That was the first occasion on which that thing was ever discovered, I believe. I discovered from their books that they were sending out large numbers of five and ten gallon packages, and I could not understand what it meant, as they were a large house. I sent for Brooks to Milwaukee, and he came down. I said to him, "That is a fraud, I know; here is a large house sending out quantities of five and ten gallon packages," said he, "I am satisfied it is a fraud, too." In looking over their shipping-book I found one instance where they had sold

twenty-five packages (according to their shipping-book) to Burnham & Sons, right in Chicago, on the Saturday before the seizure. Then hunting up their reports and the report of the gauger who gauged them, I found that the gauger had reported them at either five or ten gallon packages, I do not remember which now. We discovered this thing in the night-time, and I said, "To-morrow morning we can fasten it and see from Burnham & Sons whether they received these twenty-five 5-gallon or 10-gallon packages." Next morning Mr. Mitchell and Mr. Washburn went to the parties and asked them if they had bought some alcohol from Golsen & Eastman on the Saturday before—twenty-five 10-gallon packages. They said they had bought some alcohol—not twenty-five 10-gallon packages, but twenty-five barrels. They said they never bought 10-gallon packages in all their lives from Golsen & Eastman, and never anyway bought anything less than a barrel. The party, whether Washburn or Mitchell, asked to see them and they were shown about eighteen of them in the cellar, the others having been retailed out. He said to Burnham that Golsen & Eastman had reported to the Government having sold so many five or ten gallon packages, whichever it was. "Well," said Mr. Burnham, "I have paid for them as so many barrels, and that you can see by my entry and by the bill of Golsen & Eastman presented with the goods and paid."

Q. Were Golsen & Eastman allowed immunity?—A. They came in on that first batch with the understanding that they were not to be punished.

By Mr. COCHRANE:

Q. What was the name of their concern?—A. The Golsen & Eastman rectifying concern.

Q. Was this alcohol?—A. Yes. Their books, as far as we could go back in them, showed that they were stealing more than half a million of dollars a year.

Q. How much did the Government get out of them?—A. I do not know that they ever got anything.

Q. Do you know whether they did or not?—A. I don't know what has been the result. I only know the contract or agreement made with them was that they were not to go to the penitentiary. That I learned from a Government officer.

By Mr. PLAISTED:

Q. State in brief whether you obtained sufficient evidence against the whole or most of this first batch?—A. I did not have any doubt about it. As to Russell's distillery we could prove beyond any doubt the disposal of three hundred and forty-seven barrels more than they paid tax on. I have here (in the brief) for every day from March 19 up to May 8, the particulars of the frauds. They stole three hundred and forty-seven barrels; that is, they took that many barrels away more than they paid tax on in that time. Men were there and saw them do it. That was positive evidence. The same is true as to Mersereau and Parker R. Mason. The Lake Shore distillery stole one hundred and eighty-seven barrels in eight days in the same way. Men were there, under the direction of Mr. Brooks, who saw them do it. Besides, when we got there, we found them running without any store-keeper. George Crosby stole a large number also.

Q. What do you know about the granting of immunity to this first batch?—A. These indictments were obtained in October. Soon after they were obtained I left Chicago again, being informed that the court would meet perhaps in January for the trial of those cases. The trial had been fixed for January, and I was notified of it, and was making my preparations to go there about the middle of January. A few days before court was to meet, perhaps a week, the revenue-agent, Mitchell, who was with me in Philadelphia, but who had been in Chicago, and was an important witness in many of those cases, was notified by Mr. Yaryan to report to supervisor somebody down in Atlanta, Ga. I could not understand that very well, seeing that it was within a few days of the trial of the cases in Chicago. I received a letter, also from Brooks, in which he told me that he believed there was some compromise or "fix-up" being made in those cases, and he could not understand it. Before leaving Chicago for Washington I learned that Brooks had been ordered from Chicago to New Orleans, or somewhere in the South—James J. Brooks, the man who had worked up all this evidence against these people. I came to Washington, and went up to see Commissioner Pratt, and I said to him, "Revenue Agent Mitchell has been ordered to report South—to Georgia or somewhere." I think the supervisor's name to whom he was ordered to report was Chamberlain.

Q. Did you say anything about Brooks?—A. No, I did not at that time to him, because Brooks was not under him, he was under Wilson's directions. I said, "There is a term of court fixed in Chicago, commencing within a week or ten days. It is absolutely necessary that Mitchell should be in Chicago as a witness. We cannot try some of these cases without him. He was there when those seizures were made and worked up the evidence, and now he is ordered down to Atlanta." He said, "I do not know about it; send for Yaryan." Yaryan was sent for, and Mr. Pratt said, "Has

Revenue Agent Mitchell been ordered South?" Yaryan said, "Yes." Said Mr. Pratt, "Mr. Tutton tells me that he is an important witness in Chicago; that some of these cases can't be tried without him." "Well," said Yaryan, "there ain't going to be any trials in Chicago. That thing is fixed. These people are all going to plead guilty, and Mr. Mitchell will not be wanted there, nor will Mr. Tutton be wanted there." Said I, "I don't know anything about that. I learn that Mr. Brooks has been ordered to New Orleans by Mr. Wilson. Is that so?" "Yes." "Well," said Mr. Pratt, "if there is to be no trial, there is no use of having you and witnesses going out there under expense. If they are all going to plead guilty we might as well save that expense." I then went round to Mr. Bristow and said to him that from what I could learn I believed there was to be no trial at Chicago of our cases. Said he, "How do you know?" Said I, "Yaryan says so. At any rate under the present arrangements we can't have any trials, because the two most important witnesses, perhaps, are ordered away—Revenue Agent Mitchell is ordered to Atlanta by Mr. Pratt and Mr. Yaryan. Mr. Brooks is ordered by Mr. Wilson to New Orleans. We can't try any of those cases without Brooks, and a good many we can't try without Mitchell." Said Bristow, "I don't understand this business." He sent for Yaryan and said, "Have you ordered Mitchell down South?" "Yes." "Did not you know that he was an important witness in Chicago?" "Yes; but he won't be wanted there; these people are all going to plead guilty; that matter is all arranged." Said Mr. Bristow, "We don't know whether they are going to plead guilty or not; we do not want to be caught in a scrape there; countermand that order at once, and tell Mitchell to go to Chicago with Supervisor Tutton;" then he sent for Mr. Wilson and asked if he had ordered Brooks from Chicago to New Orleans. Said he, "Yes, I have." Said Mr. Bristow, "Don't you know that he will be needed there on the trial of these cases?" "O, well," Wilson says, "there ain't going to be any trials; they are all going to plead guilty." Said Mr. Bristow, "You don't know what they may do; they may make promises, and not fulfill them, and we won't trust to them; telegraph to Brooks immediately to remain at Chicago until Tutton goes there." Wilson said he would, and went out of the office. Then I said to Mr. Bristow, "From what I have heard before coming here, from letters of Brooks, and from what Yaryan said, and Wilson has done—the sending of these important witnesses away, &c., I am satisfied that there has some kind of arrangement been made there—some kind of offer of compromise, or something of that sort." Said he, "We have made no offers at compromise; I have made none, and do not intend to;" and he added, "Supervisor Matthews was down here with that man Russell, one of the distillers"—the one that beat our men out there—"he was down here some time ago, and wanted to talk about compromise, but I would not see him at all; I was not going to let him go away and lie about what I said, so I did not see him. I did talk to Matthews, and told him that we didn't have any compromise to make." "Then," said I, "the understanding is that no terms are offered to these people; we are going out there to prosecute them, and mean business. If that is what you mean, I am ready to go, but if there is to be any bartering, or bargaining, or selling done, I don't want to go there at all." He says, "I have authorized no bargains, but if these people plead guilty, and save us the trouble of trying the cases—if they give important information that will lead to the seizure of other places, or the conviction of other people, the court will take that into consideration in passing sentence upon them." That is the substance of what he said to me. I then went to Chicago and met Mr. Brooks there, and he told me that he was satisfied that there was some bargain made with these people—that they didn't expect to go to the penitentiary, any of them, notwithstanding our evidence. Washburn said so also. I then sent for Matthews and asked him whether there was to be any bargaining or compromise. He wouldn't say, but he said there was no bargain, but that there was a sort of understanding that those people were going to plead guilty; that there was no compromise. Then I asked him if he would not go with me to see Wirt Dexter and Mr. Ayer, of counsel retained by the Government to assist the district attorney. He did so. That was the evening of the day on which I got there. Mr. Washburn went along. We found Wirt Dexter and Mr. Ayer in the room together. Very soon Matthews took Dexter out, before we got into conversation at all, and went outside the room. Then I spoke to Mr. Ayer about it, and asked if there was any bargaining with these people, and told him that I had heard so much—that the air was so full of rumors about bargains and compromise that I was induced to ask. He says, "Yes; we have come to an understanding with all these people you seized, and these gaugers and store-keepers. They are to plead guilty on one count. We have entered into an arrangement with Leonard Swett and somebody else, I forget who they are, to plead guilty on one count. They are to select the count themselves. But it is with the understanding that there is to be no motion for sentence; that is in lieu of information they are to give in regard to other people." I began to protest against it. About that time Dexter came in. He rather put it on the ground that the court was to give them whatever immunity they were to have. I saw that he did not exactly agree with what Mr. Ayer had said, and that there was some disagreement on the subject between

them. I left them. The next day I went up to the district attorney's office, and Mr. Bangs was there. It was the first time I ever saw him. He had not yet got into the cases at all; he had just come there but a few days before. I asked him if they were going to try those cases; he said he did not know. "The attorneys have not yet," said he, "stated to me anything about them, but I am sure from what I gather from the attorneys for the distillers, from Swett, and from the actions of these indicted people, that there is some bargain." "I am afraid," said he, "that there is some bargain with them by which they are not to be punished." He says, "They are not afraid of us." I said to him, "You are the district attorney now, and it is about time you should know. The court is in session, and if you are not going to try them you must know what to do." Said I, "Will you go with me down to see Dexter and Ayer now?" Said he, "Yes: I will." We went down to see Dexter. Ayer was not in; Dexter was there. Bangs said, "I have come down to see you, Dexter, with regard to these whisky cases. Supervisor Tutton is interested in them; he made the seizures and prepared the indictments," and he said, "There is a rumor about some kind of a bargain, and I want to know what it means." Dexter told him what it was. He says, "There is an understanding with those people;" and he wrote out the names on an envelope of all those distillers that I have named here—every one that I have named except Crosby. Said he, "We have come to an understanding with those people that they are to plead guilty on one count, and are not to be sentenced, and they are to give us all the information they can about others; we have much more important men that we expect to get information about. They are to come into court tomorrow morning at 10 o'clock to plead guilty with that understanding." I began to argue the matter with him, and told him that I thought it was a bad arrangement: that these men were certainly very guilty, and had been stealing very large amounts and making fraudulent returns every month; and that the gangers and store-keepers there were with them; and that they had been committing perjury right along; and that I did not think there were any more guilty men in Chicago or anywhere else in that line of business. I added that there was no doubt about the evidence against them. "O, no," he says; "they have all admitted their guilt, but we think we can get at more guilty people, and we propose to let up on them." He added that this was done with the full knowledge and approval of the Government. Said I, "Mr. Dexter, whom do you mean by the Government in that connection?" Said he, "I mean the Secretary of the Treasury." "Well, then," said I, "there is some mistake about this; I saw the Secretary of the Treasury a few days ago, and he told me positively that he had authorized no bargain or contract or compromise with those people, and that he would not do it; that they must take their chances in court if they plead guilty and gave important information; and that he had no doubt the court, in passing sentence, would make allowance for the aid they had rendered, if any." Said he, "That is a matter I have nothing to do with; that is the prerogative of the court." Said I, "That is Mr. Bristow's view of it." He said, "Then I ought not to have said Bristow, for I have never seen or had a line from him, but it is done with the authority and approval of his Solicitor, Mr. Wilson, who is the law-officer of the Treasury Department, and it is with his approval that we have made this arrangement, and if there is any trouble about it it is not with us; it is between Mr. Wilson and his superior officer. If he has exceeded the wishes of his superior officer, it is a matter for him and not for us." Said he, "Mr. Wilson came out here a short time ago and had a conversation with us."

MR. COCHRANE. Be kind enough not to repeat any more of these conversations.

MR. PLAISTED. I claim the right to have the witness state what conversation he had with the Government officers at Chicago.

MR. COCHRANE stated that the question would have to be passed upon by the full committee.

Without waiving any rights in the matter, Mr. Plaisted continued.

Q. You may go on and state consecutively and briefly what took place between you and the district attorney or Mr. Dexter at this interview.—A. I left Mr. Dexter and the district attorney with the understanding that I should meet them the next morning at the district attorney's office at 9 o'clock. After thinking this matter over, (this was late in the evening,) I telegraphed the Secretary of the Treasury—

Q. Have you got that telegram?—A. Yes, sir; I have a copy of it.

MR. PLAISTED. Please produce it.

THE WITNESS. [Producing the telegram.] I telegraphed him because I was satisfied the arrangement that had been entered into would not meet his views.

"JANUARY 13, 1870.

"To Hon. B. H. BRISTOW,

"Secretary of Treasury, Washington, D. C.:

"By agreement of counsel, Golsen, Eastman, Mason, Miller, and Fredricks, of Lake Shore, Roelle, Junker, Russell, Furlong, and perhaps others, are to plead guilty tomorrow morning, with the understanding that they are never to be sentenced, in con-

sideration of information given, or to be given by them, against Rehm, Hesing, and the houses recently seized. I have only got down to this bargain this evening, and have protested against this immunity being granted, but to no purpose. If you do not approve of this arrangement or bargain, telegraph the district attorney at once.

"ALEX. P. TUTTON."

That was on the evening of the 13th of June. At the same time Mr. Washburn telegraphed in substance the same thing to Mr. Wilson. The next morning about 9 o'clock I went to the district attorney's office, and found there Mr. Bangs, Mr. Wirt Dexter, Mr. Benjamin Ayer, and I think Mr. Boutelle, who was also employed by the Government. I found there, also, Collector Webster and Supervisor Matthews. Mr. Washburn went with me. I told them that I was so well satisfied that the arrangement they had made with these people would not be satisfactory to the Secretary of the Treasury, that I had telegraphed the substance of their bargain. Mr. Dexter again stated that they had made this bargain with the proper authority, and he also said that it seemed such an important matter that he was not altogether satisfied with what had taken place between himself and Mr. Wilson, and that they had sent Mr. Russell, who represented the distillers, and Mr. Matthews, the supervisor, to Washington, and that they came back and reported that they had seen the Secretary, and Mr. Pratt, and Mr. Wilson, and reported that it was all right, and that they should make the best bargain they could. Mr. Matthews was sitting there at the time. I said to Mr. Matthews, "You say you saw the Secretary, and Mr. Wilson, and Mr. Pratt; now I do not care anything about what Mr. Pratt or Mr. Wilson said, because I have not talked with them about it myself, but I do care to know what Secretary Bristow said to you about it, because I did talk to him within a few days about it myself." Said he, "He did not say much about it, but he said if these people plead guilty and gave important information in regard to other people, he had no doubt that the court in passing sentence upon them would make due allowance for that." Said I, "In substance that is what he said to me; that would be satisfactory, but this that you propose to do here is a very different thing." He said he could not see the difference. I said, "I see the difference very plainly." Said I, "You propose to allow these people to plead guilty with the full understanding that there is never to be any motion for sentence, which means absolute immunity. The court will not sentence them without somebody moving for it." I appealed to Mr. Bangs; said I, "Am I not correct in that? If neither the district attorney nor anybody else moves for the conviction, the court will not do it of its own motion." He said, "No;" and he said, "This means absolute immunity." Said I, "That is a very different thing from what even Mr. Matthews says the Secretary told him. The Secretary's idea was that the discretion would be entirely with the court as to what immunity they would allow for information given by these people, but here you stop short of the court, and do not allow the court to have anything to say about it whatever. These people are to plead guilty on one count, and with no motion for sentence. In one case you make the Secretary of the Treasury and the Administration responsible for this iniquity, and in the other case it will be in the hands of the court, and nobody will say anything about it." I tried to argue the matter with them, but Dexter said very promptly, "It is too late to do anything different now; we have entered into this agreement with the counsel of these people; our professional faith and etiquette are bound up in it; we must either stick to it or retire at once from the cases; and," said he, "we could not even do that; we have gone too far to do it." During that morning, or perhaps about noon, I received this dispatch from the Secretary, in answer to mine:

"WASHINGTON, D. C., January 14, 1876.

"As we have not directed any arrangement with indicted parties, so we decline to interfere with any that has been entered into by the district attorney with approval of his associates and the local revenue officers. Having confidence in their judgment and fidelity, we leave the prosecutions in their hands, not doubting that they will do what will best subserve the interest of the Government.

"B. H. BRISTOW.

"A. P. TUTTON,

"*Supervisor Internal Revenue, Chicago, Ill.*"

On the 15th of January I sent a report to the Secretary of the Treasury, as follows:

"CHICAGO, January 15, 1876.

"MY DEAR SIR: In accordance with your instructions, I came here both as a witness and to superintend, in a measure, the trial of the parties implicated in the whisky cases arising last May, in which I had taken an active part, both in making the seizures in the first instance, and preparing and submitting the evidence to the grand jury, in session here last October, which resulted in true bills being found against over thirty persons—whisky men, gagers, and storekeepers. On arriving here on the 12th instant, I met J. J. Brooks, assistant chief, who, as you remember, first obtained the evidence on which the seizures referred to were made, and who has, in fact, substan-

tially worked up and prepared the evidence in all these cases, and on which it was admitted by the district attorney and special counsel that we should go to trial with almost certainty of winning all the important cases, and convicting the parties indicted. Yet Mr. Brooks said to me, on my arrival, he was fearful some agreement or arrangement had been entered into between the local officers and Government counsel here, and the indicted parties or their counsel, by which most, if not all, these guilty parties should have substantial immunity from punishment on the criminal charge, in consideration of information already given, or to be given, with reference to other parties. I immediately had an interview with Supervisor Matthews, in the presence of Chief Washburn, and endeavored to ascertain from him exactly what the agreement, if any, was. He was reticent or evasive, but finally satisfied me that there was some understanding, and rather led me to the conclusion that all these parties were to plead guilty and depend on the mercy of the court, which to me was satisfactory as I knew it would be to you, because you had said to me you would make no compromise with these people, but that whatever leniency, if any, was due them for information given would, you had no doubt, be fully considered by the court in passing sentence. But still feeling uneasy about it from Mr. Matthews's manner, I invited him and Chief Washburn to go with me to see the special counsel on the subject, when Mr. Ayer said distinctly that the understanding was that all those who gave important information as to other parties should have substantial immunity; that is, they were to plead guilty to one count in the indictment, but that they were never to be sentenced; that the persons included in this agreement were certainly Roelle, Junker, Russell, Furlong, Miller, and Fredericks, of the Lake Shore; Golsen, Eastman, Parker R. Mason, B. M. Ford, of Ford, Oliver & Co., and, perhaps, Leach and Messereau, thus covering all the persons whose places were seized in May last; and, in addition to those, most of the storekeepers and gaugers whom we had indicted last October would have to be included on account of the information imparted by them. This proposition of wholesale acquittal startled me, and I objected strongly. The next day I saw District Attorney Bangs and Special Counsel Bontelle, neither of whom seemed to understand what the arrangement was, but Mr. Bangs stated he feared that the indicted parties and their counsel understood it to go to the extent named by Mr. Ayer. I then requested District Attorney Bangs to go with me to see Wirt Dexter, who, he said, certainly knew exactly what the agreement was.

"We saw Mr. Dexter about 5 o'clock in the evening, when he confirmed what Ayer had stated, that these parties were to have absolute immunity from criminal punishment, but the property seized was to be forfeited, and that the parties were to go into court next morning and plead guilty, with the full understanding between counsel that sentence was not to be moved if they carried out faithfully their part of the agreement, namely, to tell all they knew which would have a tendency to convict certain other parties of complicity in the whisky ring, especially Jacob Rehm, A. C. Hesing, and H. B. Miller, all prominent local politicians, and, until quite lately, municipal officers. I objected earnestly to letting ten or a dozen whisky-men, who had been robbing the Government of hundreds of thousands of dollars, and who had been making fraudulent returns and perjury themselves month after month for years, and as many Government officers, who had taken an oath to protect the interests of the Government, and who were paid therefor, go unpunished for the sake of endeavoring to punish a few local politicians, who were not under any special obligations to the General Government. Mr. Dexter said that this agreement had been entered into with the full knowledge and approval of the Government. I asked him who he meant by the Government in this connection. He replied, 'The Secretary of the Treasury.' I said to him I was sure there must be some mistake about it, as from a recent conversation with you I was satisfied you had never agreed to such a proposition, and I felt certain you would not approve of it. He then said that the understanding had been had with Blinford Wilson the Solicitor of the Treasury and your representative. He said Mr. Wilson had been here at a meeting of counsel and certain local revenue-officers when the proposition of the distillers was considered; which proposition was, in substance, that the parties under indictment, Russell, Junker, &c., would give information which would lead to the seizure of certain other distilleries and the probable conviction of Rehm, Hesing, and Buffalo Miller, providing they could have complete immunity, not only from criminal prosecution, but also from forfeiture of property seized last May. Mr. Dexter said that Mr. Wilson and Mr. Matthews agreed to and recommended the acceptance of this proposition, provided no better terms could be obtained; that on leaving, Mr. Wilson told them to make the best bargain they could—but make it. But at a further consultation of counsel, and fearing this proposition might not be satisfactory to the Government, it was considered advisable to send Supervisor Matthews with Russell (representing the indicted parties) to Washington to submit their proposition to you for your approval or rejection. That on their return, Matthews said he had talked to you, to Wilson, and the Commissioner of Internal Revenue, and that the understanding was that Russell's proposition should be accepted if no better terms could be made, and that subsequently, at a consultation between counsel and local

officers, it was determined to offer to these persons furnishing important information substantial immunity from criminal charges, but that the property seized should be forfeited. This was finally agreed to between the counsel for the Government and the counsel for the defendants, and that it must be carried out in good faith, otherwise he must withdraw from the cases at once. We then parted with the understanding that all the counsel would meet in the morning at the district attorney's office. I then consulted over the matter with Chief Washburn and his assistant, Brooks, both of whom like myself, felt that this was an outrageous bargain and sale, which ought not to be consummated; Mr. Washburn feeling certain that there must be some mistake about Mr. Wilson having approved any such arrangement, and I knew that you had not, because you had said to me that you had offered no terms of compromise to these people and that you would not, but that whatever information of value they had to give would be duly weighed by the court, and you had no doubt would have a tendency to mitigate their punishment. Mr. Washburn, therefore, telegraphed Mr. Wilson, and I telegraphed you, feeling it was my duty to inform you of what agreement had been made at once, as some of the parties were to plead guilty the next morning under said arrangement. On the next day (Friday) Mr. Washburn and myself met the district attorney, the three associate counsel, Supervisor Matthews, and Collector Webster, and stated to them that we had telegraphed as above, and I said I did not believe this action would meet with your approval; and Mr. Washburn stated very forcibly that he thought there must be some mistake about Mr. Wilson's views, as he had said to him, when leaving for Chicago, that no terms were to be given to those people other than what the court saw proper to do.

"However, all the parties present alleged that Mr. Wilson had agreed that even the distillers' own proposition above referred to should be accepted if no better terms could be obtained, and Supervisor Matthews was requested to state distinctly what he learned at Washington; when he stated substantially that he had a talk with you, Wilson, and the Commissioner, and his instructions were to make the best terms they could with the indicted parties, but to make terms and get the information. I then asked Mr. Matthews to state distinctly what you said; that either he or I must be mistaken; to which he answered that you said the matter must be left with the court as to what value this information was or what immunity the parties should have, which he said was the same thing they proposed to do. I replied that that was substantially as I understood the Secretary, but was a very different thing from the agreement that had been entered into, and which it was proposed to carry out. That your proposition as stated by me, and as then admitted by Matthews, was to leave the responsibility of mitigating the penalty of these people on account of information furnished by them to the court, where it properly belonged, and for which you could not be held responsible, but that this agreement, if carried out, gave absolute immunity to these people without the intervention of the court, because, although they were to plead guilty, the court would not sentence them except on motion of the district attorney or some one representing him, and in these cases it had been agreed it should not be done, and appealed to the district attorney to know if my position was not correct, and he replied it was. I said that then, by this agreement, you make the Secretary of the Treasury, and not the court, responsible for letting these thieves against whom we have evidence sufficient to convict, and in all probability would convict, go unpunished, and a lot of store-keepers and gaugers, who have been guilty of gross neglect of duty and malfeasance in office, escape merited punishment, all for the sake of endeavoring to convict a few local politicians, and a few other distillers who certainly are not more guilty than those you propose to let go unwhipped, and that, as a matter of official duty, I must enter an emphatic protest against any such procedure.

"Inasmuch, however, as some of these indicted parties had already been before the grand jury, and admitted their own guilt as well as testified against others, with the full understanding that this arrangement was to be carried out, and were at that moment waiting in court with their counsel ready to plead guilty on the one count, that of conspiracy to defraud the Government, in pursuance of the agreement, it of course was too late to recede, and the counsel felt that they were fully justified, under the instructions of Mr. Wilson, to make and carry out such agreement. I have thought it proper to write you thus fully of what has taken place in regard to this matter, as I am satisfied my course has not been acceptable to some of the local officers, who will probably complain to you of it, and I desire that you be fully informed as to the position I have taken and the reasons therefor. I opposed making any kind of contract, compromise, or promise to these guilty people, because I believe it to be bad policy, injurious to the revenue service, detrimental to the Government interests, and generally demoralizing in its effects; because under this arrangement it is proposed to grant immunity only to the more guilty distillers and officers—those whose fraudulent transactions have extended the farthest—and to the greatest number of persons; whereas those whose sins are of omission simply, or the result of too great confidence in the veracity of others, are to be punished, as it is not proposed to let up on those who have no guilty knowledge of the fraudulent transactions of other people, and in future both distillers and officers disposed to steal will see an inducement to extend their thieving operations and form

combinations by debauching as many officers and other people as possible, so that in time of trouble they may have some one to inform on with the hope of saving themselves.

"I have no doubt that the district attorney, the special counsel, and the local officers here have acted on their best judgment and with the utmost good faith, but I am afraid it is a mistake of an almost irreparable character. Mr. Brooks, who has had large experience in revenue matters, and who understands the character of the evidence against the parties referred to, and the situation here, fully concurs in the views herein expressed.

"Very respectfully,

"ALEX P. TUTTON,  
"Supervisor.

"Hon. B. H. BRISTOW."

I came down here and saw the Secretary himself; he said he had received my letter, and there appeared to be a difference of opinion of about what was best to do there, but he hoped that it would all come out right and for the best. He sent for Solicitor Wilson and showed him my letter and asked him whether he had agreed to any such contract or bargain, and he said substantially that he had not; he admitted that he had had some talk with them about some such bargain, or some compromise or offer, but in substance denied that he had authorized any such arrangement. He said to the Secretary it was simply a question of veracity between Dexter and Ayer, and Matthews and Webster, all four of whom appeared to be at that meeting, and who sustained what Dexter had said.

Q. Did you see the President after this in relation to this subject?—A. Yes; and stated to the President substantially what had taken place there, and that all these people whose places I had seized, together with a large number of gangers and store-keepers, as well as distillers, were in this agreement. I said to the President that it might be good policy, though I doubted it very much, and at any rate if that policy was to be carried out, of letting thieves who had stolen hundreds of thousands of dollars, which we could prove against them, to go free and be relieved from punishment, no man in the revenue-service was safe; that these men who had been committing perjury right along, both distillers and gangers, month after month, would swear anybody into the penitentiary in order to escape it themselves. I did not want to have anything to do with matters of that kind. I understood that some kind of arrangement or proposition was being made at Milwaukee of a similar character, and I believed also at Saint Louis, because I had seen at Chicago a member of the firm of Bevis & Fraser, who had encouraged the distillers there by telling them that they had got through all right in Saint Louis.

Q. You made those statements to the President?—A. Yes; I think that was all stated in my interview with the President.

Q. At what date was this interview with the President had?—A. I see my report to the Secretary was written on the 15th, and I left Chicago on the 16th or 17th perhaps, and came directly here, and was here a day or two. It must have been, say, toward the 20th of January somewhere.

Q. Had the circular-letter of the Attorney-General then been issued?—A. I do not know, sir; I had not heard of it.

Q. Did you hear of it soon after this interview with the President?—A. No; I did not hear of it for some time after that.

Q. Do you know that that letter was issued on the 26th of January, 1876?—A. No, sir; I do not. It must have been about the 21st or 22d that I was with the President, but I do not know anything about the date of that letter.

Q. I ask you whether or not the statements that you made were the cause of the President issuing that letter, if you know?—A. I do not know.

Q. What did the President say in reference to the matter?—A. The President said that he thought something ought to be done to stop that wholesale bargain and sale business, and I said to him that Mr. Wilson denied this thing. Said I, "Mr. Wilson substantially denies having made such an agreement." I remember stating distinctly to him what had occurred between Dexter and myself, and what the others said, and at the same time I said that Mr. Wilson substantially denied having authorized any such bargain.

Q. Was there anything further said by the President?—A. I don't recollect anything.

ALEXANDER P. TUTTON recalled.

WASHINGTON, D. C., August 3, 1876.

By Mr. PLAISTED :

Q. At the close of your examination yesterday you were speaking of your interview with the President, about the 22d or 23d of January, with reference to this wholesale

mmunity to the whisky thieves. Do you remember anything else that the President said in that interview on the subject?—A. I do not remember his saying anything special. I did the talking myself principally.

Q. Do you remember any other representations you made to him?—A. My statement was made last evening in such a hurry that I scarcely know how much of my conversation I did relate, but I do remember stating what had taken place at Chicago, and that there were some twelve or fourteen distillers and rectifiers who had been stealing very large amounts—millions of dollars, in my estimation—and as many or more Government officers, store-keepers, and gaugers, who had been assisting them and conniving at it, and against whom we had, as I considered, positive evidence; that these people knowing their guilt, and admitting it in many instances, and knowing that we had the evidence, and being confronted with the penitentiary, and having been accustomed to commit perjury day after day and month after month in these fraudulent transactions, in my opinion many of them would swear against any person almost in order to escape the punishment that they saw before them, and I did not think that any public man was safe if such a system was to be carried out.

Q. That is the reason that you asked to be relieved if they were going to make the order permanent?—A. I said I did not think any public man was safe, and, for my part, if that policy was to be adopted and carried out, I did not want to remain in the revenue service; that no man was safe under such a system; that these men, with the penitentiary staring them in the face, might swear against anybody that it might seem to be to their interest to do; and that I believed that we had in Chicago under indictments, and the evidence against some of the very worst men in the whisky business in that city or anywhere else.

Q. Did you not have nearly all the men who had been defrauding the Government and making the most money out of these frauds?—A. I think we did, and I think we had the originators of the ring there. I think Parker R. Mason, Golsen, and Roelle, and Junker and Furlong, and George Miller, so far as I was able to get at the evidence, were the originators of this conspiracy.

Q. What about Rehm?—A. I had not any doubt myself of Rehm's guilt, although I did not succeed in having him indicted. He had sworn positively to having destroyed certain books belonging to the malt company of which he was president. He destroyed those books by burning, simply because, as he said, he did not have room to keep them, although the company had only just started a short time before that. When I sent a subpoena for the books, he came forward and swore that those books had been burned, as he had not room to preserve them. My man, however, who was down to serve the subpoena, said that they had a vault 12 feet square, and could keep any amount of books there.

Q. What part did he play in that whisky ring?—A. In my investigations I did not get any further than that. I submitted the evidence I had to the grand jury.

Q. The arrangement with him was made after you left?—A. Yes.

Q. Do you know what amount of money he received from the whisky ring?—A. I only know from published statements of testimony in newspapers, and my recollection is not very clear about that. I know it is a very large amount it was represented that he received. He was a principal manager, as it was said, of the whisky ring, and I was informed that the arrangement with him was that he was to tell what he knew, and was to have six months in the county jail, not in the penitentiary, and pay a fine of \$10,000. I do not know what has been done, but that I understood was the arrangement.

Q. That arrangement was made after you left?—A. Yes.

Q. Did you, in your investigation, discover any evidence implicating Senator Logan or Congressman Farwell?—A. Not any at all. The only thing that looks like an imputation on Mr. Farwell (there was nothing that looked like an imputation on Mr. Logan at all) was a number of checks that we found on opening the safe of Golsen & Eastman. Those checks had gone through the bank and had been returned to them. They were checks drawn to the order of currency and indorsed by Mersereau. Golsen & Eastman were the indicted parties. In their safes we found quite a number of checks drawn to the order of currency, and indorsed by R. C. Mersereau, one of the distillers that we had seized, and indorsed also by John V. Farwell & Co. There were quite a number—twenty-five or thirty of them.

Q. Did you trace those checks further?—A. Yes; I had those checks. Bluford Wilson was on there at the time, and I showed them to him. I could not understand why John V. Farwell & Co. should have anything to do with the checks. Said Wilson, "That is evidence enough to indict Farwell. You take this before the grand jury." I said, "I do not know Congressman Farwell at all, but I do know John V. Farwell very well, by reputation, as a gentleman and a Christian, and before assuming that those checks are evidence against that concern, I propose to see Mr. Farwell, and see what explanation he has to make." That is what I said to Mr. Wilson. I did go and see John V. Farwell, and he referred me to his brother, who appears to be the managing man of the house there.

Q. The congressman?—A. No; not the congressman. I did not see the congressman at all. It was another brother. "Why," said he, "Mr. Mersereau keeps a bank-account with us, and has done so for years. He came here comparatively a stranger, but he knew my brother, and deposited some money with us, and subsequently went into business here, and has continued to keep his bank-account with us. He makes deposits with us, we take the checks that he brings here, and we deposit them with our bank-account, and he draws on us. That is all there is of it." I told him the only thing that I was curious about was that here was a check drawn by one of these liquor-firms that we had seized, and that this check was indorsed by another liquor-firm that we had seized, and then by Farwell & Co., and I wanted an explanation of it. It was drawn by Golsen & Eastman, to the order of currency, and then indorsed by Mersereau, with whom we knew that Golsen & Eastman were having "crooked" transactions, and then indorsed by John V. Farwell—stamp. The explanation they gave of it was as I have related. I showed those checks to the grand jury, as I did not want it to appear that I left anything undone. I submitted the matter to them, and told them that I had seen John V. Farwell and his brother, (not the member of Congress,) and that such was their explanation of the case. The grand jury, I said, might make any further investigations that they pleased. One or two of the jurors—one in particular—said, "I know that this is the case, that Mersereau has been keeping a bank-account with Farwell."

Q. Was Mersereau granted immunity?—A. Mersereau was an intimate friend of Congressman Farwell, and Mr. Wirt Dexter showed me Mersereau's testimony as taken by him—the evidence he had given in which he admitted his own guilt in connection with Golsen & Eastman, and admitted that 150 barrels of high wines that were found, on which Matthi's house was seized, were fraudulent. Dexter said that that is all we could get out of him. "But," said he, "I know he knows better, and I'll be damned if I let him in with those squealers unless he tells what he knows about Charles Farwell. He knows all about his connection with those things. He was, in a measure, running his campaign here, and can tell all about Farwell's connection with this ring, and we are not going to let him in until he tells what he knows about Farwell; but he persists in saying that he does not know anything." All that they had gotten out of him was that he had given a thousand dollars to Farwell's campaign.

By Mr. COCHRANE :

Q. Do you know this?—A. I say that all the testimony they had got out of him was at that time read to me, and that all that it amounted to was that he had given a thousand dollars to Farwell's campaign, and it was then that he told me he wouldn't let him in with those squealers unless he told what he knew about Farwell's connection with the ring.

Q. To whom had this thousand dollars been given?—A. My recollection is, to the chairman of the State or county election.

Q. For what purpose?—A. Electioneering purposes.

Q. In whose election?—A. In Farwell's election, or in the election at which he was a candidate. I do not know whether there was a State election on hand at the time or not. That is the way Wirt Dexter read it to me, and he said he was not going to let him in on the same terms as these other squealers unless he told about this. I think perhaps I made a mistake yesterday in naming the houses that I had seized. Perhaps the inference may have been drawn that Mersereau was admitted to immunity on the same terms as the others, but he was not at that time.

Q. Did you have any conversations with Solicitor Wilson with regard to the indictment of Farwell, Logan, Ward, and Wadsworth?—A. Wilson came to Chicago in October, about the time of the meeting of the grand jury, and I had several conversations with him at the Palmer House and several in Ward's office. He stated to me that he had no doubt at all about Ward's complicity with this thing, although he was then district attorney, not having yet been turned out. Mr. Wilson told me that he was satisfied of Ward's complicity and of Wadsworth's connection with it, (Wadsworth had been collector.) He said he was also satisfied of Munn's connection with it, and of Mr. Farwell's, the member of Congress; and, said he, "I want you to collect all the evidence you can, and have all these people indicted, if possible." Said he, "After they are indicted, there will be plenty of people to give you evidence against them. The main thing is to get them indicted."

Q. Were any political considerations mentioned or urged?—A. The interview that I related yesterday at the district attorney's office, there were present Wirt Dexter and Benjamin Ayer, Boutelle, and the present district attorney, and Mr. Matthews, and the collector, (Webster,) and the chief of the secret service, (Washburn.) The interview lasted from 9 to 12 o'clock, as I was trying to hold them there until I could get an answer from the Secretary of the Treasury. It was stated by some of them—I will not say positively whether by Mr. Matthews, although my impression is that it was by him—that it was necessary to make this arrangement. "Here," they said, "are political men," mentioning Rehm and Hesing, "who were the backers of Farwell and

Logan." The whole concern, they said, was rotten from the beginning to the end, and it was necessary to break down that arrangement; in answer to which I said I did not look at this from a political stand-point at all. I did not know anything about the politics of Chicago, nor the political fights there, and I said that when anybody got away 500 miles from Chicago nobody cared about Rehm or Hiesing or any political troubles, but that what the people wanted to know is whether these people are guilty, and if guilty, whether they are to be punished, and this without regard to the political bearings of the case. My impression is that it was Matthews that made that statement. I won't say positively that it was him, but that statement was made there.

Q. This arrangement as to granting immunity comprised how many people?—A. There were thirty-odd indictments found at the October term of the grand jury; about fourteen or fifteen gaugers and store-keepers and the balance rectifiers and distillers; and this arrangement or understanding or contract referred to affected about twelve distillers and rectifiers and a similar number of gaugers and store-keepers. I think the result showed that that is about what has happened. I think, so far as I can ascertain from Mr. Bangs, there has been no more than one of them punished.

Q. Who was he?—A. A man named Cullerton. I know I had him dismissed, but whether I had him indicted or not I do not know. If so, he is one who has been punished. Mersereau's case is still on hand; it has not been finished. They would not let him in because he would not testify against Farwell; at least that is what Dexter told me positively—that he was sure Mersereau knew something about Farwell, and he wouldn't let him in unless he told it.

Q. What was the condition of the revenue service for efficiency at that time?—A. I have been connected with the revenue service since 1862, with the exception of two years. I was assessor from 1862 to 1866, and from 1868 up to within a few months I was supervisor of internal revenue, and I have never seen it in such a demoralized condition as it has been in the last year under Mr. Pratt and Mr. Yaryan's management. I should rather say under Mr. Yaryan, because Mr. Pratt did not amount to anything. He did all that Yaryan wanted him to do. I do not mean to say that Mr. Pratt is not a thoroughly honest man, but he did not appear to think for himself, and allowed Yaryan to do the thinking for him. I have never seen so much demoralization and so many illegal and impracticable orders issued from that Department under any Commissioner that we have ever had.

Q. What have you to say with respect to Mr. Yaryan's administration?—A. Mr. Yaryan is an impetuous, impracticable sort of man, who believed that he knew everything about the revenue service, and that he knew all about the law and the regulations and all the details, whereas, in point of fact, he knew but little when he commenced. Of course, he was learning as he went along. In addition to that, I have never been able to account for the impediments which he threw in our way in the prosecution of the Chicago matters on any other ground than that he was working in the interests of the whisky ring. Mr. Brooks came to the same conclusion, and put it in writing. I cannot account for those impediments in any other way. (I know we both entertained that view.) At least, I am satisfied that if he had been hired by them while he was in the Department, and paid by them, he could not have done much more to impede the prosecutions than he did as far as Chicago was concerned. I do not know about other places.

Q. When were you subpoenaed, or were you subpoenaed at all, to come here?—A. I was subpoenaed probably on Monday evening last, by telegraph, and I came here on Tuesday evening. The subpoena reached me late on Monday night, and I could not get here to be of any service or to appear before the committee the day before yesterday. As I was busy, I put it off and came down here so as to get here night before last.

By Mr. COCHRANE:

Q. During the time covered by your testimony, what was your position in Government employ?—A. Supervisor of internal revenue.

Q. Where do you now reside?—A. I reside at Darlington, thirty miles west of Philadelphia, on the Pennsylvania Railroad.

Q. What is your position under the Government now?—A. Collector of the port of Philadelphia.

Q. When were you appointed to that position?—A. I do not remember the date of appointment exactly, but I entered on the office on the 5th of June of this year.

Q. Whom did you succeed there?—A. I succeeded Seth I. Comly.

Q. That position of collector of the port is an important position, is it not?—A. Yes.

Q. Quite a lucrative one?—A. Yes.

Q. What is it worth a year?—A. \$8,000. I do not know what it may be under the new appropriation bill, but that is what it has been.

Q. You were appointed by the President to that position?—A. Yes; on the recommendation of Secretary Bristow, and at his instance in the first place.

Q. You say you were appointed at his instance?—A. He was one of the parties who recommended my appointment, perhaps the principal one.

Q. In June last?—A. I do not know. It was earlier than that when the recommendation was made.

Q. When did he recommend it?—A. I cannot tell the date.

Q. Give us an idea of it.—A. I think he recommended it in March.

Q. Of this year?—A. Of this year; on March 1st; perhaps subsequently. At least he told me he recommended it, and the President told me so.

Q. Mr. Bristow told you himself that he had recommended it?—A. Yes; that he had spoken to the President. Mr. Comly's term expired early in March, and he told me he spoke to the President recommending my appointment to that position, and subsequently asked that I be not appointed, as he wanted me to go to New Orleans; that he had some important business there, and wanted the appointment postponed until my return, which was done, and so I was appointed about the 1st of June. I was recommended, however, by other people. Senator Cameron, our member of Congress, our governor, (Hartshoff,) Mayor Stokely, of Philadelphia, and Col. Thomas A. Scott: I think all our republican members of Congress, with, perhaps, one exception.

Q. What was your position as supervisor worth?—A. Three thousand dollars a year.

Q. You are a republican, I believe?—A. I vote the republican ticket.

Q. You have been quite prominently identified with politics in Philadelphia?—A. I cannot say that. I have never lived in Philadelphia, and, therefore, cannot be very prominent there. I know a great many politicians there.

Q. Have you not been quite prominent in the politics of Philadelphia?—A. No, sir. I have not.

Q. Do you know who first suggested this change of supervisors?

The WITNESS. The transfer of supervisors?

Mr. COCHRANE. Yes; the change of supervisors.

A. Both Secretary Bristow and the President told me that the President first suggested it himself.

Q. When did Secretary Bristow tell you that?—A. He told me that a considerable time or some time after the transfer had been revoked by the President. I cannot say how long after, but it was after.

Q. Can you give us an idea of how long it was after?—A. I think it was not very long.

Q. Well, how long?—A. My notion is that it was before the 1st of May—about the time that I was ordered to Chicago. I remember the Secretary telling me that Brooks had been sent out secretly to make these investigations, and that it had been done in accordance with the suggestion that I had made to him; and I remember his telling me that he thought it was a much more efficient manner of getting at the thing, and much more certain, and he had no doubt that there would be very large results, which would not have been accomplished if the transfer of supervisors had been carried out. I believe it was then that he told me that he did not revoke the order of transfer because the idea of the transfer had originated with the President. Some time afterward the President told me in substance that he had revoked it.

Q. Why should he put his declining to interfere with an order of the President of the United States on the grounds that the President had first suggested it?—A. I cannot say. If I had been in his place I would have felt as a matter of courtesy that as the President had suggested a certain line of action to me as Secretary I would not run counter to that or rescind it of my own motion. He (the Secretary) had to do it under the law, but I would leave that to the President to do, except as to the form. I can only say what Mr. Bristow's ideas were from what would be my own under similar circumstances. That is certainly the way I would look at it.

Q. Suppose the President favored the transfer, your idea would be the same whether he revoked it or not?—A. If I, as Secretary of the Treasury, had made that transfer of my own motion, and if subsequently I conceived that it was not the proper thing, or the best thing, to do, then I would have revoked it of my own motion.

Q. But you would not have wanted to have done that if the President of the United States was strongly in favor of it, without consulting him?—A. No.

Q. Then the position would have been precisely the same in that case as in the case where the President had revoked it, would it not?—A. I do not know that it would be precisely the same.

Q. Do you say that under the law it was the duty of the Secretary of the Treasury to make that transfer?—A. Yes; he was the only man that could do it.

Q. You say it is not the duty of the Commissioner of Internal Revenue?—A. It is not.

Q. You are clear on that point?—A. I am. The Commissioner of Internal Revenue might recommend such a thing to be done, but the Secretary has to make the change. I am very clear on that. I do not think I can be mistaken. The law provides that the Secretary shall make this change on the recommendation of the Commissioner of Internal Revenue.

Q. When you went to Chicago you went simply as supervisor of internal revenue. did you not?—A. Yes, with this addition, that the Commissioner gave me authority to

make seizures, which under the law, strictly, I did not have. The Commissioner, however, has power to give that authority when he thinks it necessary.

Q. Then you went there to make seizures in your official capacity as a supervisor, and as that only?—A. Not only to make seizures. The northern district of Illinois was attached to my district, and I had there all the powers of a supervisor, as I had in Pennsylvania.

Q. You were simply, however, a supervisor, possessing no more power than any other supervisor, except the power of seizing those distilleries, and that under explicit instructions?—A. The instructions were not explicit to seize particular places, but they were general instructions. They gave the power generally to seize. If I had found other places committing fraud, I should have had authority to seize those also.

Q. Were your instructions in writing?—A. I had some general instructions in writing.

Q. Where are they?—A. I do not know. I presume they are among my papers at home.

Q. Have you them?—A. I have not got them here.

Q. By whom were those instructions given?—A. The written instructions, so far as I had any, my recollection is, were given by Mr. Douglass, the Commissioner of Internal Revenue. The transfer, however, was by the Secretary.

Q. You stated in your examination-in-chief that you were opposed to this change of supervisors?—A. I was.

Q. The main ground of your opposition was that you did not desire to go away from Philadelphia, or from the neighborhood of Philadelphia; was not that it?—A. Perhaps the ruling motive was the personal one that I did not want to leave my home. I did not want to break up my home associations and take my family with me out there. In fact, I could not do it. I had property and business relations there—not exactly business relations—but I owned some property there, and some that I had charge of, and I did not think that \$3,000 a year would pay me to break up and leave my home.

Q. You went as a sort of favor to the Government, when you did go?—A. I did not go. The transfer was not carried out.

Q. But you went subsequently?—A. I went subsequently to Chicago. I went there, I should say, not as a favor, but as a matter of duty. I was transferred there.

Q. Well, you would not have gone as a matter of duty, but would have resigned when it was first suggested to you, if the transfer was to be permanent?—A. Yes, sir; and so I would when I was transferred to Chicago, if it were to have been permanent there.

Q. You told the Secretary of the Treasury that the position would not pay you?—A. It would not pay me to make the change.

Q. And that if he insisted on it, you would not have gone?—A. I would not.

Q. Would not that transfer as suggested, have stopped the frauds which were going on at these various points, if it had been carried out?—A. I think it likely that they would be stopped from motives of caution, until they would find whom they had to deal with.

Q. And if they had honest men to deal with, they would not likely have commenced again, would they?—A. They would not, unless they supposed they could deceive them in some way.

Q. That would have been pretty hard to do, with an honest man and a capable man in the position?—A. I should not say that. They might do it with an honest man, and even with a tolerably active man, or a very active man, in a large territory, such as a supervisor has charge of.

Q. They could not have carried it on to the extent to which they were carrying it?—A. With an active, vigilant man, I do not think they could in Chicago, in the open manner in which it was done.

Q. How long after this proposed change of supervisors was it that you went to Chicago—how many months?—A. The change of supervisors was to take effect on the 15th of February, 1875, and I arrived in Chicago on the 9th of May following.

Q. Do you not know that at the time when this change of supervisors was suggested the Government had in its possession many material facts showing that there were then whisky rings in these different cities, and evidences of fraud that had been committed?—A. I do not know; I did not see any, and did not hear of any.

Q. Do you know whether they had or not?—A. I do not know. I know that Mr. Bristow said that he believed frauds were being committed very largely at these three points, and that it was being done with the connivance of the officers.

Q. Don't you know that in the case of Saint Louis three revenue agents had, two years before that date, reported specific frauds that had been committed there?—A. I did not know it at that time; I think I have seen it since by the papers.

Q. If I understand you correctly, the main facts which you ascertained when at Chicago tending to establish the guilt of these various distillers whom you have named,

was furnished to you by their books and papers?—A. Well, no, sir; the main facts on which we started out were the reports of Mr. Brooks, who had been there.

Q. I understand that; but the main facts upon which you relied, if I correctly understand your testimony, for making the seizure, were the facts which appeared from the books and papers of these various distillers?—A. I do not think I said so, sir.

Q. Did you not state, in giving account of the various distillers who were guilty, that you had clear and conclusive proof from their own books and papers that they were guilty, and that they could not have escaped?—A. In some cases we did have.

Q. Did you not say in nearly all the cases that that was a fact?—A. No; I stated that in the case of Rolfe, Junker & Co., we had the evidence from the railroad books, of eight thousand and odd barrels, and then their returns from the office.

Q. Did you not find gross irregularities in the books and papers of all these distilleries that were seized?—A. I think we did; that is, we found this: We found that large amounts of spirits, for instance these 8,000 barrels of Rolfe, Junker & Co.'s, had not been entered upon the books at all; and in the case of Russell & Furlong, Mr. Brooks's men had watched three hundred and odd barrels sent out of their place that were not entered in the books at all. We found that in the case of the Lake Shore distillery two hundred and odd barrels were not entered, and in the case of Mersereau some two or three hundred barrels were not entered, which Brooks's men had seen taken away from there and from these other places, so that I could say, perhaps, that the main facts were those that had been obtained by Brooks and his men.

Q. In your examination of the books of these various distillers, did you not find from the books themselves evidence of frauds, the knowledge of which you did not possess prior to the seizure?—A. Yes; because we had not seen the books.

Q. Were you not authorized under the law, as an agent, to seize a distillery and hold it for forty-eight hours?—A. I was.

Q. Now, if you had gone to Chicago as supervisor under this transfer, and had made a seizure of these distilleries, would not the books have shown precisely the same facts?—A. For instance, take the Lake Shore, where Brooks had seen three hundred and odd barrels taken away. I could not have known, even if I had looked at the books that those had been taken away in that manner. Unless I had known of the fact from some other source before, I could not have known whether they had taken away so many barrels or not.

Q. I understand that; but you would have discovered these other frauds, as to the sending out the five and ten gallon packages from large business houses, and you could have made the same inquiry as you made in that case, could you not?—A. That might have been done in the case of Golsen & Eastman, particularly if a person got hold of those books and found that there were five and ten gallon packages being shipped, and traced them up, and found that they were full barrels.

Q. Were there no suspected distilleries, within your knowledge, at the time this transfer was made at Chicago?—A. I had not any knowledge of that, at all.

Q. Had you no information?—A. No information, except as to what General Bristow said, and that was in a general way, and did not mention any distillery at all.

Q. Did he propose to communicate any fact to you?—A. I think not.

Q. Did you ask him to communicate what knowledge the Government had in reference to such frauds?—A. I do not think he had any knowledge.

Q. Did you ask him to communicate to you any?—A. No.

Q. He stated to you that he was satisfied that frauds were being committed?—A. Yes.

Q. Before you ventured your opinion as to the propriety or impropriety of the transfer, did you seek to make yourself acquainted with the facts which the Government had in its possession with reference to these distilleries?—A. I did not have any facts.

Q. Did you seek to get possession of any facts which the Government had?—A. I do not think I did anything, except to have the general conversation which I spoke of.

Q. Then, in the face of the statement made by the Secretary of the Treasury, that frauds had been committed in these various places, Saint Louis, Milwaukee, and Chicago, and were being committed, you ventured to oppose a transfer of supervisors without having made the slightest effort to ascertain what facts the Government had in its possession bearing upon that question. Is that correct?—A. I had no doubt of the fact that they would destroy their books.

Q. [Question repeated.]—A. The Secretary's statement was of a general character. He said that he had made various efforts to get at these frauds and had not been able to do it, but that he was confident that such was the case; that frauds were being permitted, and that he believed they were being committed with the connivance of the Government officers.

Q. You say now that the Secretary said that he had made various efforts to ascertain where these frauds had been committed and could not get at them?—A. I say he said they had made various efforts to get down to those frauds that were being committed and had not been able to do it.

Q. Why did you not think to make that statement when you were giving that con-

versation that occurred between the Secretary and yourself, in your examination-in-chief; how did you come to omit so important a matter?—A. The conversation was a general one, and I was very much hurried.

Q. Were you not asked to state what conversation you had with Secretary Bristow, and did you not purport to state that conversation?—A. I did, so far as it occurred to me at that time; and that only occurs to me now from the fact that he spoke of several revenue agents having been to Saint Louis and other places, and that there was always information got out about it; and I remember saying this to him, that if he would trust that matter to Brooks, who had been with me five or six years, and who I was satisfied had a close mouth, and authorize him to get his own men in any way he chose, I will guarantee that Mr. Brooks's end of the line would keep quiet. It won't get out from him; if you can keep your secrets here in the Department, he will keep his. That was in answer to his statement that they had made various efforts to get down to this thing and could not do it.

Q. You further supplement your original statement by saying that Mr. Bristow told you they had sent agents down there, but that the facts always got out?—A. The fact that they were going there always got out.

Q. Why did you not think to make that statement in your direct examination?—A. I cannot say, I am sure; the conversation was of some length.

Q. Did not the Secretary of the Treasury express to you his firm conviction that frauds had been and were being committed at Saint Louis, Milwaukee, and Chicago?—A. He did.

Q. Did you, at any time in that interview, ask the Secretary of the Treasury to impart to you any information which he had which led him to that conclusion?—A. I do not think I did.

Q. Did you go to Mr. Yaryan or to any of the officers of the secret-service division to make inquiries in the matter?—A. I did not.

Q. Did you make any inquiry of Commissioner Douglass in reference to any reports that had been made in regard thereto?—A. I think not. I talked with Mr. Douglass in regard to the transfer and how long it was to last, and he referred me to Mr. Bristow, and I went and saw Mr. Bristow, who was in bed at the time, and had a conversation with him.

Q. Then you ventured to oppose this transfer and to influence the President of the United States to revoke the order without any knowledge as to the evidence that the Department might have had?—A. I did, sir; believing that the other plan of sending somebody there who was not known either to the Government officers or to the distillers, who would have an opportunity of getting at the facts and seeing what they were doing; and that if the supervisors were transferred, with three weeks' public notice, (as had been given,) all the papers and books and everything else that would lead to it would be destroyed, and the transaction would be so covered up that it would be almost impossible to get at it.

Q. You say now, as a revenue agent, that you feared that all the books and papers leading to the matter would be destroyed?—A. Yes, sir.

Q. They had to keep Government books, did they not?—A. Yes.

Q. The destruction of those Government books would not be likely, then, to lead to a question as to the good faith of these distillers?—A. No; I have seen many instances of it.

Q. Even a wholesale destruction of these books by the distillers?—A. One case, that of Bevis & Frazier, occurred to me yesterday.

Q. But a wholesale destruction by these distillers of the Government books containing a record of all their transactions would not be likely to injure them; is that what you mean to say?—A. I suppose it would injure them in the estimation of the officers. It might not be a destruction of the books; it might be an alteration or a change in the book.

Q. You went to the President and opposed this change of supervisors?—A. Yes; partially from personal reasons and partially from other reasons.

Q. Mainly from personal reasons?—A. Perhaps so. That had a good deal to do with it. I did not want to go to Saint Louis; but I was strongly of opinion then, and am now, that the other plan would have been the better one.

By Mr. PLAISTED:

Q. Didn't Mr. Bristow so state to you?—A. He told me so himself, that there would be much more accomplished in this way than by the transfer of supervisors; that while the frauds might have been stopped, and would have been undoubtedly stopped for the time being when the change took place, yet we would not have got down to the parties by whom they had been committed.

By Mr. COCHRANE:

Q. Did you have any conversation with General Babcock about this transfer?—A. No, sir.

Q. In no way?—A. Not until after he had been indicted. I had never spoken to him three minutes in my life at that time.

Q. After he was indicted you had a conversation with him in reference to this matter?—A. I had a conversation with him at Saint Louis, where I was present as a witness.

Q. What was that conversation?—A. I cannot remember any of it now, I think. I remember his stating that he had not spoken to the President on the subject at all. I cannot pretend to remember the conversations I had with him there.

Q. You do not pretend to remember any of the conversations which you had with Babcock at Saint Louis?—A. I cannot recall them now. I do remember that he mentioned particularly that he had not mentioned that subject to the President. I remember the President also telling me that General Babcock had never mentioned it to him.

Q. But you do not remember anything else about that?—A. Perhaps I could remember by thinking it over.

Q. Give it to us if you can.—A. I remember having some conversation with him about some fellows that came out there and pretended they were going to give a great deal of information about Bluford Wilson's actions in one matter—that Bluford Wilson had given \$5,000 to Washburn to go to Saint Louis and secure the conviction, if possible, of Babcock; that it was absolutely necessary he should be convicted, and that Bluford Wilson had given \$5,000 to Washburn with those orders, and that those fellows came on there as witnesses, and were going to swear to that effect—at least, they proposed to do so. One of them had formerly been in the secret service. Babcock asked me if I knew anything about those men. I told him I did not; but that if they had ever been in the secret service I could find out something about them very soon. He stated what they proposed to testify, that Wilson had given this \$5,000, and had told Washburn he must secure the conviction of Babcock beyond peradventure. I said to Babcock, "I do not believe a word of that. In the first place, I do not believe that Bluford Wilson would do a thing of that kind—that he would use money for that purpose; and, in the next place, I am satisfied that Chief Washburn would not do any work of that kind for Mr. Wilson if he wanted him to do it, and I believe this is a put-up job." He asked me if I knew the men. I told him no, but that I believed it was a put-up job. Babcock gave me their names when he made the inquiry, and I subsequently saw Mr. Brooks, who was connected with the secret service, and asked him if he knew the men. He said he did. He said one of them was a fellow who had been dismissed from the secret service; another has never been a regular operator in the secret service. They are good for nothing, and cannot be relied on at all. I said that is exactly what I thought. I said also to Babcock, and his brother, and his father-in-law that I was satisfied it was a put-up job; that Wilson had never used money in that way; that he would not do such a thing; and that if he did want to do it, I did not believe Washburn would do it for him. After I saw Brooks and got his estimate of these men, I went back and told Babcock, and his brother, and his father-in-law, "The best thing you can do with these fellows is to pay them their witness fees which they claim for coming on." They had got themselves subpoenaed here by somebody in Washington who had blank subpoenas or something of that kind. "The best thing you can do with those fellows is to pay them their fees and clear them out of this town."

Q. You gave your advice to General Babcock?—A. I did on that matter.

Q. Having ascertained the character of these men whom he had brought there to swear against Mr. Wilson, you advised he had better pay them off and clear them out of town as fast as he could?—A. Yes.

Q. General Babcock must have had considerable confidence in you to indicate to you the case which he proposed to submit to the jury.—A. He did not indicate to me the case he proposed to submit to the jury.

Q. Did he not tell you what he proposed?—A. He told me what these men came and proposed to swear to.

Q. Was Babcock in the habit of indicating to strangers the elements of defense which he had?—A. I do not know. I was a comparative stranger, certainly. I never talked three minutes to him before.

Q. He knew that you were very friendly with the President, however?—A. Perhaps he did.

Q. This was a voluntary kind action on your part?—A. I intended it as a kind action to Mr. Wilson, to Mr. Washburn, and to Mr. Babcock also; but it had more reference to Mr. Wilson and to Mr. Washburn than to Mr. Babcock.

Q. Did it not suggest itself to you that if men were then prepared to make such a report as that, and about to perjure themselves, it would be better to let them try it, and then convict them and send them to the penitentiary for perjury?—A. It did not suggest itself at all that it would be better, and I do not think so now. I am not in favor of letting people perjure themselves when I know it.

Q. You were also then desirous of protecting these men—it was a sort of general good feeling that prompted you?—A. No, sir; I did not care anything about the men.

Q. I think you said you did not feel in favor of letting men commit perjury.—A. I was not in favor of letting them do anything. I merely stated what I knew about them.

Q. What other facts did General Babcock communicate to you?—A. I do not remember.

Q. You have recollected very distinctly communications which you had with the Secretary of the Treasury, and have given various conversations with attorneys in Chicago, &c.; see if you cannot recollect conversations that you had with Babcock.—A. I do not remember any others.

Q. Did Babcock at any time state to you any other fact which he proposed to prove?—A. I don't think he did.

Q. Do you know whether he did or not?—A. I believe he did not. The way he came to state that was he thought perhaps I knew something about those men. He first gave me the names, and asked me if I knew anything about them, and I said I did not. I don't think he made any statement to me as to what he proposed to prove.

Q. Do you remember whether he did or not?—A. My impression is that he never did.

Q. You have no distinct recollection on the subject?—A. My recollection is that I think he did not. I have no recollection that he ever did.

Q. Did he ever ask you to do anything else for him connected with his case?—A. I think not.

Q. Do you know whether he did or not?—A. I feel quite certain he did not.

Q. Are you willing to swear he did not?—A. I have no recollection of it now.

Q. Have you a recollection that he did not do it?—A. That is my recollection—that he did not do it.

Q. Then you are not prepared to state any further conversation that you had, on the ground that you do not remember it?—A. I do not remember any conversations. I did not see much of him at that time, except in court.

Q. You have stated you had a number of conversations with him?—A. I saw him occasionally at the hotel. We stopped at the same hotel.

Q. Did you talk with him?—A. Yes.

Q. Whom were you subpoenaed by to Saint Louis?—A. I was subpoenaed by the defense.

Q. What were you subpoenaed to prove?—A. I presume—indeed I know, (that is the only thing I was asked about)—it was to prove what had taken place between the President and myself in reference to the revocation of the order transferring supervisors. I did not know anything else about the matter. I have no doubt that was the object of the subpoena.

Q. You have testified about the seizures that you had made at Chicago, and the many parties who were permitted to escape punishment. Will you be kind enough now to give us in detail any benefits which accrued from the arrangements which were made by these attorneys with the first batch of distillers?

The WITNESS. Benefits to whom?

Mr. COCHRANE. Benefits to the United States, either by way of compelling pleas of guilty to be entered by other parties, or in the breaking up of the ring which had been manipulating matters there?

A. From the evidence received from those people—from the first batch, as it was called, (this thirty-odd,) they reached to some other parties.

Q. You have given special details from written memoranda which you made out as to who the parties were—

The WITNESS, [interrupting:] I did not make it out for this purpose. It was made in October for the grand jury.

Mr. COCHRANE. I did not say you did. I say you have given special details from written memoranda which you have made as to who the parties were who were permitted by the Government officers to escape punishment. Give us in detail now the benefits which flowed to the Government from the policy adopted by these attorneys. Was not the arrangement which they made the means of bringing many guilty parties to justice who could not otherwise have been reached, and did not the information which was furnished by those who were promised immunity serve to break up and destroy the ring in Chicago?—A. I will first say that I have not given you the names of the parties in detail who got immunity. I only gave you the names of the distillers and rectifiers. The Government officers I did not give you the names of, because I did not have them; but I have given you the substance by saying there were about thirty. Now, as to the benefits of the compromise arranged, my own opinion is that the benefits are not at all commensurate with the losses in granting immunity to parties whom I believed to have been the originators of the ring and the principal thieves in it—both Government officers and distillers—and with whom I believe the whole thing originated. Therefore I think they gave up much more than they got.

Q. Give us the benefits in detail.—A. I cannot tell you whom they did get except, in substance, that the district attorney tells me they have punished about fifteen or sixteen. He told me so this morning.

Q. Did they get the man named Rehm?—A. Yes. Rehm, I have no doubt, they could have gotten without giving immunity to these people.

Q. Are you willing to swear that they could?—A. I think they could.

Q. Do you say, under oath, that they could?—A. I say it is my impression.

Q. We want facts.—A. I cannot say positively.

Q. I repeat the question that I put to you, and which you have not yet fully answered: you have given us special details from written memoranda which you have made out as to whom the parties were, permitted by the Government officers to escape punishment: give us now in detail the benefits which flowed to the Government from the policy adopted by these attorneys; was not the arrangement which they made the means of bringing many guilty parties to justice who could not otherwise have been reached?—A. My impressions are that they gave up much more than they got. They gave up a greater number of and I believe *greater* villains than those they got, so far as my knowledge goes. They gave up the men whom I believe to have been the originators of the ring and the principal thieves in it, and the men who did the largest amount of stealing.

Q. The balance of the question put to you a while ago, and to which you did not complete the answer, was whether the information which was furnished by those who were promised immunity did not serve to break up and destroy the ring in Chicago?—A. I believe the ring would have been more completely broken up, very much more thoroughly, by putting into the penitentiary these men that we had indicted—these distillers and rectifiers, and a large number of Government officers, say 20, or 25, or 30 of them. I believe the ring would have been very much more thoroughly broken up than it has. As it is now, many of those who have been released under this immunity principle I know are now in the liquor business, and I believe they are stealing now instead of being in the penitentiary.

Q. Have you stated that fact to any Government official?—A. I have stated it to Mr. Bangs.

Q. Have you any facts to justify that statement?—A. I justify it on this principle: take, for instance, the case of Roelle, Junker & Co. Their distilleries were sold and bought in by one of their employes—their rectifying-house that they gave bond for, and that was started immediately by another of their employes, Golsen, whom I regarded as the head and front of the ring, and who at the time of the seizure was in partnership with Eastman—very soon after this arrangement was made, started a whisky-mill, or rectifying-house. Parker R. Mason also is in the business again.

Q. What evidence have you that they are stealing?—A. The only evidence I have is the price at which western highwines have been sold in the eastern markets.

Q. Do you know that these high wines came from these distilleries?—A. I do not know they came especially from those distilleries. I know they came from the neighborhood—*from Illinois.*

Q. Do you know that fact of your own knowledge?—A. I know it from what the dealers in Philadelphia have told me. I do not know it of my own knowledge.

Q. I shall have to repeat the question I previously put to you, and which I consider not yet entirely answered. You have given special details from written memoranda which you have made out, as to who the parties were who were permitted by the Government officers to escape punishment. Give us in detail now the benefits which flowed to the Government from the policy adopted by these attorneys. Was not the arrangement which they made the means of bringing many guilty parties to justice who could not otherwise have been reached; and did not the information which was furnished by those who were promised immunity serve to break up and destroy the ring in Chicago?—A. I do not think it did as well as if the lot was put in the penitentiary.

Q. (Question repeated.)—A. I cannot say that it did.

Q. Can you say that it did not?—A. No.

By Mr. PLAISTED:

Q. Was not the ring broken up after these seizures were made?—A. It may have been: I think it was.

By Mr. COCHRANE:

Q. Let me read to you a portion of the testimony of Mr. Bangs, the district attorney in Chicago: "Question. Did his squealing punish anybody, excepting by banishment?"—Answer. It is difficult to tell, where so many testified, precisely the weight of the testimony of any one, but the squealers had this effect: they caused eight or nine distillers to plead guilty, and a number of gaugers; they caused quite as many more to run to Canada, and utterly demoralized the whole corps, so that the ring is utterly and forever broken to-day.

"By Mr. PLAISTED:

"Question. Was it not broken when the descent was made and the seizures were made?"—A. I don't think it was."

Is Mr. Bangs's testimony correct in that particular?—A. I cannot say.

Q. Do you contradict the statements as made by Mr. Bangs here?—A. I do not contradict them.

Q. Do you question the accuracy of those statements?—A. Mr. Bangs admitted to me—

Q. [Interposing.] Wait a moment; do you question the accuracy of those statements?—A. I do not know, sir, what he bases his statements on. I do not question Mr. Bangs's integrity at all.

Q. Do you question the accuracy of the statements that he makes?—A. He may not be

acquainted with all the facts. I believe that Mr. Bangs would state exactly what he believes to be the facts.

Q. Do you not know that your meddling interference, when in Chicago, was the subject of frequent communication, by all of the attorneys employed by the Government, with the officers of the Treasury here?

The WITNESS. Whom do you refer to in Chicago?

Mr. COCHRANE. I mean the counsel for the Government, Mr. Dexter, Mr. Bangs, and other Government counsel.—A. I do not say anything about Mr. Bangs, for he had only been in a very short time, and had never seen the brief that I have submitted here. He has told me that he never did. He was a new man, and his first expression to me was that he was afraid there was a bargain made by which all these people were to get clear, and, therefore, I do not think he knew or cared much about it. I do not think he had very particular feeling one way or another about it—as to whether I was right, or whether they were right; but I do believe that Mr. Dexter was specially put out by my interference—by my protest against this arrangement.

Q. Did he not tell you that you were meddling in a matter which was none of your business?—A. He did not tell me in so many words.

Q. Did he not give you to understand that you were busying yourself with a matter outside of your duty, which really was none of your business?—A. He did not say it in that form. I think likely that he felt that way.

Q. Did he not give you to understand that he felt that way?—A. He came to my hotel one night at about 11 o'clock and, in the presence of Mr. Washburn, undertook to browbeat me.

Q. What did he say?—A. I cannot recollect the words.

Q. Give us the substance of what he said.—A. The substance of what he said was that my opposing their arrangement to grant these people immunity and thereby try to catch politicians and others, whom he believed were worse than those people were, that my opposition to that had become known, and that I was there purporting to represent the views of the Secretary of the Treasury, which I thought I was; that it had become known to some extent; that the newspapers, especially the Chicago Times, had an article which had stated substantially what we all now know to be true, that this bargain had been made, and he was very much excited about that. Said he, "It causes a great deal of excitement here, and it will interfere with our operations. We do not want it to be understood that there is a difference of opinion about this thing; if it is, it is going to damage us." Said he, "Even these people we promised immunity to are afraid now that the Secretary or somebody will go back on them, and are afraid to tell us what they know, or stick to what they have promised. It is giving us a great deal of trouble." My answer to that was, as near as I can recollect, "Mr. Dexter, I am going to leave here to-morrow morning; as none of these parties are to be tried against whom I have the evidence, I do not see that I have any business here, and I am going to leave." He says, "You must not do that; if you do it will widen the breach, and everybody will know that there is a fight here between one class of officers and the other, and you must not go." Said he, "I want you anyhow before the grand jury on some other matters." I said, "If you want me before the grand jury I will remain another day and go before them; but otherwise I am going to leave." I am very well satisfied that Dexter did not like the position I took about it.

Q. Dexter charged you in that conversation, did he not, with endeavoring to shield politicians and others?—A. He did not, sir.

Q. Did he not charge you in that conversation with endeavoring to shield politicians and others who were guilty of complicity in this whisky ring, by raising a hue and cry against this arrangement which had been made with those distillers?—A. No, sir; he did not. I did not know any politicians there and did not have any idea on that subject.

Q. Did you not know that it was seriously alleged that Charles B. Farwell was connected with that whisky ring?—A. Yes; I know that Mr. Wilson said he was satisfied of it, but I did not know Mr. Farwell at all, and did not take any interest in him.

Q. Did you not know that it was alleged that other politicians there were connected with this ring?—A. I know it was said that Senator Logan was.

Q. Who said it?—A. Wirt Dexter and Mr. Wilson.

Q. Did they not tell you that the testimony they would get would implicate these men?—A. They told me they hoped to get evidence that would implicate them.

Q. Did not Dexter tell you over and over again that the arrangement they made with these men was for the purpose of breaking up this iniquitous ring; that in his judgment it was the only way in which that ring could be broken up, and that that arrangement under the circumstances was the best thing that could be done for the Government; did he not tell you that?—A. I have no doubt that he did in substance say that, in his opinion, it was the best thing.

Q. Were you ever admitted to the bar?—A. I was not, sir.

Q. You have never practiced law?—A. No, sir.

Q. And yet you have undertaken in your testimony to state what, in your judgment, would be the effect of certain evidence?—A. I do not think I have.

Q. The evidence which you say you discovered against these distillers would be sufficient

to convict them?—A. I said we had positive evidence of their guilt, and that a fair jury would have convicted them, in my opinion.

Q. Was there a difference of opinion between you and the lawyers?—A. Mr. Bristow wrote me that from the brief I sent him, he gave me as his opinion as a lawyer, (and having had some years' experience as a district attorney,) that the evidence was sufficient for conviction.

Q. If the statement was correct as was made by you?—A. Yes; of course he did not say that, but took it for granted.

Q. He assumed that that was right?—A. He assumed that that was right, and he was right in the assumption.

Q. Did the lawyers at Chicago differ with you as to the clear cases which you alleged to have?—A. Not as to the main cases.

Q. As to a number of cases where you alleged that you could convict parties, did they not say to you over and over again that there was not sufficient evidence in those cases under the law?—A. None of the prominent cases.

Q. In any of the cases?—A. It may have been in some of the cases against some of the store-keepers and gaugers, where the evidence was more of a technical character than anything else.

Q. You say "it may have been." Was it not the case that they differed with you?—A. As to some of the minor cases perhaps they did.

Q. Did they not?—A. Mr. Bangs did not, because he never went over the testimony.

Q. Well, Dexter?—A. I think that Dexter did point out some cases where he did not think the evidence was sufficient, but those were some of the minor cases.

Q. And where you alleged it was sufficient?—A. Where, in my opinion, it was sufficient; but that was not the case with any of the prominent cases.

Q. When you had your conversation with Secretary Bristow in Washington, prior to your departure for Chicago to attend the special term of court there, did Mr. Bristow not say to you that his policy was to leave these cases largely with the officers employed by the Government?—A. I think not, sir. I don't think he said anything to me about that at the time.

Q. Now, are you prepared to say he did not say that?—A. I feel very well satisfied that he did not at that conversation. He wrote or telegraphed to me about that.

Q. Did he before that at any time say to you that his policy was to employ able and honest counsel for the Government, and to commit to them all questions which might arise in the case, allowing them a large discretion in the premises?—A. I don't remember his saying that. I remember his saying he had not authorized any compromise and would not do it. He was very positive about that; that whatever clemency these people would get, they were to get from the court whose prerogative it was to grant clemency.

Q. And now you say he did not say in that connection that he left a large discretion with the Government officers and would not interfere with them?—A. I have not any recollection of that. I know he telegraphed to me and I think he wrote me afterward substantially that.

Q. I believe you stated that Mr. Dexter was a man of prominence in Chicago?—A. I think he is, sir.

Q. An able lawyer?—A. He is regarded as an able lawyer.

Q. Is he an honest man?—A. I presume he is. I do not know anything to the contrary.

Q. Does he stand high as a lawyer there?—A. That is my information. Mr. Dexter did say to me in the commencement that he doubted the propriety in the first instance of making this bargain of immunity, and even after Mr. Wilson had agreed to it and had authorized him to go even further and allowed him to take the statements of distillers themselves, not only criminal immunity but civil immunity, that he even then doubted the propriety of it, and thought it advisable to send Mr. Matthews and Mr. Russell, who was representing distillers, to have from headquarters information whether or not this should be done, and that they reported in substance that they should make the best bargain they could.

Q. Did he not say in that connection that the Department at Washington left it to the discretion of the Government officers to act as they thought best under the circumstances?—A. I told you yesterday that I asked Mr. Matthews to say exactly—

Q. [Interrupting.] Wait a moment; didn't Dexter tell you that?—A. I think not, sir.

Q. Do you know whether he did or not?—A. My impression is he did not.

Q. It is an impression only, is it?—A. It is so strong an impression that I believe he didn't say so.

Q. You are not prepared to say positively that he did not?—A. No. I am prepared to say positively that these men reported it was all right, that they should make the best bargain they could.

Q. That is, that Dexter said so?—A. That Dexter said so, that Russell and Matthews reported it.

Q. When you got to Washington and went to see the President of the United States to protest so vigorously against a compromise of these cases, did you state to him that the attorneys at Chicago were satisfied that the arrangement which they made was the best arrangement which could have been made?—A. I believe I stated to the President that I had

no doubt they had acted according to the best of their judgment. I think I made some such statement.

Q. Did you state to the President that the lawyers for the Government at Chicago had told you that they had made the best arrangement which could have been made for the Government?—A. I don't think I spoke of the lawyers in contradistinction from the others. I spoke of the local officers there.

Q. Did you state to the President that Mr. Dexter, one of the counsel for the Government, had protested against your interference in those matters at Chicago, and had stated to you that your action in the premises was prejudicing the cases for the Government?—A. I don't think I did; I am sure I did not say anything about it.

Q. Did you give to the President in detail the benefits which had accrued to the Government from this policy?—A. I had not seen any benefits at that time.

Q. Did you speak to him of the benefits which would accrue to the Government from this policy, or did you only condemn it?—A. No; I said to him that on this information gotten from those people there was an expectation to get a number of others.

Q. Did you say that they expected to catch a number of prominent politicians?—A. I think I made some reference to that; I am not sure; I think I made some reference, perhaps, to the case of Rehm or others, but I would not say whether I did or not.

Q. Were you aware that about this time it was discovered that a man who had pleaded guilty at Saint Louis was about to give very damaging testimony against General Babcock?—A. No, sir; I did not know anything about it; but, as I stated yesterday, I knew that one of the whisky thieves at Saint Louis had been in Chicago, but I did not know anything about any evidence as to that matter you mention.

Q. You did not know that the President of the United States had, just prior to the issue of that circular-letter which has been referred to, sent for the Solicitor of the Treasury and obtained from him information which an accomplice in those frauds proposed to give before the jury in the Babcock case?—A. I did not, and do not know it now.

Q. You have no knowledge on that subject?—A. I have not. I certainly did not know anything about it then, and if I know it now it is only from newspaper report; so that I cannot say that I *know* anything about it now. I think I did read, a few days ago, what purported to be an abstract from Wilson's testimony, in which something of that kind was referred to. I did not read Mr. Wilson's testimony itself; this was a mere abstract, and I think it referred to something of that kind. That was the first I knew about it.

Q. Did you bring papers to Washington which tended to implicate Mr. Charles B. Farwell?—A. No, sir.

Q. Did you not bring them here and show them to Mr. Wilson?—A. No, sir; I never had any except those checks I referred to, and I showed those to him at Chicago.

Q. Then, if Mr. Wilson stated that if you brought papers here to Washington of that character, he stated what was not true?—A. I have no recollection of such a thing at all. I think it must be a mistake on Mr. Wilson's part.

Q. What became of those checks implicating Farwell?—A. They were left in the supervisor's office in Chicago.

Q. Who left them there?—A. I left them there with the papers with Mr. Brooks and Mr. Matthews, who was then supervisor. All the papers were left there.

Q. Are they there now?—A. That I cannot tell.

Q. Do you know what has become of them?—A. No.

Q. Do you know whether they are destroyed or not?—A. I do not know anything about that. I know I had them in October when the grand jury was in session, and showed them to Wilson, and had them before the grand jury, twenty-five or thirty of them.

Q. You are not very friendly to Mr. Yaryan now, are you?—A. Not particularly friendly.

Q. You and he have not been on very good terms?—A. I have no ill-feeling toward Mr. Yaryan.

Q. You and he have not been on very good terms?—A. He sometimes undertook to instruct persons under my employ to do certain things in a certain way, which I thought not right.

Q. You thought you knew more than Mr. Yaryan did?—A. Yes; I take credit for knowing a little more about the revenue service than Yaryan did, and especially in my own district.

Q. You never stopped to think that Mr. Yaryan was your superior officer?—A. He was not my superior officer in any sense of the word.

Q. Was he not chief?—A. He was not chief supervisor, that I know of. There is no such position, and was not.

Q. Was he not chief of the department of revenue agents?—A. He was chief there because Mr. Fratt trusted him and asked him for information, and seemed to take all his cues from him.

Q. You know that?—A. Yes.

Q. You have stated the impediments thrown in your way by Yaryan. The only impediment that I recollect your having stated in your testimony was the action of Mr. Yaryan in sending Mitchell from Chicago to the South, if you call that an impediment. What else was there?—A. I call that an impediment, if we had gone on with those trials.

Q. What other impediment did he throw in your path?—A. Ordering various important papers from Chicago to the Department, and failing to return them to us when it was necessary for us to have them.

Q. Specify the papers which he failed to return.—A. They were specially No. 59's, (reports of gaugers,) and I think 122's and stubs of rectifiers-books.

Q. When did he order those?—A. He must have taken them away from there some time between May and June. I left there some time early in June after the seizures and left those things in the custody of the district attorney.

Q. Who was the district attorney?—A. Mr. Ward, and subsequently, I do not know at what time, these papers were ordered away from there, and we had a great deal of trouble to get them back.

Q. You left these valuable papers in the custody of Mr. Ward, the district attorney?—A. Yes; locked up in his safe.

Q. Mr. Ward was afterward indicted for complicity in those whisky frauds, was he not?—A. He was.

Q. And you think the fact of Yaryan, as agent of the Government, ordering those papers out of the hands of Ward, was an impediment thrown in the way of justice?—A. No; I do not think that ordering them out of his hands was an impediment, but the failure to send them back to prepare the cases for the grand jury was an impediment.

Q. Did you ask him to send them back?—A. I did.

Q. How long were they delayed?—A. I do not know. They were delayed until I got Secretary Bristow to issue a positive order that they should be sent back.

Q. How long were they delayed?—A. I do not know; three or four months, or perhaps two or three months.

Q. When did you ask him for them?—A. I cannot tell you, but between May and October.

Q. When did he send them back?—A. Some of them never got back.

Q. When did he send the bulk of them back?—A. I cannot say that. Some of them were there in October and some of them didn't get there till afterward. He claimed to have mislaid them, I believe.

Q. Do you know the purpose for which those were ordered to Washington?—A. I do not know, sir.

Q. You do not know any reason why they were not sent back, do you?—A. I do not, sir.

Q. And without knowing the reason why they were not sent back, you accuse him of having thrown impediments in your way?—A. It was an impediment, and a very great one.

Q. You got all the indictments found, did you not?—A. I do not know that we got all that perhaps we could have got. I think that there were some gaugers that perhaps we could have got indicted.

Q. Did his failure to send those papers prevent you from obtaining a single indictment?—A. My impression is that it did.

Q. Whose?—A. I can't remember. There were some gaugers, as my impression is now, that we could have had indicted.

Q. That is an impression, also?—A. That is an impression; yes.

Q. You told the President of the United States, if I understand you correctly, that if that policy were to continue, you would not remain in the revenue service?—A. I told him if that policy were to be adopted and continued, no public man connected in any way with the revenue business, or having anything to do with these prosecutions, would be safe, and I didn't want to remain in the revenue service if such a system was to prevail as it was proposed to adopt at Chicago, and, as I believed, was being adopted at Saint Louis and Milwaukee.

Q. Did you know at this time that Babcock was indicted at the time you had this conversation on that subject?—A. I do not know whether he was indicted at that time or not. I suppose I knew when he was indicted, as I would actually know it from newspaper reports.

Q. Did you not know, when you had this conversation with the President, that Babcock was indicted at Saint Louis?

The WITNESS. When was he indicted?

Mr. COCHRANE. He was indicted long before that.—A. Then I suppose I knew it. This conversation was in January. I do not know when he was indicted, but if he was indicted before that, I dare say I knew it. I would naturally know it from newspaper reports, but in no other way.

Q. You do not now remember about that?—A. I am convinced that I knew it if he had been indicted before that time, because I remember seeing the statement of his indictment in the newspapers.

Q. You were so much interested in a change of this policy at Chicago that you threatened to resign unless the President of the United States would, at your dictation, order a change of the policy?—A. No, sir; that was not exactly what he did.

Q. Did you say in your examination-in-chief that you told the President of the United States that if that policy would continue you did not want to remain in the revenue serv-

ice?—A. I did, and I have said that just now; but that is somewhat different from the way in which you put it.

Mr. COCHRANE. That is precisely the question I put.

The WITNESS. You said I *threatened* to resign.

Q. Well, you intended to resign, did you not?—A. I cannot say what my intentions were, but I should not want to remain in the service.

Q. You seemed to be threatening these high officials with a resignation on all occasions?—A. I did not say it was threatening. I never felt that the office and the emoluments of the office were of such great importance to me that it would be necessary for me to hold the office at very great inconvenience to myself or under unpleasant circumstances.

Q. It never occurred to you, I suppose, that there was an impropriety in your going to the President of the United States and asking him to interfere in this matter?—A. I did not ask him to interfere.

Q. You swear you did not?—A. I did not ask him to interfere; I told him what was being done. I merely reported to him what had been done.

Q. Did you not state in your examination-in-chief that you did ask him to interfere, and that he said in answer that he would look into it?—A. I do not think that I said I asked him to interfere; if I did, it was a mistake. He did say he would look into that matter, however.

Q. For what purpose?—A. He did not say. He asked me whether Mr. Wilson admitted that he agreed to such an arrangement, and I told him that Mr. Wilson denied substantially that he had ever authorized such an arrangement.

Q. Did you have any talk with the President at that time about the Babcock trial?—A. I think not.

Q. Do you remember?—A. My recollection is that I did not. I think the subject of the Babcock trial wasn't mentioned at all at that interview.

Q. Will you repeat what occurred between the Secretary of the Treasury and Mr. Wilson and yourself when you say that the Secretary of the Treasury sent for Mr. Wilson and asked in reference to this Brooks?—A. He sent for Mr. Wilson and asked him whether he had ordered Brooks from Chicago to Milwaukee. Mr. Wilson said he had. Mr. Bristow said, "Brooks is an important witness at Chicago, and the court commences very soon;" and he said, "That should not have been done." Mr. Wilson's reply was that those parties would plead guilty out there and there would be no trial, and there would be no necessity for Brooks being there. That is in substance as near as I can recollect what it was.

By Mr. PLAISTED:

Q. He said something more, did he not—he gave some directions?—A. O, yes; the Secretary directed Mr. Wilson to countermand the order and to allow Brooks to remain in Chicago.

By Mr. COCHRANE:

Q. Did not Mr. Wilson say in substance, "I have ordered Mr. Brooks to New Orleans in accordance with your understanding and that of the President?"—A. I do not remember that he had said he had ordered him to New Orleans, but said something about the necessity of being there, as there were important matters to look after there, but I do not remember that he said it was in accordance with the Secretary's instructions at all.

Q. Are you prepared to say he did not?—A. My recollection is he did not.

Q. Is that a mere impression, or do you state it as a positive fact?—A. That is my recollection. If it was said, I feel very well satisfied I did not hear it.

Q. Do you not know that at a later day Brooks was sent to New Orleans in accordance with the directions of the Secretary of the Treasury?—A. I know he was sent there. I do not know whether in accordance with the directions of the Secretary of the Treasury, or with Major Wilson's own. He was sent there pretty soon after the interview I speak of.

Q. How soon after this interview?—A. This interview must have taken place, perhaps, early in January. I left Mr. Brooks in Chicago about the 18th or 20th of January. How soon after that he was sent to New Orleans, I cannot say.

By Mr. PLAISTED:

Q. As to the policy of dealing with the whisky thieves at Chicago, did you not suppose you were in accord with the Secretary of the Treasury?—A. I had every reason to believe I was.

Q. And in accord with Solicitor Wilson?—A. I had, especially from what the chief of the secret service said his directions were from Mr. Wilson.

Q. Before you went to Chicago, prior to the descent upon these whisky thieves, did the Secretary of the Treasury, at the interview of which you have testified, show you any evidence or intimate that he had sufficient evidence to convict the distillers there?

The WITNESS. Before I went there in May, at the time of the seizures?

Mr. PLAISTED. Yes.

A. The Secretary did not, but Major Wilson did. He showed me the reports of Brooks, who had been out there watching these distillers, and gave me substantially the result in each case. The Secretary, I think, did not say anything about it, but Mr. Wilson did.

Q. At the interview with the Secretary previous to that, when the subject of countermanding the order for the transfer of supervisors was under consideration, when the Secretary expressed his confident belief of frauds at those places, Chicago, Milwaukee, and Saint Louis, did he then say that he had sufficient evidence to convict?—A. No, sir; he did not; he merely gave it as his opinion.

Q. His confident belief?—A. Yes.

Q. Did the order of transfer of the supervisors contemplate anything more than the prevention of frauds in the future, and not the detection and punishment of those distillers for past frauds?—A. I cannot say what it contemplated, but that, I think, would have been the effect. That was one of the arguments I used with the President and the Secretary, that while it would stop the frauds temporarily, because they did not know what kind of men the new officers were, (it would stop the frauds certainly for the time being,) yet we would not be able to get down to the facts or punish anybody; the evidence would be put out of the way and destroyed. I think that that would have been the effect of what they contemplated. I do not know.

By Mr. COCHRANE:

Q. As to this brief which you have spoken of—the memorandum of the evidence against the whisky thieves—you say you sent a copy to the Secretary of the Treasury?—A. Yes.

Q. Did you furnish District Attorney Bangs with a copy?—A. No, sir; Mr. Bangs was not there at the time. I furnished District Attorney Ward with a copy.

Q. What did Mr. Bangs say to you about having seen that brief?—A. Mr. Bangs said this morning or last night that he had never seen this brief until he saw it in my hand this morning.

Q. Did the attorneys there in charge of the prosecution see this brief?—A. Mr. Ayer did, and Mr. Boutelle did. I furnished them a copy of it. Mr. Ward was at that time district attorney.

Q. Did the attorneys for the Government urge immunity to the whisky thieves—the first batch—on the ground of insufficiency of evidence?—A. No, sir.

Q. On the ground of prospective gains?—A. On the ground of prospective gains which they were going, they said, to effect. They said they were going to get other and more important persons.

Q. Have you any reason to believe that those officers acted from any corrupt motive?—A. I have not.

Q. Do you not believe they acted honestly, according to the best of their judgment?—A. I think they acted honestly, according to the best of their judgment.

Q. And what they believed would meet the approval of the Government?—A. Well, they said they had the sanction of Mr. Wilson to that proposition. They did not seem to have any doubt but that it would meet with the approval of the Government; in fact, said it was done with the approval of the Government.

WASHINGTON, August 4, 1876.

GEORGE H. WILLIAMS, Ex-Attorney-General of the United States, appeared before the committee and announced that he desired to make a statement in reference to a matter occurring in the proceedings on Wednesday last. An opportunity was given him, and Mr. Williams was sworn, and proceeded as follows:

Mr. Chairman and gentlemen: I find in the published proceedings of this committee, in yesterday's Star, a statement that the chairman read a certain extract from the Cincinnati Gazette, and it is to that matter that I wish to direct the attention of the committee. I should not have noticed the article, but should have treated it as a part of the political slang and filth of the day, if it had not been introduced into your proceedings, which, as it seems to me, makes it my duty to notice it.

Mr. COCHRANE. I would suggest, Mr. Williams, that you confine yourself to a statement of facts. Of course this is not an opportunity for argument.

The WITNESS. I understand, sir, what I have to do. I have seen the President this morning, and am authorized by him to say—

Mr. COCHRANE. Stay. We do not want that.

The WITNESS. I insist upon my right to make a statement to the committee fully upon the subject-matter of this article.

Mr. COCHRANE. I object to your stating anything here which the President may have authorized you to say. If the President of the United States desires to testify to anything pertinent to this investigation the committee will put him under oath and give him an opportunity of saying it in the proper way. Any statement which you may have to make of your own knowledge, connected with anything that has appeared in evidence before this committee you now have full and free opportunity to state, but we do not desire you to state anything that any person else has said to you.

The WITNESS. I insist upon my right to make the statement. Do you hold—

Mr. COCHRANE. I do not want to argue it. You have stated what you propose to do, and the committee have passed upon it.

The WITNESS. I insist that it is competent——

Mr. COCHRANE. Now, sir, I, as chairman of this committee, command you that you enter into no more argument upon this subject. You are a witness here. We have afforded you an opportunity to make a statement, but you must not argue the question with the committee.

The WITNESS. I understand, sir.

Mr. PLAISTED. I entirely differ with you, Mr. Chairman, in that regard.

Mr. COCHRANE. I understand that you do.

The WITNESS. If I am to be confined to my own personal knowledge I cannot make a full statement, because I really have very little personal knowledge of this matter. In the Star of last evening I find this statement in relation to the anonymous letters: "These slight changes, which were uniform in the various letters, led to the discovery that the retouching had been done by Colonel Whitley, ex-chief of secret-service division, who, for reasons which no one had been able to understand, had, after he was removed, been given employment by Mr. Williams."

I never employed Colonel Whitley for any purpose after he resigned his office as chief of the secret-service division, but he was paid after that time for services which his division had rendered to the Department before his resignation. This statement, therefore, is entirely untrue. Now, with respect to the implication which this article contains, that my wife was the author of those anonymous letters, or had anything to do with them, I denounce it as a damnable outrage and lie, whoever the author or abettors of it may be. While I was Attorney-General I received a great number of anonymous letters of an infamous character, and I presume that they emanated from the same source as the other letters did, from some enemy of the Administration, who was determined to make trouble in the Cabinet. My wife was of course greatly worried and grieved by those letters; but as they were anonymous nothing could be said or done about them. I know it is utterly impossible that she should have had anything to do with such communications; she is as much above any such mean, low act as any woman in the United States, and there never was a more wanton, wicked, and cruel calumny invented than that which is contained in this article. I think I ought to add that Mr. Wilson informs me that he is in no way responsible, directly or indirectly, for that publication in the Cincinnati Gazette. It is assumed in this article that I was removed from the Cabinet on account of these anonymous letters. In the first place, I have to say that I was not removed—I resigned; and I never heard or dreamed that anybody in the world supposed that I, or any one of my family, had anything to do with the anonymous letters, until lately I saw a vague allusion to it in Donn Piatt's paper, which, however, was not definite enough to enable me to understand exactly what the meaning was; and this article in the Cincinnati Gazette is the first tangible form that the slander has taken, and I was very much surprised and astonished to find that it was introduced before this committee, and in that way given a publicity and a consequence which it otherwise would not have had. I should not have noticed it at all under other circumstances; but I was apprehensive that if I allowed this publication to be read here before the committee, and published as it was in the proceedings, without contradiction, some persons might be disposed to say that I acquiesced in it. I know the statement to be entirely false in every respect; and if I could be permitted to state what was said to me by the President and others, I could demonstrate its falsity with tenfold force.

By Mr. COCHRANE:

Q. You have spoken in your statement of certain anonymous letters. What were those anonymous letters?—A. It is impossible for me to repeat their contents. They contained all sorts of insulting statements and obscene statements, reflecting upon the President and his family, and upon different members of the Cabinet—upon my family and upon me.

Q. Are those papers on file?—A. Certainly not, sir. They were destroyed. During the troubles at the South, particularly in Louisiana, I received a great many malignant letters from that section.

Q. Do you know of the President having received such letters?—A. I know that the President's wife has received letters.

Q. Did you see the letters referred to in this article?—A. No, sir; I don't know that I ever did. I never saw any anonymous letters, only what I received and what my wife received, except one that the President showed me, which he said had been received by Mrs. Grant.

Q. Did that letter have any bearing upon the matter specified in this article?—A. It had no bearing whatever. So far as the implication of my wife is concerned, the President told me that he did not believe that she had anything to do with it.

Q. This article says, "Specific charges, with names, were preferred against the President in a shape to give great annoyance to the executive household." Do you know anything of any letter containing specific charges against the President?—A. I know of nothing of the kind. I never heard of such a thing in my life.

Q. Then if any such letters were received they were not shown to you?—A. No, sir; I never saw any such letters.

Q. You stated that the President showed you a letter at one time.—A. He showed me a letter this morning, and that is the first time that I have ever seen any anonymous letters that were received by anybody, except my wife and myself. That was the only one that the President knew of at the time, and it was not directed to him, but to his wife. It contained no charges whatever against him, one way or the other. The charges were against myself and my wife; the letter was very filthy and infamous in its implications upon me and my wife especially, and also upon the wives of two other members of the Cabinet.

Mr. PLAISTED moved to strike out the testimony of the witness, so far as it relates to anything save his own personal matters.

By Mr. COCHRANE:

Q. Then, if I understand you correctly, the only anonymous letter received by the President or by a member of his family which you ever saw you saw this morning?—A. The only one I ever saw. I knew all the time, however, that these anonymous letters were being received by the President's people and by the other members of the Cabinet at the time they were coming to me and my wife. That was known.

Q. Do you know anything of a letter received by Secretary Belknap, charging that his house had been furnished out of the proceeds of the French arms sales?—A. Nothing.

Q. Did you ever hear of that?—A. I never did until I saw it in the article.

Q. Did those letters that you received contain charges about the President?—A. I cannot remember; I received a great number of them. They were scurrilous letters attacking every one in the Administration.

Mr. PLAISTED objected to the further examination of the witness in regard to the contents of these anonymous letters, upon the ground that it is entirely foreign to the investigation, and that the letters were scurrilous and infamous in character; and in view of the objection, the chairman does not insist upon the examination.



WASHINGTON, D. C., August 4, 1876.

JAMES J. BROOKS sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. In Newark, N. J.

Q. You are in the service of the United States Government?—A. Yes, sir; I am assistant chief of the secret service.

Q. How long have you occupied that position?—A. A little less than two years.

Q. Were you in the service in any capacity prior to that?—A. I was in the internal-revenue service nine years.

Q. What was your business prior to that?—A. I was a carriage-builder.

Q. You have been engaged about eleven years in the internal revenue and the secret service?—A. Yes, sir.

Q. You were assigned to duty at Chicago to investigate the whisky frauds?—A. Yes, sir; in March, 1875.

Q. By whose direction?—A. By the Secretary of the Treasury; under Bluford Wilson, and my chief, Elmer Washburn.

Q. The secret service is under the direction of whom?—A. Mr. Elmer Washburn and the Solicitor of the Treasury. I reported to the chief.

Q. And he takes his orders from the Solicitor, does he?—A. Usually, in important matters.

Q. From whom did you receive your orders?—A. I may say from the Solicitor. I had more to do with the Solicitor than with the chief. I received my final orders on the 13th of March, in New York.

Q. When did you receive the first intimation that you were to be placed upon that service?—A. I was called to Washington several times on matters pertaining to the Saint Louis whisky frauds chiefly, by the Secretary of the Treasury, and there I met the Solicitor and the Secretary, and the matters were discussed. I cannot recall the date exactly, but I believe it was in February of 1875, a gentleman came from Saint Louis, who said that he could develop the whisky frauds there, and I was called by the Secretary of the Treasury to confer with him.

Q. That was Mr. Fishback?—A. No; another man, before Mr. Fishback. He was formerly a gauger there, and Mr. Wilson engaged him to go back to Saint Louis to investigate the frauds under the seal of secrecy. He and I were instructed to confer with each other. He was to report to me in New York by letter, and I was to go out to Saint Louis just as soon as matters were ready for me to go and investigate preparatory to striking. After he left me he wrote me from Saint Louis that his movements were all known to the whisky ring, and that he was beaten there upon his return from Washington. He was

dropped because of his affiliations with the ring, and then Mr. Fishback came in, and after Mr. Fishback and Mr. Colony went to work I was sent for by the Secretary and Mr. Wilson to plan for Chicago and Milwaukee and leave the Saint Louis district to other parties.

Q. How long after Mr. Fishback went back?—A. I was not sent for until about the 8th of March.

Q. When you came here to Washington did you get your final instructions?—A. I got them in New York.

Q. From whom?—A. From Bluford Wilson personally. He was in New York.

Q. What were the general instructions you had?—A. They were that I should choose my own help and go out to Chicago and Milwaukee secretly and take observations and report daily to him everything that transpired under my eye and that of my assistants; and await further instructions from him as to ultimate action. That was the 13th of March. I started on the 16th, arriving in Chicago on the 18th.

Q. State briefly what you did.—A. The man accompanying me was William H. Herr, of Philadelphia.

Q. Did you select him?—A. Yes, sir.

Q. Did you propose his name to Mr. Wilson?—A. No, sir; not specially. He told me to select whom I pleased, and he was the only man I felt that I could trust and I selected him.

Q. Did you tell Mr. Wilson that you should select him?—A. I cannot say that I did, but it is possible that I did, because my mind was fixed on that man when I heard of the thing.

Q. Did both of you operate in Chicago?—A. We did.

Q. For how long?—A. I cannot fix the date because we ran backwards and forwards from Chicago to Milwaukee operating in both places; in both places we consumed eight weeks; that brought us down to the beginning of May.

Q. Have you your reports which you made to Solicitor Wilson?—A. Not all of them. They embrace two or three large thick volumes.

Q. I mean upon this subject during those eight weeks?—A. I have no reports with me of the work preceding the seizure; they give in great detail every operation, watching the distilleries, seeing the time that the officers went to work, seeing them remove spirits from the distillery, who were present at the time of the removal, following the loads of spirits from the distillery to the rectifier's, the hour they left the distillery and the hour they got to the rectifiers, whether they had stamps on, and all the details.

Q. Where are these books?—A. They are in the possession of the secret-service division.

Q. You kept no copies?—A. Not at that time. I did not commence keeping copies of my reports until the first of this year.

Q. Were you disguised?—A. No, sir; I did not know any one in Chicago; I never had been there before as an officer.

Q. Did they discover your business?—A. They had not the slightest suspicion, until towards the last my reports began to leak out in some way, I don't know how; but that was just prior to the seizure, and I do not think it did any damage. The few last days we did suffer some damage. They got notice of the thing.

Q. State briefly some of the frauds which you discovered.—A. We discovered that every distillery that we watched was stealing just as much as they could carry away, without let or hindrance. The officers were all in with them; they carried it on openly; there was no attempt to disguise it; and the only reason we did not discover all of them was that we had not time. Mr. Wilson hurried me; he wanted to strike Saint Louis, and he urged haste in our preparatory work. If we had had four or five weeks longer, we would have struck every one of them. There was no trouble about it.

Q. Did you so report to the Solicitor?—A. Yes, sir.

Q. That you wanted further time to complete your investigations?—A. I believe I did. I probably reported in this way: when I was notified that we would have to get ready to strike by a certain time, I think my reports were that I wished we had more time.

By Mr. COCHRANE:

Q. What was the reason that further time was not given?—A. It is a matter of opinion with me, but I believe the reason was that it began to get noised abroad. I read it in the papers myself, at Chicago, that secret agents were at work in New Orleans, Saint Louis, Chicago, and Milwaukee, and that there would be trouble very soon; and from these reports appearing so frequently we began to be afraid that, unless we struck soon, we should lose everything.

By Mr. PLAISTED:

Q. What evidence of fraud was furnished you when you started upon that expedition?—A. In 1874, about August, I think, I was called to Washington to confer with Mr. Chapman, who had been West and had received information from an officer in Chicago that there were great frauds going on. I believe, though I cannot remember exactly, now, that the information stated the nature of the frauds. I was called to confer with Mr. Chapman with the view of getting all the points I could from him, so that I should go out there and endeavor to detect the frauds; and all through 1874, from August to the end of the year, we made efforts, through the agency of the Internal Revenue Bureau, to get out West and detect these frauds.

But every arrangement we made seemed to be telegraphed to the distillers before we could start, and in every case I was notified, "The thing is off; the distillers know that you are about to come here, and there is no use in your coming." 1874 was consumed in that way, and while I remained in the internal-revenue service I did not and could not possibly get out West to detect any frauds. It was only after I got into the secret service, as I have explained, that I was sent out there, and then the matter was conducted with such secrecy that we did not even inform the Internal Revenue Bureau of what was going on at all, except that in New York, after I had conferred with Mr. Wilson several times on this raid to be made in the West, when I arrived at 70 William street, Mr. Wilson brother's office, I was astounded to see Mr. Yaryan there with Mr. Wilson, and then, for the first time, I learned that Yaryan was to operate in Saint Louis. So far as my knowledge extends, Yaryan was the only man in connection with the Internal Revenue Bureau who knew what was going on. So secret was it kept that I had been out there watching for six weeks, when Mr. Douglass, the Commissioner of Internal Revenue, addressed me a confidential letter, asking whether I could obtain permission from my chief to go to Washington and see him quietly, and organize a raid on the distillers, in which I was to take the lead.

Q. Have you any reports of your secret investigations?—A. As I said before, I could have brought them down if I had known they were wanted.

Q. Can you have access to those reports?—A. I can. But all I could do if I had them here would be to read you the report of each day, with the reports of my assistants, going into details, and I do not suppose you want that.

Q. Were you at Chicago when the descent was made upon the distillers there by Mr. Tutton?—A. I was at Chicago up to the evening before the descent was made. Supervisor Hedrick of Iowa being a supervisor of internal revenue, having authority to make a seizure, and I being of the secret service, and having no authority, he was assigned to make the seizures in Milwaukee, while Mr. Tutton was assigned to make them in Chicago, and Mr. Hawley, as the supervisor, in Saint Louis. The time came for us to leave Chicago for Milwaukee on a Sunday evening, and Hedrick had not put in an appearance; so I had to leave Chicago, and take my men to Milwaukee to make a raid in any event, even if he did not come.

Q. Did you employ any men in Chicago?—A. I did in the descent, but not in the preliminary work. Herr and I were the two men from Milwaukee and Chicago.

Q. Did you remain there until the cases were brought before the grand jury?—A. I remained there a sufficient time to gather up for preservation, as far as we could, the evidence nearest our hands which would help us in the prosecution of the cases.

Q. Did you see Yaryan at Chicago while you were there?—A. Mr. Yaryan did not come to Chicago until November of that year, I think. He was in Washington when I returned from Chicago in May; I saw him there then, and by that time I had learned just what documentary evidence I should need from the Department of Internal Revenue for the successful prosecution of the cases in those two cities, and I gave him notice in May of what I should need, and he promised that he would have them ready for me. I returned on the 1st of July, I think, to Washington on my way to Chicago. I then called Yaryan's attention to the documentary evidence that was necessary. Said he, "I understand it, and I have got what we call the wholesale liquor-dealers' 52's." Those are transcripts of entries of purchases and sales of spirits by wholesale dealers written on a form known as form 52. They also had, as I discovered, what we call 59's, a form used by gaugers. Those forms are filed in the office of the collector for reference, and Yaryan had sent to Chicago and got all those 59's sent to Washington for the purposes of his investigation; so I notified him on my return in July that I wanted both the 52's and the 59's as fast as he could get them for me. He said he had the 52's except as to rectifiers, and those he promised he would get me in a few days. With that understanding I left and returned to Chicago.

Q. Did he furnish you any of this documentary evidence to take with you?—A. No, sir; not to take with me; and when I got there I found that he had not furnished any of this documentary evidence at all; that he was mistaken when he said he had sent me the 52's of the wholesale liquor-dealers. It was all-important that I should get those, because with them we could discover the extent and the ramifications of the frauds, while without them I was there, so to speak, with a rich mine lying before me and no tools with which to develop it.

Q. How long were you kept waiting for those documents?—A. I wrote and I telegraphed. I got mad, and I probably wrote some things that I ought not to have written. Altogether I wrote I guess four or five times, and I think it was in September that he furnished me with a portion of the record as to the distillery goods. Meanwhile, despairing of getting the documents from Yaryan, I wrote to Mr. Tutton in Philadelphia, and asked him to get me up transcripts of wholesale liquor-dealers' and rectifiers' sales made by the Chicago dealers to the people in Philadelphia in his district, and he complied and sent them in a few days. When I got this record from Washington of the 52's and compared it with the record Mr. Tutton had furnished me I found that the Washington record was utterly unreliable and imperfect. It actually had omitted all the sales made by Roswell C. Mersereau. In all those records furnished me from Washington there was not the first sale by Mersereau, one of the men whose places we had seized, and against whom we were anxious, of course, to develop

all the evidence we could. Mr. Tutton's transcripts did contain those sales, but those received from Washington did not.

Q. Why could not they furnish them from Washington?—A. There was no reason why they should not. The orders had been issued all over the country, and with those transcripts of the wholesale liquor-dealers, and with what are known as the 59s and the 122s, any officer of ordinary intelligence can discover whether any frauds are being committed in any part of the country, though he cannot get at their extent.

By Mr. COCHRANE :

Q. Have you since learned why those papers were not furnished to you?—A. I have since got Mr. Yaryan's explanation. It was, that he thought I was calling all the time for transcripts of the 52s and the 59s which they in Washington had discovered fraud attaching to, and not for the general transcripts so that I might take them and apply them myself to my work in Chicago. That is the statement that Yaryan made to me. I would like in charity to believe that that was so, but my requests, which can be seen on file, stated very distinctly what I wanted, and I never once intimated that I wanted only those to which fraud was attached; I stated that I wanted a transcript of purchases made by wholesale liquor-dealers and others from the distillers and rectifiers of Chicago.

Q. How do you account for his refusal or neglect to furnish the papers you called for?—A. I will tell you. He is a young man, and he will get toned down if he lives long enough; but he is not evenly balanced, and he had the idea that he was not only running the whole machine and the Internal Revenue Department, but that he could sit in his office and have a general supervisory control of all internal-revenue operations all over the country, and send forth all the evidence required for the forfeiture of any property or the conviction of any offender against the internal-revenue laws. I believe that is just the idea that the man had. I have a number of reports here that I wrote concerning the non-reception of those documents. I had written for the documents and they had not come, and when those men were indicted in Chicago, they all began to call for bills of particulars, so we had to show our hand. I had been calling for this documentary evidence ever since May, so as to enable us to make bills of particulars, but they had never come. The report from which I am going to read was made in November, [reading:]

"The following extract from a private letter relating to official matters will serve to indicate why my very repeated calls for 59s, when in pressing need of them, met with no response. It also shows what the right man in the right place can do :

"WASHINGTON, D. C., November 8, 1875.

"DEAR MR. BROOKS: Your telegram came very late to-day, but I managed by an extra effort, and by lugging them to the post-office myself, to get the rest of the form 59. I was much surprised to find them here, having understood from Eldridge, chief clerk in the division, that all that were here had been sent, and Yaryan also depended on his word. He has gone off on leave, and I am now in his place. You really should not blame Yaryan for the imperfect manner in which he has seemed to meet your requests. He relied upon Eldridge, who has a good reputation in the bureau.

"In haste, faithfully,

"T. F. WINSLOW."

"If there is not yet a goodly number of 59s remaining at Washington they are missing, and their presence here is sorely needed to aid me in making up the bills of particulars now demanded by each of the rectifiers.

"I would here express the conviction that had I a full and carefully-prepared transcript of sales, or rather of receipts of rectified goods, from the Chicago rectifiers, as shown by the dealers' 52s throughout the country, embracing the sales of such houses as Dickinson, Leach & Co., the Illinois Distilling Company, the Chicago Alcohol Works, (for each and all have rectifying houses,) I am satisfied that some frauds would be unearthed against one or more of them. The ear-marks are plainly visible. On November 22d I received a letter from the chief of the secret-service division inclosing a copy of a letter from the Hon. D. D. Pratt, Commissioner of Internal Revenue, addressed to Hon. Bluford Wilson, Solicitor of the Treasury, announcing the fact that all 59s from the first district of Illinois had been returned, and that the transcripts of 52s of rectified spirits produced in the first district of Illinois would be made out and forwarded; that is, the request made by me in May was answered by Mr. Pratt on the 22d of November, with a promise that the documents should be made out and forwarded to me. I trust that I shall have no occasion to write about this matter again. I do so now, however, to show you that one of the transcripts that I asked for in July last is, as shown by the honorable Commissioner's letter, now being prepared. I verily believe that an earlier production of those transcripts would have brought down several large houses in Chicago run as rectifiers in connection with distilleries. It may not yet be too late. Then, as to the 59s, the copy of my report forwarded to the Commissioner evidently induced another search; for, a few days before its receipt, I received another bundle of 59s from Washington, and I tell you, sir, there may more yet be found somewhere."

That is all of the report that relates to the hinderance we suffered at the hands of Mr. Yaryan in the internal-revenue service. I would give an incident, however, simply as illustrating the way he did business. He sent transcripts of duplicates, 122s as they are called. A rectifier takes a half-dozen barrels of spirits into his possession with the intention of dumping them and changing their character. He fills up form 122, in which he enters up all the details of serial numbers of packages and of the stamps on those barrels; there can be no two serial numbers with the same number of stamp, and there can be no two serial numbers of the same number of package, from the same distillery; so if in Washington they discover that there are two forms 122 on file of John Smith's distillery, and those two forms give the same serial numbers of the packages and of stamps as filed by different rectifiers in different sections, or in the same section of the country, then they suspect that there is fraud, and it is a subject for investigation. Now Mr. Yaryan frequently discovered cases of that kind, and it was a common practice with him when he discovered this *prima-facie* evidence of fraud to write to the district where the whisky was made and notify the collector of the fact, and tell him to go immediately and seize the distillery. In this case he followed that rule, and sent the forms 122 to Chicago, and asked the seizure of the rectifying-house of the Chicago Alcohol Works, and contemporaneous with that, the announcement appeared in the newspapers that there was great evidence of fraud against that establishment. We investigated the matter there, and found that these duplications were simply clerical errors: that Mr. Smith, for example, had got the numbers that he reported, while Mr. Jones reported the same numbers that Smith reported and got others, and it was made very clear to the supervisor that they were clerical errors.

By Mr. COCHRANE:

Q. What injury resulted from this delay?—A. This injury; that had we got those papers we would have had the key to the whole transaction whereby we could have got down to the balance of the frauds in that city. The balance of the fraudulent operators were subsequently brought to justice by the confession of the first lot of men whom we arrested, and against whom we got the evidence, but had we received those papers, and had I been given proper facilities for that investigation, we could have got down to the balance of the frauds without depending upon the confessions of anybody.

Q. Was there any party guilty of fraud who escaped by reason of the failure to send those papers?—A. Yes, sir; I think all the men who escaped thus far.

Q. I am not speaking now of those with whom terms were made. Did any other guilty parties escape by reason of the failure to send those papers?—A. I am not able to answer that question. That is more than I can determine.

Q. Have you knowledge of any who escaped?—A. No, sir.

Q. Then, although those papers were delayed, yet in the end you managed to discover as many parties guilty of fraud as you would have discovered if the papers had been promptly furnished?—A. I cannot say that either.

Q. Can you say that that is not the case?—A. I cannot.

Q. You don't know whether you would have discovered any more or not?—A. No, sir.

By Mr. PLAISTED:

Q. But the balance of those parties, you say, were brought to justice at the expense of immunity to the whole of the first batch?—A. Yes.

By Mr. COCHRANE:

Q. What do you know about the immunity granted to that first batch?—A. When I was in Washington, on my way to Chicago, during the holidays of 1875-'76, I called on Mr. Bluford Wilson. Already I had notice that those distillers and rectifiers against whom we had this strong evidence in Chicago were confessing their sins, and I called Mr. Wilson's attention to it. Said he, "Yes; Russell has been here with Supervisor Matthews, and he wanted to see the Secretary, but the Secretary would not be seen, and he talked with me. I told him that we had but one set of terms for them, and they were: plead guilty; allow the forfeiture of your property; tell all you know of the misdeeds of others, and trust to the leniency of the court." I said to Mr. Wilson, "How do you account for this confession of theirs, then?" Said he, "I don't know. Russell didn't like the terms at all; he went away discontented. I suppose Matthews must have talked to him while on the way to Chicago, and probably showed him that it was the wisest thing for them to do to confess and plead guilty." I left Washington and went to Chicago, and as soon as I got there a gentleman gave me a statement in confidence to the effect that these distillers and rectifiers were to plead guilty, tell all they knew, and have perfect immunity from punishment, and that their counsel were trying to get for them, as a part of the terms, restoration of all their property, but he thought the compromise would be something like this as to property: that there should be no opposition to any application they might make to Washington for the restoration of their property. Under the influence of that information, I wrote my report for January 3, which was written on January 4, from which I read:

"I arrived in Chicago at 9 a. m. During the day conversed with Col. A. C. Mat-

threws, supervisor, concerning the present state of our cases; when he expressed the conviction that it was a waste of time to further prepare our old cases for prosecution, for it was well understood that the men who are now peaching will plead guilty and trust to the leniency of the court; and these are briefly the terms stated to me by Colonel Matthews: Go before the grand jury; tell all you know; go into court; plead guilty; allow a verdict to be taken against the distillery property; where bonds have been given and the bonds are worthless, the property for which the bonds were given should be appraised and the value thereof paid in cash, and the cash turned over to the Government; go before the district court and testify in all cases where the testimony will be of any value, and trust finally to the clemency of the court. I here place my prophecy on record as to results respecting the present grand thieves we have so fast that nothing short of death can save them from the penitentiary if justice is done: Sentence will be suspended for all time against them; not one will see the inside walls of a prison; there will be attempts made in all cases for the remission of forfeiture of property, and in the large cases relief will be granted almost equivalent to a remission, and in some of the smaller cases we shall lose by straw-bail being taken. I tell you sir, our course was the safe one; we had some of the greatest scoundrels in our toils that ever went unwhipt of justice. There was Parker R. Mason, the heavy villain, forger, &c., a man who does not scruple to employ, if reports are true, bloody means if necessary to accomplish a purpose; he will walk forth to repeat his villainies; so of Russell and Golsen. Please note what the exchange will be." In the same report I refer to another matter pertaining to this, as follows: "Received the following telegram from chief at 6 p. m. this day: 'Did you try to have riding of safes brought to the attention of the grand jury; if so, how many times did you speak to 29 about it?'" ["29" was the number for the district attorney at that time, Mr. Ward.] To which I responded, 'at least three times called 29's attention to the safe matter, and brought it to the notice of the grand jury twice.'"

Q. Is that the only report you made upon this subject of immunity?—A. No, sir; I read the reports as they occur.

Mr. COCHRANE. I shall object to spreading upon the record these reports of what the witness thinks or thought at a given time.

By Mr. PLAISTED:

Q. Did you make any other report in relation to the question of immunity?—A. Yes, sir.

Q. What is the date of that report?—A. The 14th of January.

Q. To what does it relate?—A. To the indictments of certain men in that court. I give the names of the men indicted, and then I go on to say—

Q. What is the substance of what you said?—A. Well, it is about letting no guilty man escape, showing that this is the initial step of a policy which will disregard the President's edict to let no guilty man escape.

Q. Did you report any of the facts in that to the chief?—A. Yes, sir; I reported the facts as they occurred, with my comments upon them.

Mr. COCHRANE. We want the facts without the comments.

By Mr. PLAISTED:

Q. To whom was that report made?—A. To Elmer Washburn, chief of the secret service. In this report I say, "I met at the United States attorney's office this evening, Hon. Wirt Dexter, who seems anxious that some of the store-keepers and gaugers—those who know nothing about Jake Rehm and A. C. Hesing—shall be tried, and it was arranged that we should go over the list on Monday, and determine who such are. He spoke strongly concerning the indictment of such men as Roelle, Gliver, Connor, Fredericks, and Eastman, and wanted to know who was instrumental in having them indicted. I asked him whether these men being active partners in establishments where great frauds had been committed against the Government, had been wrongly indicted. He then replied, 'No; but you can't convict them.'" Assistant Attorney Burke took issue with him on that point, and cited a recent case in Missouri, before Judge Krekel, where three partners ran a rectifying house, two of whom declared the third had no knowledge of the fraudulent practices carried on there. The judge charged it was the duty of the third person, being around there all the time, to know what was going on. The man was convicted and sentenced. The object of Mr. Dexter seemed to be to show that only against a very few persons outside of Government officers had we any cases. He bade us try Eastman, Leach & Co., and see how we would come out. I said it would be manifestly unfair to try Eastman without at the same time trying Golsen, his partner. I furthermore asked him if he proposed to put a rectifier reeking with fraud on the witness-stand to convict a gauger whose crime was, not that he took money from said rectifier, but that he relied on the veracity of the rectifier, who told the gauger he would destroy the stamps and did not. I said it was clear to my mind the gauger should be convicted and punished, but not on the evidence of such a knave as that. Mr. Dexter thought that was an exceptional case. I have several such cases. I introduce this conversation to show that for some unexplained reason it is deemed necessary, both here and at Milwaukee, to belittle the old cases. Before leaving this subject, I must put on record Mr. Dexter's views on the ultimate of his agreement with the distillers and officers who are now

aiding the Government by their confessions of rascality. He said substantially this to both Mr. Burke and myself: "After the cases are disposed of, I shall go to the judge and represent to him what each man has done toward unearthing fraud and convicting criminals, and ask at his hands such clemency as he, in view of all the circumstances, may deem they deserve. I may, in some instances, go further, and ask for such immunity from imprisonment entirely. The judge may see the matter in an entirely different light to myself, and give some of them heavy sentences, but I do not think he will." I assented to the reasonableness of the proposition, and gave vent to my astonishment that it differed so widely from what Mr. Tutton and Chief Washburn understood it, which was that they were to have, without any such submission to court, entire immunity from imprisonment. He said "It was no such thing; that any such arrangement made by counsel and coming to the knowledge of the court would be kicked to pieces instantler, and very properly so." From my report of January 26 I read this paragraph, showing the view of Mr. Ayer: "I informed Special Counsel Ayer of the views expressed by Mr. Dexter on Saturday last, when he said that Mr. Dexter was mistaken, and he (Ayer) could not understand how Mr. Dexter misapprehended the terms, which were, that sentence should never be moved for in any of their cases, and that it was never their intention to submit the question of their immunity from imprisonment to the judge."

Q. Do you know anything about the proposition to grant immunity to witnesses if they would involve politicians there, Logan or Farwell?—A. No, sir; I don't know anything of my own knowledge in that direction. I heard enough.

Mr. PLAISTED. I do not want you to state anything unless it came from Wilson or Yaryan.  
—A. Mr. Wilson never mentioned it.

By Mr. COCHRANE :

Q. Did Mr. Dexter, or Mr. Ayer, or the district attorney, or any officer there?—A. I have stated what Ayer said. I heard a general conversation with the special counsel in the district attorney's office several times.

Q. Let us have it.—A. I cannot give it, sir.

Q. Give us the substance of it.—A. Well, the substance was as to this man Mersereau especially.

Q. Whom else?—A. Also about Parker R. Mason. It was at one time supposed that he was going over to the enemy, Jake Rehm.

Q. How about Charles B. Farwell?—A. I never heard a word—yes, I have heard conversations, but from irresponsible parties.

Q. Did you hear them from any of the counsel?—A. I cannot say that I did.

Q. You don't recollect that?—A. I will tell you. I was the pack-horse of the concern, and when there were any consultations going on, though I was in the room, I was always at work, and I did not bother about them.

Mr. COCHRANE. I will cross-examine you more fully about that hereafter.

By Mr. PLAISTED :

Q. Did you have any conversation with Wilson and Yaryan, in the course of the investigations, as to immunity?—A. I never talked at all with Yaryan on that matter. The man thought I was down on him, and I didn't talk with him much. I had official communications with him, but nothing about the policy.

Q. Were you down on him?—A. Not at all. I was sorry for the fellow. He is a smart man, but so unevenly balanced that he is flighty.

Q. Did you have any conversation with Mr. Wilson, in the course of the investigation, as to immunity?—A. I conversed with, or rather I listened to a remark from Mr. Wilson addressed to me which occurred in the course of a conversation when I returned from Saint Louis preparatory to going to New Orleans. That was in February last. I saw Mr. Wilson in the office, and in the course of a general conversation about matters and things in Chicago, he made this remark substantially, (I cannot give the language:) "Brooks, it is all right. Those gentlemen in Chicago were on the ground and understood all the facts, and I think if I had been there as they have been, I should have done as they have done." That is about the substance of the remark which was made in relation to granting immunity.

Q. Was that all the conversation you had with him at that time?—A. All about that matter.

Q. At any other time did you talk to him in regard to it?—A. I have written frequently. He inspected my reports, and I have also written him private letters on matters. He encouraged me to write him private letters, and I did in the earlier stages of the investigation up to Christmas. I presume he has a number of those letters. What there is in them I do not know, but they were in relation to the business in hand. After Christmas I did not write.

Q. Did you ever have any talk with him or Yaryan on politics or the question of presidency?—A. No, sir; I never talked with either of them about it. I just attend to the duty which lies before me. I am no politician, and they never talked to me nor suggested it; none of them did, either the Secretary, or Yaryan, or Wilson.

Q. What assistance did Yaryan give you from the time you went out there until you got through with your investigations?—A. Mr. Yaryan attempted to render assistance in the preparation of the cases, he and Winslow, and he sent Winslow out there with some of the cases prepared, as they said, and Mr. Tutton, who was at Chicago, having charge of the matter, examined the preparation. Mr. Yaryan came out there. Yaryan and Wilson and Winslow were out there together at that time, and the question of the preparation of the cases came up, and Yaryan, through Winslow, submitted the preparation of certain cases to the special counsel for the Government, and they at once discarded them, as being in violation of the rules of evidence and of no use to them, and requested Mr. Tutton at once to continue the work of preparation, as we had been engaged in it for some time. With that exception, and sending from time to time evidences of fraud—what he considered evidences of fraud—from Washington, there was nothing else.

Q. When you started out on your expedition were you furnished with any evidences of fraud against any of those whisky distillers in Chicago?—A. Not a particle. We worked it up from hard-pan.

Q. Please state the extent of the frauds there unearthed.—A. I unearthed Russell's distillery, as running fraudulently some days 40 barrels of alcohol, which would net a loss to the Government of nearly a million dollars a year in that one distillery. I spoke to Russell about it and he said, "That is nothing; I have stolen 60 barrels." Frank A. Eastman saw me at the Grand Pacific one night, and said, "Mr. Brooks, my clerk has astonished me to-day by a statement he has made;" and he said that during the month of March his firm sold \$250,000 worth of spirits, and that three-fifths of it was crooked.

Q. Did you ever figure up the aggregate?—A. When I first went up there I figured it up as \$3,000,000 per annum in Chicago alone, and from the statements of these men it was much more than that, in my judgment.

Q. Did you ever figure up the amount at Milwaukee?—A. I did, and I considered it more extensive than at Chicago.

Q. Did you go to Chicago before or after the order to transfer the supervisors was countermanded?—A. After; a month after, I think.

Q. Do you know the date of the order countermanding the order transferring the supervisors?—A. I do not.

By Mr. COCHRANE:

Q. You have spoken of certain papers, and indicated them by numbers which you alleged were detained for a long time in Washington, and which would have been of great service to you. What would those papers have shown?—A. Those papers, in conjunction with the evidence already in my possession, (the 59s, for example,) and the stub-books, would have shown that certain spirits were put upon the market in packages containing 80 gallons, when the 59s showed that they did not contain more than 10 gallons.

Q. Then the only value of those papers would have been to show, or tend to show, frauds committed by distillers and rectifiers?—A. Yes, sir.

Q. There was nothing in those papers which would have implicated Mr. Rehm?—A. No, sir; nothing.

Q. Nothing that would have implicated Hesing?—A. No, sir.

Q. Nothing that would have implicated any of those other men who were alleged to have been the prime movers in the whisky-frauds?—A. O, no, sir.

Q. Don't you know that the arrangement which was entered into with that first batch of distillers was designed to enable the Government to reach not other distillers, but the officers of the Government, who otherwise would have escaped punishment?—A. No, sir.

Q. Was not that the purpose?—A. It was a part of the avowed purpose, and part only. There was a very small fraction of the officers that they sought to reach.

Q. So that that arrangement with the distillers intended also to reach parties who, although not Government officials, were still men of influence and power in Chicago, who had been connected with and were the prime movers in the whisky frauds—such men, for example, as Rehm, Hesing, and others?—A. I know there was a great deal of talk of that sort; there is no doubt of it.

Q. That talk was upon the part of Mr. Dexter and the representatives of the Government, was it not?—A. It was not the talk of Mr. Ayer or Mr. Boutelle, and it was not the talk of Judge Bangs.

Q. But it was the talk of Mr. Dexter and of whom else?—A. Principally Dexter, Matthews, and Webster; I think those are about all.

Q. You know that it was by information which was furnished by that first batch of distillers that Rehm was implicated?—A. I believe it was.

Q. You never discovered any evidence to implicate Rehm, did you?—A. No, sir—yes; I discovered this character of evidence in the seizures we made, that Rehm's hand was seen putting this man in office and removing that man, and saying that "this must be done or else you can't stay at this distillery," and so on. I discovered that.

Q. You learned that Rehm was powerful in securing appointments, and having people dismissed and so on?—A. Yes, sir.

Q. He was a very important man in Chicago at that time, was he not?—A. I believe he was, though I never heard of him until I went there.

Q. He possessed large political influence?—A. Yes, sir.

Q. But you discovered no evidence which would be sufficient to convict him of any offense?—A. I cannot exactly say that, because I don't know what amount of evidence would have convicted him. There was some very strong evidence, as I said before, about his telling certain parties to let certain things be done, or to have certain things done.

Q. Did you have any other evidence than that?—A. No, sir.

Q. That, in your judgment, would not convict him of any offense, would it?—A. No, sir. It might have led to other evidence if it had been pursued.

Q. You did not pursue the investigation from facts within your knowledge?—A. I felt confident of pursuing the investigation, but I was told that there was no use in doing it.

Q. You never did pursue it?—A. No, sir.

Q. What other parties besides Rehm and Hesing were implicated in these matters by the testimony of this batch of distillers?—A. I believe there were Dickinson, a distiller, and Abell, who was of the same firm. I believe they had the ex-district attorney, also Mr. Ward, and the collector, Mr. Wadsworth, and Mr. Lawrence, of the Illinois Distillery Company.

Q. About what number?—A. I should say that in round numbers there were probably a dozen or fifteen; but then those, you understand, are the parties that these men told stories about in the number convicted. I am only giving the number that these people talked about.

Q. You are giving the names of parties who were implicated in these whisky frauds by the testimony and disclosures of this first batch of distillers?—A. Yes, sir.

Q. Was Hesing tried?—A. Yes.

Q. Was he convicted?—A. I don't remember whether he was tried or whether he plead guilty.

Q. Did Rehm plead guilty?—A. Yes.

Q. How many of those people plead guilty?—A. Probably six or eight, I think. I am not sure. You are now asking me about a subject that failed to interest me after I saw the Government sold out.

Q. Would you venture to say that there were not twenty or thirty who plead guilty who were implicated by the disclosures?—A. There was a large number of them who plead guilty.

Q. Who were implicated by the first batch of distillers?—A. That I cannot say, because I am not posted on that. I left Chicago immediately after they began to come in.

By Mr. PLAISTED:

Q. Do you mean to say that District Attorney Ward was implicated by the testimony of the first batch?—A. I didn't say that he was implicated, but that these people undertook to implicate him.

Q. Was he not implicated by Rehm alone?—A. I cannot say; I presume, however, that is so. As I tell you, I went from Chicago to New Orleans, and in that country you don't get the papers.

By Mr. COCHRANE:

Q. You knew, however, that Ward was indicted by the grand jury?—A. Mr. Ward was indicted, I believe.

Q. And also Wadsworth?—A. Yes, sir.

Q. Then you were absent from Chicago and are not able to give a detailed account of the results which flowed from the arrangements which were made?—A. I am not.

Q. It was through your efforts, was it not, that the frauds of that first batch of distillers and rectifiers were discovered?—A. Through my efforts and those of my assistants.

Q. You had the main charge of the affair?—A. Yes, sir.

Q. You had had considerable difficulty in ferreting out those crimes, and had worked assiduously?—A. I had worked assiduously for about eight months.

Q. You took some pride, I presume, in the result of your operations?—A. Well, I had more the interest of my Government than of myself at hand; I pride myself on my Government rather than on my personal exertions.

Q. Don't you take some pride in the result of your labors?—A. Not at all, sir; I have no professional pride about it. I am paid well for my labor, and that is all I care for.

Q. Do you know the amount that has been realized by the Government in money from that first batch of distillers?—A. No, sir. I will tell you what I do know—

Q. I would rather you would tell me whether you know that or not.—A. No, sir; I do not.

Q. Do you know how many suits are pending there now against that first batch of distillers?—A. No, sir; but I know the condition of things there pretty well, and that the suits won't avail anything if there were a thousand of them.

Q. Do you know whether the suits are pending?—A. I do not.

Q. You have given conversations which you had with Mr. Dexter and others, and you have undertaken to give even the identical language that was used by those gentlemen?—A. In one instance I did.

Q. Will you now be good enough to state whether you ever heard Mr. Dexter state that Charles B. Farwell and Senator Logan were, in his opinion, implicated in those whisky frauds?—A. I never did, sir.

Q. Or either of them?—A. I never did.

Q. Did you hear any other of the counsel for the Government say that Charles B. Farwell and Senator Logan were implicated in the frauds directly or indirectly?—A. No, sir. I remember a conversation that arose from the evidence given by Durphy, of the Chicago Dock Company's warehouse, in which they seemed to give pretty free expression to the opinion that Charles B. Farwell either was using or had used his influence for the release of certain property in that warehouse. This was a conversation among counsel. That is all I remember about Charles B. Farwell's name being mentioned.

Q. Do you know of checks or papers having been discovered in the safe of Mersereau tending to implicate Mr. Farwell?—A. I cannot say that they were in the safe of Mersereau. I had a number of checks in my possession, but where they came from I cannot now state, though I could at the time. They were checks that were given to Mercereau. Mersereau sold to Golsen & Eastman certain high-wines. Golsen & Eastman would give their check to R. C. Mersereau for the wines. When we captured their books and papers we found among them these checks, a number of which bore the stamp of J. V. Farwell & Co. on the back, showing that they had passed through that house.

Q. What was the business of J. V. Farwell & Co.?—A. They were dry-goods merchants.

Q. Can you tell the aggregate amount of money represented by those checks?—A. No, sir; but I think there were probably a dozen checks, and they would average probably \$2,000 each check. Mr. Tutton took those checks to Mr. John V. Farwell's house for an explanation, and he was satisfied with the explanation.

By Mr. PLAISTED:

Q. He took them before the grand jury, too, did he not?—A. Yes; and Mr. Farwell was cited to appear there.

By Mr. COCHRANE:

Q. Did you or Mr. Tutton go any further in your efforts to ascertain about those checks than simply to submit them to J. V. Farwell?—A. Yes; I made inquiries from those who I supposed could throw some light upon it, but I found nothing that would conflict with the statement given by John V. Farwell.

Q. Do you recollect what that statement was?—A. Yes, sir; it was that Mersereau had had an account with that house extending over a period of years, and that he deposited his money with them, and also drew on his deposits through that house.

Q. Farwell & Co. were not in the banking business, but in the dry-goods business?—A. In the dry-goods business.

Q. And they alleged that this man was in the habit of depositing his money with them and drawing it out from time to time?—A. Yes, sir.

Q. And Mr. Tutton considered that a satisfactory explanation?—A. I believe he did; at least nothing came of it. I could not find anything else.

Q. What inquiries did you make about it?—A. I made inquiries of Golsen, and of Durphy, and of other men that I thought would be likely to know, and none of them could give me anything more satisfactory than the explanation given by John V. Farwell.

Q. Did the parties in whose safe the checks were found attempt any explanation?—A. No, sir; nothing except that when I stated what the explanation was that we had obtained from Mr. Farwell, they seemed to assent to it as correct.

Q. Did you consider that a very shrewd way to get at the facts in the case?—A. I did, when men were standing ready to give all they had, ready to implicate anybody. I knew that at such a time if they had anything, they would give it.

Q. Why did you not go to Golsen and ask him for an explanation in order that you might compare his explanation with that which was given by Farwell?—A. I presume I did that: I am not sure now, but I know I made inquiries.

Q. I understood you to say that you went to these parties and told them what explanation Farwell gave, and that they seemed to assent to it?—A. Yes; I certainly would tell them what explanation Mr. Farwell gave; if they could give no explanation, I would then give the explanation that Mr. Farwell gave.

Q. Is that the way it was?—A. I am not positive about that. It was a matter that was pretty well settled in my mind, and I did not conceive that it was of vital importance, or that it would lead to anything in particular, or else I should have paid more attention to it.

Q. Did it not strike you as somewhat singular that those checks should have been discovered at that place and in so large an amount?—A. No, sir; that was the place where they should be found.

Q. You did not think the explanation rather singular that a whisky man should deposit his money with a dry-goods merchant?—A. No; especially when I learned that he was not alone in that practice, that it was a common practice.

Q. From whom did you learn that?—A. I understood from Tutton's interview with Farwell that there were others.

Q. Did you hear the names of any other persons?—A. I did not.

Q. What has become of those checks?—A. Those checks are, with all the evidence collected, now in the safe of the United States district attorney in Chicago. I left them there in charge of a revenue-agent.

Q. In your conversation with Mr. Wilson, of which you have spoken, did he not tell you that the Department here would make no arrangement with any of the parties in Chicago: that the Government was represented by capable, honest, and able counsel, in whom he had entire confidence, and that the responsibility of making any arrangement with parties pleading guilty or convicted must rest with them; that the Department had allowed them large discretion in the premises?—A. The first part of it probably he told me. It is just such language as he would employ, and I have heard it so many times that I cannot give the source. The latter part I am sure I never heard—about "large discretion." The terms were stated explicitly over and over again: "Tell all you know; give up your property; pay all assessments against you, and trust to the leniency of the court." That was stereotyped.

Q. Was not that the stereotyped answer to those parties, so far as the Department was concerned?—A. It was, so far as I know.

Q. But you do not pretend to say that they held the counsel down to any such rigid rule as that?—A. I don't pretend to know anything about the counsel.

Q. The Government of the United States would make no arrangement, save that which you have indicated; but don't you know that they left the matter very largely with the counsel who were there upon the ground, to decide as to what arrangements ought to be made?—A. I did not know that, sir, until it began to be discussed so widely.

Q. You differed in opinion with Mr. Dexter, and Mr. Webster, and other representatives of the Government there, as to the policy of granting partial immunity to this first batch of distillers?—A. On the contrary, sir, I agreed with Mr. Dexter, as stated here in this interview, that it had to be left to the court ultimately to determine what the punishment of those men should be; and I never heard Mr. Dexter utter any other sentiment.

Mr. COCHRANE. And you know that is the case now?

The WITNESS. I do not.

Mr. COCHRANE. Well, it is.

The WITNESS. I don't know it.

By Mr. PLAISTED:

Q. Were any of them ever brought before the court to plead?—A. Yes; they plead guilty.

Q. Have they ever been arraigned for sentence?—A. Not to my knowledge.

Q. How many of them are there who have not been arraigned for sentence?—A. The whole of them.

Q. I have understood that there were forty-seven; is that so?—A. There is not that number in my batch.

Q. All told, is that the number to whom immunity was granted in consideration of their "squealing"?—A. No; I think not so many; probably there were thirty-five.

By Mr. COCHRANE:

Q. How many were there in your batch?—A. I think in the neighborhood of thirty.

By Mr. PLAISTED:

Q. Does your batch include Rehm and those whom he implicated?—A. No, sir. In my batch I don't know of a man who has been punished.

Q. Are you sure that none of them have been punished?—A. I am not; but I don't know of any.

Q. Don't you know that a number of them have paid large sums of money to the Government?—A. I know that an assessment of part of their stealings has been made.

Q. And paid?—A. They assessed them \$45,000 and sold property worth \$200,000, and then when assessments came afterward, there was nothing.

Q. Large sums of money have been paid by these people to the Government?—A. I think that one firm, Rolle, Junker & Co., paid \$45,000.

Q. Do you know of any other payments?—A. I do not.

Q. Do you know of one firm paying \$75,000?—A. No, sir; I know of one firm that paid something, and they were to give it back on account of some illegality; probably that is it.

Q. Then you do not know really, of your own knowledge, how many of these people have paid up?—A. No; I don't know of my own knowledge.

Q. And you don't know, of your knowledge, how many have been punished?—A. There is very little of it that I know of my own knowledge after leaving Chicago.

Q. After leaving Chicago you paid little attention to it?—A. Yes, sir. This Chicago business is only an incident.

Q. You are now in the secret service, are you not?—A. Yes, sir.

By Mr. PLAISTED :

Q. How much did Rolle, Junker & Co. steal from the Government ?—A. I think they have stolen \$300,000.

Q. And they got off for \$45,000 ?—A. The Government got \$45,000, and to obtain that they sold property worth \$150,000, and when the other assessments came, soon after, there was nothing for them.

WASHINGTON, D. C., August 4, 1876.

JASPER D. WARD sworn and examined.

By Mr. PLAISTED :

Question. Where do you reside ?—Answer. In Chicago.

Q. You were formerly United States district attorney there ?—A. I was.

Q. When were you appointed ?—A. I qualified, I think, on the 1st of April, 1875, and left the office about the middle of December—the 17th, I think.

Q. Did you resign, or were you removed ?—A. I resigned on request.

Q. At what time ?—A. I forwarded my resignation on the 6th of December, I think, but I retained possession of the office until my successor was qualified, which, I think, was on the 17th or 18th of December.

Q. Mr. Wilson in his testimony, as I recollect it, stated that you were interested in Powell's distillery, and that you were not removed until that fact was represented to the President; state what you know about that.—A. I do not know what representations were made; I know what the facts were and are in relation to any interest of mine in that distillery. There never was any such interest existing. I never had any, directly or indirectly, and there are no papers nor anything else that I ever saw or heard of that would show or tend to show that I had. I do not know what may have been filed here, but I certainly do know that I never had any interest in that distillery. Mr. Powell was a man whom I had known for a good many years. I think he gave me my first lawsuit when I commenced practice nearly twenty-five years ago, and I have had business relations with him all that time, and so has my partner, (with whom I have been associated fifteen or eighteen years,) but I never had any interest in his livery-stable nor in his brewery nor in his distillery, directly nor indirectly, and any representations to the contrary were unjust to me and false. I heard rumors at the time of my removal that there were representations also that I was interested in the Northwestern Distilling Company, that I was interested in a malt-house, that I was interested in a brewery. All of those representations were equally as true as that I was interested in Mr. Powell's distillery, and all of them were false.

Q. Let me read you a paragraph from Mr. Wilson's testimony : " Another ground was the President's refusal to remove Jasper D. Ward, United States district attorney at Chicago, until he was confronted by evidence, on the 3d of December, which showed that Ward was a partner in the Powell distillery." What do you say to that ?—A. I do not know what may have been represented to the President. I never have seen any letters or papers or evidence of any kind tending to establish that statement, which were laid before the President, and I do not know what may have been stated or represented to him, but anything attempting to make good that statement is false.

Q. Mr. Wilson in his testimony further states that it appeared that you had improper relations with Jacob Rehm, which statement was made to the President by Hon. Burton C. Cook, of Chicago. Do you know what statement Mr. Cook made ?—A. I do not. I wish to say that I did not have any improper relation with Jacob Rehm, unless having any transaction or communication at all with him should be regarded as improper.

Q. State whether you saw a card published or purporting to have been published by Burton C. Cook, denying the statement which I have read from Mr. Wilson's testimony ?—A. I have seen such a card.

Q. You were district attorney from April until December ?—A. Yes, sir.

Q. Please state the progress made in the whisky prosecutions up to the time when you left the office ?—A. During the time I was in office the whisky raid sprang up, and at the October term of the grand jury many indictments were found against persons directly implicated in the whisky frauds theretofore perpetrated. The whole number of persons in Chicago or its immediate vicinity who were indicted for frauds upon the revenue in whisky matters was forty-seven. Of that number one is in jail in Cook County—R. P. Hutchins. A man named Fee has been sentenced to another jail, and Waterman is another who has been sent to jail. At the time I left the district-attorney's office I reported to my superiors that the cases against the whisky offenders were in good shape, and the proofs were ample, in my judgment, to have secured a conviction in almost, if not absolutely in every case where an indictment was found. In fact, before I left, Mr. Swett, who at one time represented, and, I believe, does yet represent, a large proportion of the men first seized and indicted, came to me and said that the Government's proof was so strong that they were disposed to compromise, and he asked me if I knew of some way by which the Government

would agree to a compromise. I told him I knew of no way in the world; that the cases had to be tried, and I felt perfectly confident that we had abundant evidence to convict them all.

Q. Did Mr. Tutton show you a brief that he made of the cases?—A. Yes, sir; I worked constantly with Mr. Tutton in the preparation of those cases, and know substantially all that he did.

Q. What became of that brief that was left with you?—A. I do not know, sir. I presume it was left in the district attorney's office. I have not got it among my papers from the district attorney's office.

Q. Who was associated with you in those cases while you were in office?—A. There had been negotiations on the part of the authorities here with several of the lawyers there, but finally Mr. Dexter, Mr. Ayer, and Mr. Boutelle. Mr. Dexter was a long time getting into the harness; in fact he never did any service in the Government cases until after I left the district attorney's office. The main fight on the part of the Government, and one of the most important points, was the right to seize the books and papers of these inculpated distillers. At the seizures on the 10th of May, the safes of the different establishments were taken, and in them were supposed to be books and papers which would be of value to the Government in making the cases against distillers. A very determined fight was made on the part of the distillers to get their books back under that law of 1874 with which you are doubtless familiar. No judicial decisions had been made under it at that time, and it was claimed that we had no right to seize them. Mr. Washburn placed guards over those safes, and they were kept there some forty days, while the parties on the other side procured continuances, before we could get it argued. Eminent counsel were engaged on the other side, among them Mr. Senator Carpenter, of Wisconsin, and I desired very much to have Mr. Dexter take part, and he did come in and say a few words, and I believe he did afterward file a brief. He did nothing else until after I left the office. During the October grand jury, which lasted from the 6th of October until nearly the middle of November, I sought his assistance, and I have numerous letters from him stating the reasons why he could not attend. Mr. Ayer and Mr. Boutelle were there and did take part in the preparations of the indictments and other matters. I may be permitted to say that the book and paper fight was considered at the time very important, and it was regarded as a great triumph when I got a decision favorable to the Government. After it was done, and even while it was pending, I was directed by Mr. Wilson to send the forms I had got to the several other district attorneys, and he expressed himself very much gratified with that fight; indeed, it was the breaking down of the opposition to the Government at that time.

Q. It enabled you to get hold of their books to be used in evidence against them?—A. Yes, sir.

Q. It has been stated in testimony, I think, that you were implicated in the destruction of certain books or papers, or in the abstraction of certain evidence from your office?—A. That is certainly untrue. I never consented to or connived at the suppression of any truth or fact in these whisky matters in my life. Every particle of proof that I had was presented to the grand jury, and no part of it was ever withheld or mislaid by my knowledge or procurement.

Q. By what class of witnesses were you implicated at all?—A. As I understand, solely by Jacob Rehm.

By Mr. COCHRANE:

Q. Do you know that?—A. Yes, sir; I know it from the statements of the assistant counsel that they had no case against me, but it was a sort of political necessity to indict me. One of the Government lawyers told my counsel repeatedly, and my partner, that they were opposed to indict me, that there was no case against me, and that the sole testimony upon which they relied was that of Rehm. After I was indicted, some gangers and some distillers were reported to have said that they could tell something against Ward. I know that before my indictment, and after it, the father-in-law of the lawyer of Jake Rehm, and the brother-in-law of Burton C. Cook, went around Chicago to men who were implicated, and told them that they must swear against Ward if they wanted immunity. That was done in several cases. The men said they could not, because they knew nothing against me.

By Mr. PLAISTED:

Q. Was this question of immunity raised before you went out of office?—A. Yes, sir; to some extent.

Q. Did you have any conference or consultation with Solicitor Wilson upon the subject?—A. Reference was made to it by Solicitor Wilson, but no distinct conclusion was come to. Mr. Wilson, in talking about it, referred to several gentlemen who have been named here, and said that there were men to implicate whom he would be willing to grant immunity to some of these parties, and he referred to the names of Senator Logan, and Mr. Farwell, and at one time to Palmer of the Inter-Ocean.

Q. He said that he would grant immunity to the men who had been indicted, on what condition?—A. To implicate these men.

Q. Mr. Wilson stated that to you?—A. Yes, sir; Mr. Wilson stated that he believed they were all guilty, and that to get evidence to show it, he would be willing to deal leniently with these other men, or grant them immunity. The conversation in regard to Palmer, however, was earlier in the fight. In the last conversation, which, I think, occurred before the grand jury met in October, he confined his remarks to Logan and his friends.

Q. Did he give any reason why he wanted Logan indicted?—A. He said that he believed Logan was the mover and backer of this ring, and that he and his agents and appliances were the life of it.

Q. Was there anything said about evidence to convict him?—A. It was talked of in my presence and others that there was not any evidence against him.

Q. Did Wilson say in your presence, "Damn the evidence?"—A. He said, "Damn the men;" that the people were afraid of them now; indict them and there would be lots of people ready to come and peach on them—to blow upon them. I said to him I didn't believe that was good practice. This, I think, was in the latter conversation. I will state in this connection that he confined his denunciation chiefly to Logan and his friends; did not name any others; but I understood it to include Palmer, and especially Munn.

Q. Did Mr. Wilson ever say to you, "Damn the evidence; indict them first and find your evidence afterward;" was there any such conversation as that between you?—A. There was conversation such as I have described. In speaking of the men that he claimed were guilty I understood him to refer to Logan, Farwell, Palmer, and some others, especially Munn, friends of Logan. Farwell's name was not often used in my presence, for the reason that I had some words with Mr. Wilson on the subject. I told him that Mr. Farwell was a friend of mine of many years' standing and that I did not believe anything of the kind against him. This was at the time when Brooks and Yaryan and Winslow came out there previous to the sitting of the grand jury. I saw the Solicitor there several times and had frequent interviews with him.

By Mr. COCHRANE:

Q. You were charged with having been implicated in these whisky frauds?—A. I have been indicted, as has been stated.

Q. Indicted for what?—A. Pardon me; I never was charged with being in the ring.

Q. For what were you indicted?—A. I was indicted for having conspired with Powell and Jake Rehm in the placing of illicit wines upon the market in reference to one distillery. I never was charged with being in the ring. I desire to add that the charge upon which I was indicted was utterly false and unfounded.

Mr. COCHRANE. I have no other question to ask.

Adjourned.

WASHINGTON, D. C., August 7, 1876.

BLUFORD WILSON recalled and cross-examined.

By Mr. PLAISTED:

Question. What was the first active step that you took during the war on the whisky ring?—Answer. The first step taken by myself under direction of the Secretary of the Treasury, which accomplished results, was on the 1st of March, 1875, as shown in my letter to Mr. Fishback, inclosing him a letter, appointing Myron Colony, of Saint Louis, to inaugurate the work of investigation.

Q. You had had an interview with Mr. Fishback prior to that time?—A. Yes, sir; in company with the Secretary of the Treasury.

Q. When was that interview?—A. I cannot give the precise date, but I should think it was between the 15th and the last of February.

Q. What was the date of the order transferring the supervisors?—A. That I cannot give you. The order was revoked on the 3d or 4th of February, 1875.

Q. How long prior to that had the order been issued?—A. It is out of my power to say. I had nothing to do with the issuing of the order.

Q. At whose instance was that order transferring the supervisors issued?—A. As to that I cannot state of my own knowledge.

Q. You cannot say whether it originated with the Secretary of the Treasury or with the President?—A. I cannot; having no connection whatever with the issuing of the order or with its revocation. Not having my attention called to the matter of frauds on the revenue until about the time I have already designated, which was subsequent to the revocation of the order, I cannot give you any more definite answer to the question.

Q. Did not that plan of transferring supervisors originate with the honest distillers, to protect themselves against the crooked-whisky people?—A. As to that, I cannot say; my impression about the matter is that the honest distilling element of the country approved heartily the issuing of that order, but I learned that from correspondence at a later day.

Q. Did not that plan contemplate the changing of the supervisors frequently?—A. It is impossible for me to answer that question with any degree of certainty.

Q. At whose instance was the order countermanded?—A. I should suggest that you would call upon the Secretary of the Treasury or the gentlemen who had to do with that matter. I have already repeatedly said that I have had nothing to do with the order. I had no personal connection with it either directly or indirectly. I know nothing about countermanding the order any more than I do about the issuing of the order.

Q. Do you know whether the Secretary of the Treasury had any knowledge of the order countermanding the transferring of supervisors?—A. I do not, except as I have read it in the current or official history of the day.

Q. Do you not know that the Secretary of the Treasury approved that order of countermand?—A. I do not. My own impression is that he was averse to the revocation of that order.

Q. Have you not heard the Secretary of the Treasury say that the countermanding of that order was a wise movement?—A. Never.

Q. What would have been the result, in your opinion, if the order had not been countermanded, and if the supervisors had been changed?—A. It would have been to put an end pretty effectually to the frauds as they were then practiced—not entirely so, but still I have no doubt that it would have been beneficial to the revenue in the way of suppressing frauds.

Q. Would it have operated in the way of detecting frauds that had been already committed, so efficiently and effectively as the plan which you put in force?—A. I think not, but still it would have had an effect in that direction by putting men in new fields where they had no political alliances or obligations, and by stripping them of any former embarrassments which they might have had by virtue of their localities. I think that the disposition on the part of supervisors in new fields would have been to discharge their duties, and they could not, in the presence of so extensive a system of frauds, have failed to accomplish that result.

Q. Did that plan contemplate the unearthing of frauds already committed for years past?—A. As to that, I cannot say; but I have no doubt that that was part of the purpose, both of the Secretary of the Treasury and of the Commissioner of Internal Revenue; feeling that it was impossible to unearth fraud in McDonald's district, for instance, so long as McDonald was at the head of that district, and in Munn's district so long as Munn was at the head of that district.

Q. But they were unearthed by you while those men were at the head of their respective districts?—A. Yes; for the reason that I was outside of the agency of the internal-revenue force.

Q. Were not those dishonest officials thrown off their guard by the countermanding of that order?—A. Revocation of the order was counted a triumph for the whisky ring, as it was in point of fact, and all parties engaged in stealing were greatly encouraged by it.

Q. And it therefore had the effect of throwing them off their guard?—A. Undoubtedly it made them bolder.

Q. And it enabled you to conduct your secret investigation with less chance of exposure?—A. No; it had no influence, either directly or indirectly, with my operations, and could have none, because they were conducted entirely irrespective of any of the movements before made, either by the Secretary of the Treasury or the Commissioner of Internal Revenue.

Q. Your plan was to select agents and send them into the field, and to work secretly?—A. Yes, sir.

Q. Hawley you selected for Saint Louis?—A. Yes; with the understanding that he get whatever assistance was needed from Yaryan from time to time.

Q. And Brooks was sent to Chicago?—A. Yes. Brooks had had long experience as a detector of frauds on the revenue. I had in the fall previous secured him as assistant chief of the secret-service division, and designated him for the field of Chicago and Milwaukee, by reason of his experience in that direction.

Q. I think you have stated that the Secretary directed him to choose his own men.—A. No, sir; the Secretary of the Treasury left the matter entirely to me, and Mr. Brooks, after consultation with me, employed Mr. Herr, of Philadelphia, to assist him.

Q. Did you say to him that he might select his own assistants?—A. I did to that extent, after consultation with me.

Q. Do you not know that the order for the transfer of the supervisors was countermanded on representations made by Mr. Tutton?—A. I do not. I have already said repeatedly that I have no personal knowledge of the facts or circumstances surrounding either the issuing or revoking of the order.

Q. Do you not know that the very plan carried out by you in sending secret agents into the field to ferret out these frauds was suggested to the President by Mr. Tutton, and that on that ground the order transferring supervisors was rescinded?—A. I do not know that Mr. Tutton had anything to do, either directly or indirectly, nearly or

remotely, with the plans adopted by the Secretary of the Treasury and myself for the detection of frauds on the revenue. The statement that he had is utterly absurd and untrue.

Q. Can you swear that Mr. Tutton did not present and recommend a plan to the Secretary of the Treasury?—A. I do say, without any hesitation, that so far as Mr. Tutton was concerned, or his influence on the plan adopted, they had no bearing, directly or indirectly, upon it.

Q. Can you state that Mr. Tutton did not recommend to the Secretary of the Treasury to employ Mr. Brooks and send him to Chicago and let him select his own assistants?—A. I cannot state it of my own absolute knowledge, but I do not believe that he ever did.

Mr. PLAISTED. He swears that he did.

The WITNESS. He swears a good many things in which I find it impossible to agree with him. I desire to say further that Mr. Tutton never knew or heard of what Mr. Brooks and myself were doing under the direction of the Secretary of the Treasury until he was sent for by the Secretary of the Treasury to come here, and was directed to go to Chicago under my directions and those of the collector of internal revenue, and to supervise seizures at that point.

Q. Did you regard the order of the President countermanding the transfer of supervisors as being in the interest of the whisky ring?—A. Not so far as the President was concerned by any means, but undoubtedly it had that effect.

Q. How can you say that it had that effect, when you say that it threw these men off their guard and enabled you to continue your secret investigations?—A. I have not said that.

Q. Did you not say that it undoubtedly emboldened them?—A. Yes.

Q. And that they supposed they had everything all clear?—A. Yes; but I have said distinctly that I do not believe that the revocation of the order had any influence on my operations one way or the other.

Q. Do you not think that if the order transferring supervisors had taken effect, and if new supervisors had been sent to Saint Louis and Chicago, you could not have unearthed the frauds there so successfully?—A. No, sir. If we could have had honest supervisors at those points, it would have been a very great assistance to me from the start. The frauds, as we detected them, were matter of record, and were found chiefly by comparison of the forms of the bureau with the wholesale dealers' books in the various cities of the country.

Q. Did not Mr. Brooks's reports to you show that he discovered that most of these distillers were at that time running crooked?—A. Undoubtedly they did, but at the same time we had precisely the same character of record evidence against the distillers of Chicago and Milwaukee as we had against those of Saint Louis.

Q. But did you not obtain this record evidence from Mr. Brooks and Mr. Colony?—A. I obtained, as I have already indicated, instructions from both Colony and Yaryan, and subsequently I applied the same system of inquiry which we had successfully applied at Saint Louis to the cities of Chicago and Milwaukee, and developed precisely the same character of frauds in those cities as in Saint Louis. I have here a copy of my order to Mr. Washburn and Mr. Tutton, in which that fact is clearly shown. That order is dated May 7, 1875. I find by reference to the exhibits which were put in Mr. Washburn's hands, that the Union Copper Distilling Company was seized upon office evidence; that is, upon evidence which we had obtained in Washington by the comparison of records. That was the largest and most extensive distillery perhaps in the city. Certainly it was the largest seized at that time. Russell's, Mercereau's, Lake Shore Company's, and William Cooper's were seized upon Brooks's evidence. The following establishments were seized on office evidence: Roelle, Junker & Co., Golsen & Esten, and Parker R. Mason.

Q. Of what value would the office evidence have been without the data furnished by Brooks and Colony in their actual investigation?—A. As against the rectifying establishments we always considered it complete; and, added to the local investigations by Brooks and Colony, the testimony became complete.

Q. Of what value in court would the office testimony alone have been?—A. It was of precisely the value which subsequent developments demonstrated. It was so complete a case against the distilleries and rectifying establishments at Saint Louis, Chicago, and Milwaukee that they surrendered without going to trial.

Q. Would your office records have been competent evidence in court?—A. Taken in connection with the evidence of experts, it undoubtedly would have been. The original sworn returns of the distillers, added to the testimony of the wholesale dealers in the eastern and southern cities, would have made a complete *prima facie* case against all the distillers and rectifiers who were seized on what we considered office evidence.

Q. You kept your investigations secret until the 2d of May?—A. Until the 10th of May, when the seizures were made.

Mr. PLAISTED. I mean secret even from the President.

The WITNESS. No, sir; the President was fully informed immediately on his return from Massachusetts, and I think likely before his departure for Massachusetts.

Mr. PLAISTED. It was on the 7th of May that you went before him with all the results of your investigation?

The WITNESS. Yes; but I had previous consultations with the President between the 19th and 22d of April.

Mr. PLAISTED. I did not so understand you in your examination-in-chief.

The WITNESS. On the examination of memoranda and records, I find that such is the fact.

Q. Then you did have a long interview with him?—A. Yes, as indicated in this telegram which I see before me, and which I will read to the committee:

“WASHINGTON, May 7, 1875.

“ELMER WASHBURN, *Chicago*:

“Secretary returned this morning, and full conference between him and President, at which I was present. All arranged for Monday. Hawley and Yaryan at Saint Louis; Tutton and Washburn at Chicago; Hedrick and J. J. Brooks at Milwaukee. Orders gone. Men also to meet you at Palmer House, Sunday. Have J. J. Brooks there. His figures catch eight houses. There are thirteen to be seized in Milwaukee. Seek to-morrow quietly such help as you may need. Letter giving details mailed to-night. See McArthur, and make sure of getting aid on Sunday.

“BLUFORD WILSON.”

Q. At this interview of May 7th between you, the Secretary, and the President, did you find the President ready to co-operate with the Secretary?—A. On that point I have already testified fully in my examination-in-chief, and have so stated.

Q. Did he say that he would remove any officers whose removal the Secretary might request?—A. No, he did not say that exactly; but he indicated an entire willingness to co-operate with the Secretary of the Treasury in such changes as might be necessary.

Q. Was it there agreed that McDonald should be removed?—A. I believe that it was already understood that McDonald's resignation had been handed to the President of the United States on the 22d of April, and the President, in that interview, stated that he was looking for McDonald's successor.

Q. Did the Secretary ask the President to defer the acceptance of McDonald's resignation for a short time?—A. Not that I can now recall.

Q. Did he not say that it would be better to allow him to remain for a week or so?—A. I certainly do not recollect any such conversation. My impression about that is that both the President and the Secretary felt that it was important, in the public interest, to have the change made at the earliest day practicable—just as soon as a competent man could be found to take his place.

Q. Was it not made on the earliest day practicable?—A. As to that, I cannot say. I wrote to the Secretary of the Treasury a note about the 1st of May, substantially as follows: (The note is on the records of the Internal Revenue Bureau and of the Treasury Department. I am quoting from memory.) “Dear Mr. Secretary: I am afraid that you and the President will make a mistake in accepting the resignation of McDonald and Joyce. They should be dismissed from the service. Better men than either of them fill our penitentiaries to-day, and for less cause.” That was about the first of May.

Q. Did you call for their immediate dismissal?—A. I suggested it in that note, and I told McDonald in the interview which I have referred to, in my examination-in-chief, that if I had the power I would dismiss him immediately and peremptorily.

Q. Do you not think that an immediate dismissal about the 1st of May would have thwarted the investigations at Saint Louis?—A. I cannot think it would have done so.

Q. Or interrupted them at all?—A. No, sir; because by the 1st of May we had all the substantial evidence of fraud in our hands, and the change would have aided rather than been detrimental to subsequent investigations.

Q. What time did the President go to Long Branch that season?—A. I do not know.

Q. He was there at the time the Barnard letter was indorsed to the Secretary of the Treasury?—A. Evidently.

Q. Did you discover any lack of co-operation on the part of the President between the 7th of May and the 1st of August, when the Barnard letter was forwarded to you?—A. As I was not brought in personal contact with the President, that I can now recall, except on the 7th of May and at the conference in April down to the day of the issuing of the Barnard letter, I am unable to answer that question. I have no personal knowledge. It is a fact, however, that the public prints contained intimations that the President of the United States was not in accord with the Secretary of the Treasury; and Mr. Casey himself was credited with having stated in Saint Louis that Mr. Bristow would not hold the Treasury portfolio thirty days. That was stated as well to the President as in the press of Saint Louis.

Q. Then you got information of that statement outside of the Barnard letter?—A. Yes, sir; and it gave us considerable concern.

Q. Then the only information which you had that the President was not in full sympathy with the Secretary came from the press, did it?—A. At that date it did.

Mr. PLAISTED. I mean up to the time of the Barnard letter.

The WITNESS. Yes, sir.

Q. Do you recollect at what date the Secretary received the Barnard letter?—A. I think about the 1st of August.

Q. You stated in your direct examination that the Secretary wrote to the President requesting permission to make it public?—A. I did.

Q. Do you know the date of that letter of the Secretary?—A. I cannot give it with accuracy; it must have been between the 1st and the 7th of August.

Q. You say that on the 7th he had not received that permission?—A. Yes, sir.

Q. And then you say that the Secretary went to Long Branch?—A. Yes, sir.

Q. Did he go for the purpose of getting the President's permission to make that indorsement public?—A. My impression about that is, as I now recall the facts, that it was partly for that purpose and partly for another, entirely foreign to the matter of whisky fraude, and which it is not necessary to go into here.

Q. Do you recollect at what date the Secretary started for Long Branch?—A. I do not. Mr. Bristow visited Long Branch, I think, early in September, as I have indicated, for the purpose of a conference with the President on the same subject.

Q. From whom did you receive permission to make the indorsement public?—A. From the Secretary of the Treasury, to whom the letter was addressed, and to whom, from its indorsement on the outside, it belonged, being marked "Private and confidential."

Q. Was this permission given you by letter?—A. I am not so certain as to that. My best recollection is that it was given to me after his return from Long Branch.

Q. That brought it down to about what date?—A. It must have been about the 10th or 12th or 15th of August.

Q. Did you or did you not telegraph this indorsement to the district attorneys at Chicago and Saint Louis at the time it was received?—A. I do not recollect that I did, but substantially it was telegraphed as well to those officers as to the people of the whole country, in the manner which I have indicated in my examination-in-chief.

Mr. PLAISTED. I mean at the time when it was first received at the Secretary's office?—A. I cannot recollect that I did. I think it likely that I wrote to two or three of the gentlemen more prominently representing the Government in the field that such an indorsement had been received.

Q. And assuring them of the hearty co-operation of the President?—A. Yes, sir.

Q. As soon as you got permission to make it public, did you not have it dispatched through the Associated Press to the whole country?—A. I did, through the Associated Press or through the instrumentality of the local correspondents.

Q. Did you not regard this indorsement as a full and satisfactory answer to the charges in the press that the President was not in sympathy with the Secretary of the Treasury?—A. I did at the time, and I had it published for that purpose.

Q. State whether you prefaced the dispatch with anything like the following paragraph: "Certain statements having recently been published that the President of the United States and the Secretary of the Treasury were not in full accord in their efforts to bring to justice all engaged in the violation of the internal-revenue law, the President, in a communication referring thereto, as forwarded by him to the Secretary, has made the following indorsement."—A. That is substantially, I think, as I gave it to the public.

Q. Was there any letter accompanying this Barnard letter when it was transmitted to the Secretary?—A. My impression is that there was a letter from Emory S. Foster.

Q. In the same envelope?—A. Yes, sir; I think there was.

Q. Do you know whether that letter is preserved?—A. I do not.

Q. Were there any newspaper slips accompanying it?—A. No, sir.

Q. Was there anything in the body of the Barnard letter referring to E. S. Foster?—

A. I am not certain about that.

Q. See whether this is the Barnard letter, [handing paper to witness.]—A. It is.

Q. What is the date of the post-mark on the envelope?—A. Long Branch, July 29.

Q. Is there not a reference to Brooks in that letter?—A. There is.

Mr. PLAISTED. Read the paragraph referring to him:

The WITNESS, (reading:) "Colonel Norn-eile, prosecuting circuit attorney, McDonald and Joyce's confidential friend, asked me Saturday 'how far matters were going to be pushed toward them;' said I thought until the last man made restitution to his utmost ability to pay and were punished to the extent of the law—if local officers done their duty. He replied that both had told him that day when seeking bail, 'that you could not give them up or Babcock was lost.'"

Q. What is said there in reference to Casey?—A. [Reading.] "The 'clips' inclosed, from the Republican and Times of to-day, marked 'A' and 'B,' show some of the many

efforts to tarnish your great name by implication; that from the Republican, it is intimated, bears the 'ear-marks' of John B. Henderson, assisting in the prosecution of cases before the grand jury—the closing of which is simply infamous—and, I fear, aided in his old animosity by a report whispered around since Casey left the city, by the apologists of the 'ring,' that he said 'Mr. Bristow had deceived you, and would not retain the Treasury portfolio thirty days.' I have denied this assertion when made in my presence, and have written him what has been said."

Q. You had a conversation with the President, had you not, in reference to this indorsement?—A. I had.

Q. In which he said that he had in his mind whom when he made the indorsement?—A. The controversy between the President and myself was with reference to Babcock and the forged "W. H." letter, in which I assured the President that that letter, if it had reference to White House people at all, referred to Mr. Babcock; and I referred in that connection to his indorsement on the Barnard letter, and read the extract from the Barnard letter itself, intimating that Babcock was in the ring, and the President interrupted me to say, "Certainly, I had Babcock in mind when I made that indorsement."

Q. Did he say whether he had Casey in mind?—A. No; he did not. At any rate, I am not sure that he did.

Q. Can you say that there was any difficulty in obtaining this announcement from the President as contained in that indorsement?—A. I have already said in my examination-in-chief, and I now say, that within my personal knowledge I know of no difficulty. The Secretary of the Treasury conducted the negotiation with the President preliminary to the publication of the indorsement, and is himself the best witness as to the circumstances and facts connected with it.

Q. Mr. Yaryan stated in his testimony, as the ground of his belief that the President was not in sympathy with the prosecution, the importuning which was required to obtain the celebrated indorsement, "Let no guilty man escape," and the President's anger at its publication; do you know anything about such importuning?—A. Of my own knowledge, I do not.

Q. Or of the anger of the President at its publication?—A. Of my own knowledge, I do not.

Q. Did you say to Mr. Yaryan that it required a good deal of importuning to obtain the indorsement?—A. I do not recollect that I ever did.

Q. Did you say to him that the President was angry at its publication?—A. I cannot recollect that I have so stated.

Q. If Yaryan stated so, did he state what was not true?—A. I do not say that. I simply say that I cannot recall the time and place when I had such a conversation with Mr. Yaryan. I may have made some statement of this kind to him, based upon information which was received at the Treasury Department, that the President's friends in Saint Louis were very anxious that he should deny in some very emphatic way that story of Jim Casey's, and put himself on the record as being in entire sympathy and accord with the Secretary of the Treasury in his fight against the ring. I have been informed that the President was beset by his friends in Saint Louis by letter and otherwise to make some such public statement of his position. How true this may be I cannot say.

Q. You simply heard that as newspaper stories?—A. I heard of it as part of the general talk of the day, and it is not impossible that Barnard may have written to the President to that effect; and indeed his letter clearly shows a suggestion to the President in that direction by calling his attention to the statement of cases, and by advising him that he had written to Casey in reference thereto, and to the Secretary.

The Barnard letter and indorsement were put in evidence by Mr. Plaisted, and are as follows:

[ "Confidential." ]

"Kirkwood Hotel, R. M. Henderson, prop. A pleasant country resort, 12 miles from St. Louis, Pacific R. R. Superior accommodations for families.

"KIRKWOOD, MO., July 19th, 1875.

"DEAR GENERAL: Writing General Sherman in my behalf in 1864, you done me the high honor to close with—

"Mr. Barnard has been a sincere friend of mine when I wanted friends and when there was no apparent possible chance of him ever deriving any benefit from it. You may trust Mr. B. with the assurance that he will betray no trust."

"Valuing these assurances of your high regard and confidence, I need hardly tell you how assiduously I have striven to prove worthy of and maintain same, or refer to history for the re-occurring evidence of the manifold intricacies of polished innuendo and intrigue indulged in around power; instigated by place, jealousy, unfriendliness, revenge, &c. From evidence in my possession, I feel that I have not escaped the efforts of such to place us in antagonism. But I am rewarded by the consciousness of your generous feelings of old.

"If there ever was a time when your true admirers should exert themselves in this section, to correct the inferences sought to be created against you by your political adversaries and unworthy parties here, who have occupied place and dastardly outraged confidence—with others yet in office—it has been the past three months.

'The clips inclosed, from the Republican and Times of to-day, marked 'A' and 'B,' show some of the many efforts to tarnish your great name by implication. That from the Republican, it is intimated, bears the 'ear-marks' of John B. Henderson, assisting in the prosecution of cases before the grand jury, the closing of which is simply infamous, and I fear, aided in his old animosity by a report whispered around, since Casey left the city, by the apologists of the ring, that he said 'Mr. Bristow had deceived you, and would not retain the Treasury portfolio thirty days.' I have denied this assertion when made in my presence, and have written him what has been said.

"Neither Henderson or Dyer like a bone in your body. They will do what generality of lawyers consider their duty, nothing more, and, both inspired with political aspirations, will take good care to advance what they may regard their own or friends' interest.

"Feeling thus, I cannot but think that the interest of the Government and your own past record should be protected by additional counsel, known to be actuated by the highest sense of duty and fealty, regardless of the prospective influence of press, party, or self-aggrandizement. Attorney Eaton is a mere stick, and had it not been for high family and social influences, it is pretty well understood, would have been impeached in his bankruptcy office some time since.

"Again, as I have had occasion to say to Mr. Newcomb himself, I do not believe there will be a conviction of the indicted while he retains the marshalship. Convinced of this, of what I know has occurred and occurring, I cannot but state it to you; the reasons for which would make this communication too lengthy, although I premise who the velveted hand is that holds him in power, and why.

"McKee, of the Globe, it has been generally understood for years, has been head and ears cognizant of—an abettor and participant of—the 'ring swag.' As far back as 1871, it is stated, and believed, that he asserted your being consulted and consenting to the ring—received two portions of the divide—with the understanding among the initiated that one part was for the lamented Ford, not one cent of which, I am confident, was ever proffered, did he get, or would have taken.

"I am creditably informed that these facts could have been brought out, but for interviews with, and influences brought to bear upon, a witness, and a seeming studied effort to shield him, (McK.,) under the audacious assertion that his indictment would lead to exposures that would strike so high as to destroy the party of the Republic.

"McKee should be called before the grand jury and probed to the quick, but parties herein named, with Benton, Blow, Walsh, (indorsers on Democrat purchase.) Maguire, Newcomb, and others, do not want it; an indictment could and should be had, but may not take place, from influence exerted, and will be continued, *to save him*, and in after time, will be said, would have been, but for protecting others, and this by some of the very men herein named.

"Colonel Normeile, prosecuting circuit attorney, McDonald and Joyce's confidential friend, asked me Saturday how far matters were going to be pushed toward them; said I thought until the last man made restitution to his utmost ability to pay and were punished to the extent of the law, if local officers done their duty. He replied that both had told him, that day when seeking bail, that you could not give them up, or Babcock was lost. (This is the kind of talk indulged in and frequently by the Globe claquers speaking as openly of you.) I said they, or any one, who talks that way little knew the stuff of which you were made. Let the blow fall upon whom it may, you would see that the honor of the Government was guarded and the laws enforced.

"It is truly painful to write thus, but viewing the great stake, the means, the ways, the desperation, to thwart justice, even by dragging in their shameful schemes the names of innocent and dead, duty requires that you be kept advised, even at the expense of tiring.

"I have the honor to be, respectfully and assuredly, your friend,

"W. D. W. BARNARD.

"To the PRESIDENT.

[Indorsement.]

"Referred to the Secretary of the Treasury. This was intended as a private letter for my information, and contained many extracts from Saint Louis papers, not deemed necessary to forward. They are obtainable and have no doubt been all read by the Federal officials in Saint Louis. I forward this for information and to the end that if it throws any light upon new parties to summons as witnesses, they may be brought out. Let no guilty man escape if it can be avoided. Be especially vigilant—or instruct those engaged in the prosecutions of fraud to be—against all who insinuate that they have high influence to protect, or to protect them. No personal consideration should stand in the way of performing a public duty.

"U. S. GRANT.

"JULY 29, 1875."

Envelope addressed (in the handwriting of President Grant):

—fidential.

Executive —

U. S. GRANT.

Hon. B. H. BRISTOW,

Sec. of the Treas.,

Washington,

[Post-marked:]

D. C.

Long Branch, N. J., Jul. 29, A. M.

Q. When did you first discover that the President was not acting up to the spirit of that indorsement?—A. I have in my hand a memorandum made by me under date of September 1, 1875, to the effect that the Secretary of the Treasury was going out of the Cabinet, and that the reasons for it are about as follows: "These reasons do not appear light or trivial, (this is a private letter and a large part of it is in reference to this matter,) but are of a serious character, and unless peremptorily removed by the President, fully justify the proposed step. I cannot, in this letter, go into details, but will say that the Sylph telegram, the retention of incompetent, dishonest, or disloyal officers at Saint Louis, Springfield, Chicago, and Milwaukee, the lack of hearty sympathy and support from the President, the certainty of constant misrepresentation of his motives and acts by Sylph, the delay in the Delano affair, and the revival of the third term insanity, all combine to make an honest man uncomfortable, and in Bristow's case to disgust him with public life. His eyes are fully open. He means to walk out of the Cabinet and politics at the same time. He confesses the suicide and expects to be punished hereafter by reason of it. I need not recount the arguments which I have urged in opposition; all the old ones and many new ones. I have urged him to 'stick' until at least the whole harpy brood of customs and internal revenue officers inflicted on the South by the Spencers, Weests, and Pattersons have been utterly exterminated and honest men put in their places, to throw politics and policy to the winds, to hit every dishonest or incompetent man he sees, and to put his foot boldly and fearlessly on every wrong and steal that he can find, to enjoy the luxury of doing right because it is right, and to put under his foot any suggestion that looks to political combinations, intrigues, or consequences; and finally to make his issue boldly with the President, not for his own advantage, but for the President's and the public good."

Q. Where was the President at that time?—A. At Long Branch.

Q. How long had he been there at that time?—A. I cannot say; all the summer.

Q. Had he been in Washington at all during the time he was summering at Long Branch?—A. Probably once, but my impression is that he had not been. I added, "Under Pierrepont's advice he goes to Long Branch to see the President in person, instead of sending his letter. This is the only hope I have that he will not succeed in doing it. I trust to the good sense of the President to find a way to avoid the present difficulties and to bring about a better feeling. \* \* \* You need not be surprised, therefore, at his success in going back to private life. I have little hope in the President going back on Babcock or Williams."

Q. Did you not state in your direct examination that you did not make known the Sylph telegram to the President or Babcock until after they returned from Long Branch?—A. No, sir; my impression is that the Secretary of the Treasury made known to Babcock the Sylph telegram late in August, and to the President on the occasion of that visit to Long Branch.

By Mr. COCHRANE:

Q. Give us the language of the Sylph telegram.

A.

"WASHINGTON, December 13, 1874.

"Gen. JOHN McDONALD, Saint Louis, Mo.:

"I have succeeded. They will not go. I will write you.

"SYLPH"

Q. There was no doubt that that telegram was in the handwriting of Babcock?—A. None whatever. I wish to say further, in answer to Mr. Plaisted's question as to the

causes of the difficulty, that the kitchen-Cabinet and the Boss's ring (meaning A. R. Shepherd) was the occasion of much trouble, both to the Secretary of the Treasury and to Mr. Jewell, the Postmaster-General.

Mr. PLAISTED. [Interrupting.] I object to going into that unless it has relation to this whisky matter.

The WITNESS. It has reference to the whisky ring.

Q. What reference had these matters or difficulties to the prosecution of the whisky ring?—A. I will simply state this, that the kitchen cabinet was composed of Mr. Babcock and two or three other gentlemen, and that Mr. Babcock was Sylph, and that Mr. Jewell and Mr. Bristow were both of opinion that the kitchen cabinet should be abolished and its influence abrogated.

Mr. PLAISTED. You state in your direct examination, Q. "Prior to the discovery of the 'Sylph' telegram, do you know of any other fact or matter indicating that the President of the United States was not in sympathy with you and the Secretary of the Treasury in your prosecution of these distillers?—A. In answer to that question, I wish to state that, with reference to the whisky cases generally, there never was, to my knowledge, any lack of co-operation on the President's part. There were delays, it is true, during the fall of 1875, in turning out some men who the Secretary and myself thought ought to have been removed sooner; but on the whole we got along very well. It was not until we struck Babcock in what seemed to be strong suspicious evidence of his complicity that we began to grow apart." What was the strong suspicious evidence of Babcock's complicity that you struck?—A. The "Sylph" telegram.

Q. Anything else?—A. Yes; the fact that the Sylph telegram was written with direct reference to the movement of Revenue Agents Brooks and Hogue, and in the light of the fact before the Secretary of the Treasury and myself, that Babcock had succeeded in preventing Brooks and Hogue from going to Saint Louis to enter on their investigation.

Q. How did you know that the telegram had direct reference to this matter you speak of?—A. By the diary and statements to me of James J. Brooks, and by a careful examination of the contemporaneous records of the Internal Revenue Bureau, as well as by a personal examination of Mr. Brooks himself.

Mr. PLAISTED. It was a matter of inference on your part?

The WITNESS. You may call it a matter of inference if you choose. It was a matter of entire certainty on my part.

Mr. PLAISTED. In your opinion?

The WITNESS. Yes, in my opinion, and in that of other gentlemen who examined it—a certainty or an opinion, if you choose to call it so, which has been subsequently corroborated by the counsel of Babcock himself.

Mr. PLAISTED. On page 363 of the testimony you state, "Until about the 1st of December, and, indeed, I may say until it was known absolutely that General Babcock had been indicted, the relations of General Bristow and myself with the President were passable; but so soon as it was seen that General Babcock was to be indicted the idea of a military court of inquiry was brought to the front, to my knowledge, by General Babcock and his friends." Can you state any act on the part of the President indicating his want of sympathy with the prosecution of the whisky ring up to the 1st of December independently of the Babcock case?—A. I refer to a record made by me at the time, which has already been cited, in which I say, "The Sylph telegram; the retention of incompetent, dishonest, or disloyal officers at Saint Louis, Springfield, Chicago, and Milwaukee; the lack of hearty sympathy and support of the President; the certainty of constant misrepresentation of motives and acts by Sylph"—

Q. What efforts were made to get rid of these incompetent officers at Chicago and Saint Louis which were not seconded by the President?—A. Mr. Ward was retained at Chicago at the President's own instance; he expressing at the interview in the spring his confidence in Ward and his good opinion of him.

Q. Did you discover that Ward was in complicity with the whisky ring?—A. No; but he was so far in sympathy with it that I never favored his retention, although I hoped we might be able to get through with him, in view of the strong array of special counsel whom we had employed at Chicago.

Q. Did he not procure indictments against almost all of those who were charged?—A. Yes; with the help of Mr. Ayer, Mr. Bontelle, and Mr. Dexter.

Q. Did either you or the Secretary of the Treasury request his removal?—A. I cannot say that I myself ever did request his removal from the President. I cannot say as to what the Secretary did.

Q. Did you ever hear the Secretary of the Treasury say that he had requested Ward's removal?—A. If I did, I should not repeat it here.

Q. What other incompetent officers were retained in office?—A. A district attorney at Springfield, whose removal had been recommended by all the local officers, was retained, notwithstanding my written recommendation to the Attorney-General for his removal. There was an unnecessary delay at Milwaukee in turning out Erskine and appointing Bean as collector of internal revenue, and there was an aggravating delay

(for which the President was not directly responsible) in bringing about a change of collectors at Saint Louis.

Q. Was the President responsible for that delay in the change of the collector at Saint Louis?—A. The President undertook to find a successor for Maguire at Saint Louis.

Q. Was there any unreasonable delay on the part of the President in making that change?—A. There was a delay which was noted as an obstacle at the time.

Q. Did the President show any unwillingness to remove Maguire?—A. No; not in conversation with us.

Q. Did he not express his willingness at the interview on May 7 to remove him?—A. My recollection is that he did.

Q. Do you not know that he tendered the position almost immediately after the seizures to a gentleman who was then in California?—A. I think he did.

Q. And that gentleman accepted by telegram?—A. He did.

Q. And then on his return home he declined to accept?—A. My information is that he did.

Q. How long had this gentleman declined before another man was appointed?—A. I cannot say; it was, however, some time in July or August, I believe.

Q. Did the President go west directly from Long Branch?—A. I have no personal knowledge on the subject.

Q. Do you know at what time he went west to Des Moines and Colorado?—A. Of my own knowledge, I do not.

Q. Did you not know that he was to be at Saint Louis about the 8th of September, or early in September?—A. I have no personal knowledge on the subject.

Q. Did you not learn through the press that he was going west?—A. Whatever information I had on the subject, I must have obtained from the press.

Q. Did you not write to Henderson about the 8th or 9th of September, stating that the President would be at Saint Louis?—A. No, sir, not that I recollect.

Q. Have you not stated that you wrote to Henderson, on the 8th or 9th of September, a letter in which you used this expression, "Go to the bottom and top of matters?"—A. I certainly wrote such a letter to Henderson, and I think I can give you the exact date in a moment; but there was no reference in the letter to the President of the United States. [After referring to his letter-book.] The letter was dated September 24, 1875. It was the letter in which "W. H." was forged.

Q. Was that the letter which you explained to the President?—A. It was.

Q. Which you said did not mean him, but did mean Babcock?—A. It is the same letter.

Q. Did you not say, in your direct examination, that that letter was dated about the 8th or 9th of September?—A. If I did, it was a mistake of my recollection; but my impression is that I did not so state. There are several misprints in my testimony. I had no chance to correct it.

Mr. PLAISTED. You may read that letter.

The WITNESS, [reading:]

"SEPTEMBER 24, 1875.

"MY DEAR SIR: This will introduce to you William H. Herr, an agent of the secret-service division of the Treasury Department, who is sent to you for special duty in connection with the cases of the United States against McDonald and Joyce for conspiracy and violation of the internal-revenue laws. It seems especially desirable, in view of the importance of those cases, that the defendants should be placed under strict surveillance for the next ten days or two weeks, in order to anticipate any move on their part to escape, and to keep yourself apprised as far as possible of their associations, movements, and plans with reference to the charge of conspiracy.

"Referring to my conference with you when here, I need not remind you that it is every way important that you should neglect no fair precaution to reach the very bottom or top of the conspiracy in its ramifications. Perhaps the opportunity to obtain information may be got during the next ten days. It will be well for you to put in with Herr some man of your own choice. The latter has orders to follow your instructions in everything.

"With high regard, your friend,

"BLUFORD WILSON.

"Hon. JOHN B. HENDERSON,

"Special Assistant Attorney-General, Saint Louis, Mo."

"P. S.—We watch with interest the proceedings on demurrer. If Miller beats you, move to have the parties committed to await a renewal of indictment."

Q. Did you know that the President was going to be in Saint Louis in ten days, as you indicate there?—A. I did not know it absolutely. I had a general impression that he was going to be there and that Babcock was going to be with him.

Q. You stated in your testimony that you wanted to give General Henderson to understand that Babcock was meant?—A. If any one was referred to in the words

"bottom and top," General Babcock was the man, and General Henderson knew that Babcock was the man, for the reason that Henderson and Dyer and the Attorney-General and the Secretary of the Treasury and myself had a conference in this city in the August previous about the Sylph telegram.

Q. You stated that you intended that General Henderson should understand that you meant Babcock; if so, why did you not tell him to watch Babcock?—A. I did not in my examination state that General Babcock's name was mentioned in the letter, and the letter itself shows that the chief reference was to McDonald and Joyce, to the fact that they were arraigned before Judge Miller, and that the proceedings against them were being pressed in the demurrer.

Q. What made you think that there would be opportunities in the next ten days?—A. Because, in the first place, I knew that McDonald and Joyce with their confederates would be very active with reference to the proceedings then pending in court, and that if the motion or the demurrer were decided against them, they would be likely to endeavor to escape; and because also having in mind the Sylph telegram, I knew that if there was, as we suspected, any improper connection between them and Babcock, they would be likely to be in close contact during that time.

Q. Did you tell the President in your interview with him when he called you to account for that letter that you meant Babcock?—A. I did.

Q. And that you did not mean the President?—A. And that I did not mean him.

Q. Did you mean Babcock by the word "top"?—A. Undoubtedly; the very "bottom or top."

Q. You say that that letter was stolen by Joyce or McDonald?—A. I say that General McDonald informed me that it was stolen by a deputy marshal and handed to Joyce or McDonald.

Q. Was it the original letter which the President showed you?—A. I do not think it was. I think the gentlemen had a copy of the original letter, although I believe they had the original letter.

Q. How could the forgery be made apparent if it were a copy merely?—A. By laying the copy against my letter-book.

Q. You stated that by examining the handwriting, it was clearly to be seen that the "W. H." was in a different handwriting from the rest of the letter, and that this forgery was apparent?—A. Such was my information. Such was the information I received about it from General Babcock and General Porter, who had seen the original.

Q. When did you discover the Sylph telegram?—A. Late in July.

Q. How was it discovered?—A. We were examining for Avery's connection with the ring, and the telegrams delivered to the parties in Saint Louis had, under my direction been obtained by means of subpoenas issued out at Saint Louis. Copies were sent to the Attorney-General and compared with the original handwriting on file in the telegraph-office, and in that way it was ascertained that this telegram was in Babcock's writing, not in Avery's, as we had up to that time supposed.

Q. At what time was this Sylph telegram taken from the telegraph-office?—A. I cannot say.

Q. At what date was the handwriting discovered to be Babcock's?—A. I think in the last days of July.

Q. By whom was it discovered?—A. There were a number of experts in the Treasury Department called on the question.

Q. Then it was first discovered in the Treasury Department?—A. Yes.

Q. And then it was taken to whom?—A. The Attorney-General, was sent for immediately and the question was submitted to him. Mr. Pierrepont himself claimed to be an expert on that point.

Q. When did you first show this telegram to the President and to Babcock?—A. If I have anywhere at any time, either directly or indirectly, stated to you or any one else that I have ever shown that telegram either to Babcock or the President, I was badly mistaken and did not know what I was talking about.

Q. Did you not state that you advised the Secretary of the Treasury to show it to him?—A. I did; but that is altogether a different thing.

Q. And that the Secretary did show it?—A. Yes; that he talked with him on the 30th of August, 1875.

Q. Had you previously shown it to Henderson and Dyer?—A. Attorney-General Pierrepont, the Secretary of the Treasury, myself, General Henderson, and Colonel Dyer had that telegram before us and a consultation touching it some time in August, 1875.

Q. Can you tell when the President first knew about it?—A. I cannot.

Q. Do you remember a letter from the Secretary, dated 9th August, in which he refers to P. and B. knowing of that Sylph telegram?—A. Yes.

Q. Do you think that he referred there to Porter and Babcock?—A. I believe I have stated distinctly that he did refer to Porter and Babcock, and to no one else.

Q. You do not think that he referred to the President?—A. No; I know that he did not.

Q. That implies that Babcock knew it as early as August 9?—A. Yes.

Q. Why did you advise the Secretary in September to show it?—A. Because I wanted the Secretary of the Treasury to meet Mr. Babcock face to face; to confront him with the telegram itself, and to give him an opportunity to make any explanation he might have to make touching it or with reference to it.

Q. You say that you met General Porter, and that he gave you his explanation of the Sylph telegram?—A. Yes.

Q. Did you state to the President what General Porter told you?—A. Yes.

Q. Did you give the President the whole explanation?—A. I gave the President the whole explanation as I have stated it in my examination-in-chief. The President heard enough of it to know Porter's explanation.

Q. When you mentioned that it had reference to a lewd woman, did he not say that he did not want to hear anything of that kind?—A. He did precisely what I said he did—brushed it away and went on with the conversation on another branch of the subject, and paid no attention to it.

Q. And you gave him the whole explanation as you got it from Porter?—A. I did; as I have stated in my examination-in-chief.

Q. How did the President interfere with the trial of the Babcock case?—A. I have already indicated in my examination-in-chief what I considered to be interference on his part. It was by favoring the military court; by dismissing Henderson; by authorizing (if he did not direct) the circular-letter to district attorneys; by listening to the reports that the prosecution against Babcock was the result of a political conspiracy or intrigue, and by deciding to remove the Secretary of the Treasury and myself, and permitting his purpose so to do to become public.

Q. How did the military trial interfere with the trial of Babcock?—A. The proposition was that the trial of Babcock in the civil court should be postponed to await the investigation of the military court and that the evidence in the civil court should be turned over for use in the military court.

Q. How did that interfere with Babcock's trial?—A. It gave the prosecuting officers to understand that they were not to be permitted to try the Babcock case in their own way and according to their own judgment. And if it had been carried out, it would have deprived them of the evidence on which the trial could proceed.

Q. It was not carried out, was it?—A. It was not.

Q. The proposition was made before Babcock was indicted?—A. About the time, but it was well understood, however, that he would be indicted; and there were reports that he had been. The indictment was returned to the court on the 4th or 5th of December.

Q. When was it made public?—A. I think that the first indictment was announced about the 1st of December, and turned into the court about the 4th or 5th of December.

Q. What was the date convening the court of inquiry?—A. I do not know.

Q. On what date was it ordered to convene?—A. I cannot recall.

Q. Do you not know that at the time the order for the court of inquiry was issued it was not expected that Babcock would be indicted?—A. No, sir, I do not.

Q. And that hence the order was issued, and that the court met at Chicago, and after the indictment was found the court simply dissolved without any interference on the part of the President?—A. I believe that it is a matter of history that the court did dissolve on motion of General Hancock, and on argument after it convened in Chicago, but not until after the demand had been made upon the local officers by the judge-advocate of that court to be furnished with the evidence in the Babcock case and that demand had been refused.

Q. Have you any evidence that the President wished to interfere with the prosecution of Babcock by the civil court?—A. Nothing except as I have stated the facts.

Q. Suppose Babcock had been tried by the military court, would he not then have been liable to indictment and trial in the civil court?—A. It is to be observed that this military court of inquiry, as I understand it, had no power whatever to pass sentence on General Babcock or to punish him, but simply to inquire whether there was ground for a court-martial, and, if so, to make this recommendation in the premises. The result of a trial before the military court would undoubtedly have been to have given Mr. Babcock and his counsel opportunity to look into the hands of the prosecution at Saint Louis.

Q. Did the President order this court of inquiry without consulting his Cabinet?—A. As to that I cannot say of my own knowledge.

Q. Do you not know that there was a Cabinet meeting upon it?—A. I believe there was a Cabinet meeting, and an adjourned meeting.

Q. Did you not say that you sent a note to Secretary Bristow in Cabinet, in which you said, "God give you wisdom," or something to that effect?—A. I think I did.

Q. Did that have reference to his action in the Cabinet in regard to the military court of inquiry?—A. It did; and I also stated that I wrote to General Henderson a letter about the 3d of December in which that question was fully discussed.

Q. Was the Secretary of the Treasury opposed to that court of inquiry?—A. As to

that I cannot say. My impression is that he took the position that they might have forty courts of inquiry if they wanted, provided they did not interfere with the civil tribunal.

Q. Do you know whether he assented in Cabinet to the proposition for the court of inquiry?—A. I cannot say; I presume he did, with the understanding that it was not to interfere in any way with the civil tribunal.

Q. Do you not know that the action of the Cabinet was unanimously in favor of the military tribunal?—A. I do not.

Q. Have you not heard Mr. Bristow say so?—A. I never have.

Q. But you do know that it was determined upon in Cabinet meeting?—A. I do, so far as I can know anything from what respectable and reliable gentlemen tell me.

Q. At what time was the verdict in the Avery case?—A. I think about the 27th or 28th of November.

Q. It was in the trial of that case that the telegrams implicating Babcock appeared?—A. Such is my recollection.

Q. And Babcock's complicity in the matter was commented upon by Anderson very severely in his argument?—A. Such is my recollection.

Q. Do you not know that Babcock immediately thereupon telegraphed to the district attorney demanding to be heard before the court?—A. I believe he did, but not until after the Avery case was closed and submitted to the jury.

Q. And a reply came that there would not be another trial until when?—A. The 15th or 16th of December.

Q. Was not this court of inquiry ordered to be held on the 9th of December, so as not to interfere with the civil tribunal?—A. As to that I cannot state.

By Mr. COCHRANE:

Q. Do you know of any other telegrams being sent by Babcock to Saint Louis at that time?—A. I do.

Q. What are they?—A. Telegrams to Luckey, the private secretary to the President, who was then at Saint Louis.

Q. What was the purport of the telegrams?—A. That he (Babcock) should be relieved from the necessity of going to Saint Louis, if possible. I have copies of those telegrams here in my letter-book.

Mr. COCHRANE. Read them.

The WITNESS, [reading.] "Washington, November 17, 7.44 p. m. Levi P. Luckey, Lindell Hotel, Saint Louis. Tell him employ assistants if he wants, and draw, but to prevent my going there now at all hazards. Exercise your best judgment now. Oscar."

That is from General Babcock.

Mr. COCHRANE. What is the next?

The WITNESS, [reading.] Washington, 6.04 p. m., November, —. See John M. Krum on receipt of this; whatever hear, retain him to protect me, and confer fully with him and answer at earliest convenience. To go there now would be very unfortunate if he can possibly prevent it. Report fully and promptly to my house here.

By Mr. PLAISTED:

Q. Were these dispatches implicating Babcock made public until the 28th or 29th of November?—A. I am not positive, but my impression is that it was after the date of the sending of these telegrams that the telegrams implicating him were made public. The telegram to the district attorney was evidently sent about the time that the Avery trial closed, and was not received, in point of fact, until the trial had closed.

Q. These dispatches from Babcock to Luckey, did they not refer to his going there as a witness?—A. McKee's, Avery's, Patrick's, and Maguire's names, with Babcock's, had been mentioned in the progress of the trial, and I believe it was decided by Krum, representing the defendant in that case, to call all these parties for the purpose of having them testify that they had received no money from the ring. That is clearly indicated.

Q. Did not these telegrams to Luckey have reference to Babcock's going as a witness—that he did not want to be called as a witness?—A. The telegrams were sent, undoubtedly, with reference to the very subject that Babcock had in mind when he sent the telegram or letter dated the 30th of November.

Q. Was it not in contemplation by counsel either for the Government or for the defendants to call Babcock as a witness?—A. It was, I believe, in the contemplation of counsel for the defendants to call him as a witness. That I infer from these telegrams, but it is a matter of inference only.

Mr. COCHRANE. Read the next telegram.

The WITNESS, [reading.] November 18, 1875. "K. says no detriment, no danger. personal, political, or otherwise, should you come. Billy and all others on whom Mac's case reflects going to testify; and friends think it would be well if you can also do so. All would show they received nothing. But it rests with you if you choose. K. urges

it, but they cannot force anything. He is retained for your interest. I shall do the best I can."

That telegram was sent on the 18th. The other telegram, it will be noted, was sent on the 16th of November.

Q. Did you see the reply that was sent by Dyer to Babcock's dispatch of the 30th?—A. I do not know that I did, except as it may have appeared in print.

Q. Can you state whether or not this is the dispatch, according to your best recollection: "The evidence in the Avery case is closing, and another case involving question of conspiracy is set down for the 15th December?"—A. I think that was the dispatch.

Q. Do you think there was any impropriety on the part of the President and his Cabinet in granting this officer a court of inquiry under the circumstances?—A. I do.

Q. Do you not know that that proposition received the assent of every member of the President's Cabinet?—A. I do not know that; I presume it did. I never did then and do not now see the least occasion for the military court.

Q. Were not the President and his administration responsible to the country?—A. Undoubtedly they were.

Q. Did it become you or the Secretary to antagonize the President and his Cabinet on that point?—A. It became me to accept loyally, as I did, whatever action my official superiors saw fit to take in the premises, but at the same time I reserved to myself the right to differ or dissent in judgment from them.

Q. You wrote to Henderson a letter at that time?—A. I did.

Q. Can you produce a copy of your letter?—A. I have not a copy of it, and I so stated in my examination-in-chief. General Henderson has the original, but he has my authority to produce it.

Q. Can you have it produced and appended to this record?—A. I presume I can.

Q. Why was not a copy of that letter preserved?—A. Simply because I did not choose to keep a copy of it. I kept copies of some of my letters and not of others.

Q. Did you enter it in your letter-book?—A. I did not.

Q. Did you ask Henderson to burn it?—A. I do not know that I did; perhaps I did. It was of a highly confidential character, giving him the inside history of the situation here, as I was informed and as I knew it myself.

Q. And advising him not to comply with it?

The WITNESS. Why should you put such words as those in my mouth?

Mr. PLAISTED. That is my impression in regard to your testimony.

The WITNESS. There is no foundation or warrant for it. It was simply stating to General Henderson the situation here, for his own information and guidance.

Mr. PLAISTED. I will read from your testimony on page 363:

"On the 3d or 4th of December I wrote a letter to General Henderson, advising him fully of my views, and indicating to him the settled purpose of the Secretary of the Treasury to see, by all honorable means, that proceedings before the civil tribunal should not be postponed or delayed or embarrassed, if he could prevent it, by any proceedings to be instituted or had before a military tribunal."

A. Under the instructions of the Attorney-General, on the recommendation of the Secretary of the Treasury, sometime in May, 1875, I was charged in official letters from the Attorney-General to call on district attorneys and to advise and consult with them touching the management and direction of the cases.

Q. Then you were the official superior of these district attorneys?—A. I was, in my capacity as Solicitor-General, and also because the Attorney-General has power, under the act creating the Department of Justice, to assign officers to special duties, and had the right to assign me to the duty of counseling and advising with the local officers.

Q. You were really an officer of the Department of Justice?—A. I was really, under the law constituting the Department of Justice, an officer of that Department. Practically, however, my relations were with the Secretary of the Treasury.

Q. If the Secretary of the Treasury, in Cabinet meeting on the 2d and 3d of December, assented to the proposition of General Babcock in his application for a court of inquiry, or did not then and there object to the court of inquiry, was it fair and honorable on his part to represent to the district attorney his settled purpose to see that the proceedings before the civil tribunal should not be postponed, delayed, or embarrassed by the military tribunal?

The WITNESS. I wish to say that that question, as shaped, is, in my judgment, unworthy of the gentleman who propounds it, is not called for by anything which I have testified here, and should be propounded to the Secretary of the Treasury himself; but I call the attention of the gentleman to the fact that I have stated that, in my judgment, the Secretary of the Treasury had no objection to forty courts of inquiry so long as they did not interfere by taking away the evidence from the civil tribunal. That was the point of difficulty, and not the mere fact of the court of inquiry itself.

Q. Was it not apparent, or did it not follow as a necessary consequence, that the district attorney at Saint Louis would be called upon to furnish the documentary evidence

inculpating Babcock, and the names of the witnesses who could testify to his complicity with whisky frauds!—A. It was apparent, and such was the purpose in ordering the court. It was also a fact that the district attorney positively and peremptorily refused, when called upon, to furnish such evidence. He gave the names of the witnesses and offered to furnish copies of the testimony, and did furnish copies, as I understand; but he stated that he could not furnish the evidence then on the files of the court without embarrassment to him and without the order of the court itself.

Q. You say that in this letter to General Henderson you indicated to him the settled purpose of the Secretary that there should be no interference with the civil court?—A. Yes, sir.

Q. Did you have the Secretary's express authority for that statement to General Henderson?—A. I think the Secretary knew that I wrote the letter to General Henderson. That is my recollection now.

By Mr. COCHRANE:

Q. You had no doubt that that was his settled purpose?—A. I have no question about that at all. The point was couched. He made his point in connection with Attorney-General Pierpont and others, that there should be no interference whatever with the civil court.

By Mr. PLAISTED:

Q. As a matter of fact, did the order for a court of inquiry interfere with the trial of Babcock?—A. As a matter of fact, I cannot say. As a matter of judgment, I can say it did.

Q. In what respect?—A. It gave the prosecuting officers to understand that they were not to be permitted to exercise their own judgment with reference to the time or mode of the prosecution, or that they were to carry out unhampered their plans with reference to it. It gave the district attorney, pressed as he was with the exigencies of other cases, a great deal of unnecessary trouble in corresponding with Gardner in preparing the record to be transmitted to him, and it interfered with his time, which might have been advantageously devoted to the preparation of the cases against Babcock and others then untried.

Q. Did he not get his pay for the preparation of the case against Babcock?—A. I do not know that he did.

Q. Have you not seen it stated that Henderson charged Gardner \$87 for it?—A. I have seen no such statement, and, in point of fact, the only charge made was for a copy of the evidence furnished by the stenographic reporter. Neither General Henderson nor Mr. Dyer got a dollar in the matter.

Q. Did not the records transmitted to Mr. Gardner have to be prepared by clerks?—A. They were prepared by the stenographic reporter and clerks.

Q. I will read you from page 363: "Now, in response to the question of the chairman, I may say that the Secretary of the Treasury and myself, having been ordered by the President to see that no guilty man should escape if it could be avoided, on consultation, mutually concluded that the President could not go back on that injunction without stultifying himself and placing his officers in a false position, and we therefore resolved to leave the whole matter of General Babcock's alleged connection with the whisky ring at Saint Louis to be dealt with by local officers there." You say that you and the Secretary had a consultation on the matter; when was that consultation?—A. About the time he went to Long Branch, in the summer of 1875—the latter part of July or the first of August.

Q. Did you feel then that the President was inclined to go back on his letter of indorsement to let no guilty man escape?—A. In view of the repeated assurances on the part of those who were near to the President, as they reached us, we were apprehensive that there might be a lack of co-operation.

Q. Did you feel that the only reason that would prevent the President going back on that declaration was the fear of stultifying himself?—A. No; not the only reason, but we felt that we had to rely on that declaration and to go on and leave Mr. Babcock's case and the case of every other individual suspected of frauds upon the revenue to the local officers, to be dealt with by them as the public interests might require and the facts might warrant.

Q. You say that the President believed Babcock to be innocent; do you not think that he was honest in that opinion?—A. He so confidently asserted himself, and I believe I have stated that I thought he believed it.

Q. Do you call the President's belief in the innocence of General Babcock an interference with Babcock's trial?—A. I have never so stated anywhere.

Mr. PLAISTED offers in evidence the following document, which purports to be a certified copy from the records of the War Department, of the request of General Babcock for a military court of inquiry:

WASHINGTON, D. C., December 2, 1875.

SIR: On the 29th ultimo, in the trial of W. O. Avery before the United States court at Saint Louis, Mo., one of the prosecuting attorneys, Hon. J. H. Henderson, introduced

certain telegrams alleged to have been sent by me to Messrs. McDonald and Joyce, recently convicted of complicity in the whisky frauds, and is reported in the Saint Louis Globe-Democrat as having used the following language :

[Copy of newspaper article.]

"Mr. HENDERSON. When we began the trial of the cause I was in the habit of getting excited when my friend, Judge Krum, said anything to excite me, but I am getting over it bravely. I want to assure him and the court, in the little that I shall have to say, that there is no drive made by the prosecution against his excellency the President of the United States.

"It is far from the opinion of myself or any of my associates that the President of the United States knew anything about the ring. I desire to enter, right here, my protest against any such declaration on the part of Judge Krum or anybody else. If Judge Krum wants my opinion I will give it to him frankly, and that is that the President of the United States has been grossly deceived and imposed upon by men who professed to be his friends, here and in Washington; and, sir, I do enter a solemn declaration now, in the beginning, that in my judgment the President of the United States knew nothing at all of what was going on in the ring. It is the opinion of all my associates, and these dispatches do not in the least implicate the President of the United States. So far from implicating, they exculpate him, in the language of my associate. They show that he had nothing to do with it—not only negatively, but affirmatively; that he knew nothing of these gross and outrageous impositions upon his confidence in men. Now, in reference to another point. We did not intend to offer these dispatches at all, and if any responsibility attaches, it attaches to my friend who objected to the testimony of Mr. Douglass.

"We, sir, had made up our minds not to introduce the dispatches; but the gentleman has imposed, under the ruling of the court, the absolute necessity upon us unwillingly to connect the name of General Babcock with the matter. I asked the witness who interfered or asked him to do away with the order transferring the supervisors and revenue agents through different districts, the only way which could have effectually broken up the frauds throughout the country. My friend, Judge Krum, would not let him testify. I asked inasmuch as declarations had been made by witnesses that General Babcock gave information, and we did not desire to connect him any further. We could not help connecting him that far. These prosecutions have not attempted to scandalize anybody, and I now, in the presence of my God, say that I have not got an ill-feeling against anybody in it, not even against the defendant here, for whom I have the highest respect as far as I possibly can, surely not against General Babcock, whom I have known for years.

"I have no feeling at all, but, on the contrary, esteem as highly as I do my friend Judge Krum. I could not have tried the case without asking the question I did. I asked who interfered to prevent it. He simply said that General Babcock came to him and said it couldn't be done. The prosecution intended to stop there. We intended to show that this witness operated in his particular line. I can say that if the grand jury would have ignored these things, the gentleman would never have heard from me one single syllable from these dispatches. I stated to the gentleman the other day, when he objected to certain testimony upon similar grounds, that if he knew what I knew he would not have used that expression. I can now say to the gentleman again, that if he knew what this prosecution knows, in addition to what we now expect to prove, he would not use the expression he had used. Now, sir, he has driven us into this attitude in order to get in the conversation of General Babcock with Mr. Douglass; we cannot help the contents; we shall stop there; and now, sir, we offer the dispatches.

"I hope the gentleman will not ask anything more. Let us introduce enough to satisfy the jury that General Babcock performed his part, and we will rest there. I do now repudiate forever the idea that we are attacking the President of the United States or bringing scandal on that name. We desire no such thing; and these very dispatches which we propose to offer not only prove that the President knew nothing of it, but that he has been deceived throughout the whole affair. And the fact that John McDonald or Joyce or Babcock was his friend proves nothing against the good name of the President; and I take this occasion, so far as I am concerned, to say that I have no desire whatever to connect the name of the President with it, and no desire to connect with it any other name, except so far as it becomes our bounden duty in the case before us."

Upon being informed of this charge I telegraphed to D. P. Dyer, United States district attorney at Saint Louis, as follows, on the 30th ultimo: "I am absolutely innocent, and every telegram which I sent will appear perfectly innocent the moment I can be heard. I demand a hearing before the court; when can I testify?" And received upon the same day the following telegram:

"The evidence in the Avery case is closed. The next case involving the question of conspiracy is set for the 15th of December.

DAVID P. DYER,  
"District Attorney."

The opportunity to answer the charges contained in the above speech having been thus denied me, and being left without any opportunity to vindicate myself, I respectfully demand a court of inquiry, and request that an immediate investigation be ordered.

I am, sir, very respectfully, your obedient servant,

O. E. BABCOCK,  
*Colonel of Engineers, U. S. A.*

To the PRESIDENT.

[Indorsement.]

The Secretary of War may convene the court of inquiry asked for.

U. S. GRANT.

DECEMBER 3, 1875.

I certify that the above is a true copy of the original.

E. D. TOWNSEND,  
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE,  
August 5, 1876.

Q. You say in your letter that the dismissal of Henderson you regarded as a fatal blow to success in the prosecution of the Babcock case. What are the grounds of your opinion and judgment in that respect?

The WITNESS. Do I not state it in the examination-in-chief?

Mr. PLAISTED. No; it is simply a broad statement.

A. It relieved from command and direction an able lawyer, recommended to me by Mr. Blow and by Mr. Glover as the most able and efficient of all the lawyers in Saint Louis to prosecute the whisky frauds. The recommendation of Glover and of Blow was made in the full knowledge, doubtless, by these gentlemen, of the fact that Colonel Brodhead, who relieved General Henderson, was in the city, and could be had. Mr. Henderson had spent all the time from May or June down to November, in constant attention to the preparation and trial of the whisky-fraud cases. The removal, therefore, was a change of front in the face of the enemy, (to borrow a military phrase,) that could not fail to be detrimental to the interests of the prosecution. No lawyer, however able, could have become so thoroughly familiar with all the details of the case in the short time left between the time of Henderson's dismissal and the trial of the case as General Henderson then was. As Henderson's associate counsel and the judge were opposed to the change, and could see no necessity for it, the removal was discouraging, if not demoralizing, to the assistant counsel.

Q. At what date was Henderson dismissed?—A. Some time in the latter part of December.

Q. At what date was the trial of Babcock?—A. In February.

Q. When was Mr. Brodhead appointed in General Henderson's place?—A. I presume about the 1st of January.

Q. Do you not think he was appointed immediately after Henderson's dismissal—within a few days?—A. Yes; not long after.

Q. Then Brodhead had part of December, did he not, to work in?—A. No.

Q. He had all of January and most of February for preparation?—A. Perhaps so, but it must be remembered that he had other cases of almost as great importance.

Q. The case against Babcock was tried and determined on the evidence in the case, was it not, like all other cases?—A. I presume it was.

Q. Did the removal of Henderson deprive the Government of any evidence against Babcock?—A. Not directly; but as General Henderson was a man of more industry and less than Colonel Brodhead, it was my belief then, as it is now, that General Henderson—

Mr. PLAISTED, [interposing.] Answer the question. That does not follow the question.

The WITNESS. Yes; it does.

Mr. PLAISTED. I asked whether the removal of Henderson deprived the Government of any evidence against General Babcock.

The WITNESS. I should like to hear my answer read, so far as I gave it.

[The answer was read.]

The WITNESS. I will now continue. I have no doubt that General Henderson would have discovered more evidence if it was there; that he would have discovered and brought out all the evidence in the case.

Q. Did the dismissal of Henderson operate to furnish Babcock with any evidence that he would not otherwise have had?—A. Yes. Treating the dismissal of Henderson as part of and contemporaneous with the order for the military court, (and it was really all one transaction,) General Babcock was furnished, I believe, with a complete copy of all the evidence in the case from the military record.

Q. Was he not entitled to a copy of the evidence?—A. I believe not, in its detail. I always took the decision myself that General Babcock should know the case against him, and should be dealt fairly by, and so acted myself, and encouraged others to act so.

Q. This was an indictment for conspiracy, was it not?—A. I believe it was.

Q. A general indictment?—A. It was.

Q. Did the indictment furnish him with the information upon which he was charged with the offense?—A. In general terms it notified him of the fact that he was charged with being in conspiracy with the distillers and others, as I recollect, to defraud the Government of internal revenue.

Q. A general charge of conspiracy?—A. Yes.

Q. Now is it not the fact that in a general charge of that kind the defendant is entitled to a copy of all the documentary evidence, (as a matter of law, I mean,) and the names of the witnesses, with the statement of what they will testify to, and that the prosecution is limited to this bill of particulars?—A. Such is not the practice in the United States courts.

Q. Is not such the law in England?—A. I believe it is, but such is not the practice in the United States courts, and this question was submitted, I believe, to the court, and decided adversely to the defendant, either in Babcock's case or in one of the contemporaneous cases.

Q. You stated in your direct examination that you were willing to give Babcock a fair chance, if he were innocent?—A. I did. I stated that I was willing to give him a fair chance all around, without reference to the question of guilt or innocence.

Q. Your statement precisely was this: That you were willing to give him a fair chance if he were innocent?—A. I do not think that that was my statement. You had better refer to it and see what it is. I did give him a fair chance. I treated him, up to the time of his indictment, with entire friendliness and courtesy.

Q. Were you not willing to give him a fair chance irrespective of your opinion as to his guilt or innocence?—A. I do not remember that I have ever put myself in antagonism to that sentiment anywhere; on the contrary, I said to Colonel Dyer, in a letter of February 7, that I wished General Babcock the fairest of fair trials; and throughout the whole unhappy matter, down to General Babcock's indictment, I not only urged the Secretary of the Treasury and the Attorney-General to give Babcock an opportunity to explain, and to treat him fairly, but I did so myself.

Q. I read from your former testimony given before this committee: "I have no objection on general principles to giving Babcock a fair show if the testimony is really false, but how if it should turn out to be true?" That is the paragraph upon which I based my question.—A. Precisely. If the testimony against Babcock was true, it made him a great criminal, and I meant to say that he should have, in that contingency, just the treatment usually accorded to indicted parties.

Q. That was a deliberate statement, in a letter to Secretary Bristow. Now, in all fairness does it not imply that you assume his guilt?—A. I do not think that such is the necessary implication from the note at all, but I must say that I had very strong convictions on that subject.

Q. Relating to the removal of Henderson as affecting the success of the prosecution were not all the other officers, assistant attorneys, retained?—A. Yes, and for the reason that General Henderson strongly urged upon them to remain.

Q. You did not know that yourself?—A. [Continuing.] That I telegraphed both Dyer and Eaton to accept the situation loyally, and in the public interest to remain, and that the Secretary of the Treasury also, to my knowledge, made similar requests. My telegrams are on file in the Treasury Department to that effect.

Q. Did not Eaton and Dyer both telegraph you that Brodhead had been secured, and congratulate you and the Government upon the fact that his services had been obtained?—A. Not until after I had sent the telegram asking them to stay. I presume, in point of fact, that Dyer—my recollection is that Dyer said to me, either in person (as I was in Saint Louis about the middle of December) or by letter, that Colonel Brodhead's selection was a good one. I think Mr. Eaton said to me in a letter or telegram that Brodhead was perhaps a better lawyer than Henderson, though without his zeal and experience in the cases.

Q. Are you sure that the expression "without his zeal" is in the letter of Eaton to you?—A. I am not sure, but that is my impression. I will state here that if I could have had a copy of my letters and telegrams from the Treasury Department I could have been in quite as good a position as Mr. Plaisted is to answer questions of that character.

MR. PLAISTED. The records are open, I presume?

THE WITNESS. I have not had access to them.

Q. Did not Mr. Eaton and Mr. Dyer both telegraph you that the interests of the Government would not suffer by the change?—A. I do not think they did. They may, however, have done so.

Q. Were you in Saint Louis about the 15th of December?—A. I think I was about the middle of December.

Q. One of your letters in evidence is dated Saint Louis, December 15, 1875?—A. Yes.  
 Q. Was Brodhead appointed while you were there?—A. No, sir; I think he was appointed shortly after I was there. I will state that, in conference with the local attorneys on that occasion, they both expressed themselves as very greatly grieved and disappointed by the change, but they had made up their minds to accept my advice and the Secretary's to stand by the Government in the prosecutions.

Q. Do you not know that Colonel Brodhead has a much higher standing at the Saint Louis bar than Henderson?—A. Not as a criminal lawyer.

Q. Is not Brodhead one of the ablest men in the West?—A. He is a very able lawyer, but as a criminal lawyer my impression was then, and is now, that Henderson was his superior.

Q. Is not Brodhead a man of zeal as well as energy?—A. He is a much slower man in his movements and methods and habits of thought than General Henderson.

Q. Can you attribute the acquittal of Babcock to any difference in zeal or ability between those two men—Henderson and Brodhead?—A. I attribute it very largely to the fact of the change of counsel and to the demoralizing consequences and effect ensuing from it.

Q. Do you not know that the jury were not out over three minutes in the Babcock case?—A. No, I do not. In point of fact, I think they were out some time.

Q. Do you not know that General Henderson stated to this committee that in his opinion the prosecution suffered nothing by the change?—A. I do not; and if he did I do not agree with him in his opinion. I think that it was his opinion, and that is all. As a modest man he might have made that statement.

Q. Do you not know that Colonel Dyer made that same statement before this committee?—A. I do not.

Q. Do you not know that he made the same statement in this city when he was here?—A. I do not. I have never read the testimony of these gentlemen, and if I had it would have made no difference in my opinion or conviction in the matter.

Q. What are the politics of Colonel Dyer?—A. I do not know of my own knowledge what his politics are. It never occurred to me to ask what they were.

Q. Is he not a very prominent democratic politician?—A. I have understood that he was. I do not know anything about it personally.

Q. Was he not nominated for the position of president of the democratic convention at Saint Louis?—A. I do not know.

Q. Did he not receive the vote of the Missouri delegation there for that position?—A. I do not know. I was not a member of the convention.

Q. Is he not the Brodhead whose name is connected with the Brodhead letter?—A. I believe he is.

Q. Was the President at all disinclined to appoint Brodhead to succeed Henderson?—A. As to that I cannot say. The appointment of Brodhead was decided upon during my absence West. I have no personal knowledge in the premises.

Q. You state that you regard the circular letter of the Attorney-General as an interference with the prosecution of General Babcock. Have you not also stated in your direct examination that if the letter had not been published it would have had no effect upon the prosecution?—A. I believe that I have, for the reason that it would have remained alone in the knowledge of the Attorney-General and prosecuting officers, and would not have reached the parties for whom it was evidently designed—the witnesses.

Q. Are you prepared to say that the President had anything to do with the publication of that letter?—A. I am not.

Q. Do you think that he was entirely innocent of its publication?—A. That is a matter of opinion, merely, and I decline to answer the question, but do not wish any inferences to be drawn one way or the other with reference to my refusal to answer.

Q. You say it was handed to the Chicago Times by Mr. Storrs?—A. Yes; and I should here say that Mr. Storrs has himself so stated to me.

Q. Did he not so say at the time, and was it not so stated in the public press that it was published by Mr. Storrs?—A. I do not think he did; no, sir. Mr. Storrs told me on the 3d day of June last, when I met him in Chicago, that he gave the letter to the Times correspondent.

Q. Do you not think that that letter was entirely a proper one?—A. No, sir; I do not, under the circumstances under which it was issued, but to the contrary.

Q. What was the date of its issue?—A. I think it was dated either the 26th or the 28th of June. I am not sure which.

[A copy of the letter referred to is produced by Mr. Plaisted and handed to the witness.]

The WITNESS. Having a copy of the letter before me, I find it is dated January 26, 1876.

The letter is as follows :

"DEPARTMENT OF JUSTICE,  
 "Washington, D. C., January 26, 1876.

DEAR SIR: My attention has to-day been called to many newspaper reports, stating—  
 H. Mis. 186—32

ing that in Saint Louis, Chicago, and Milwaukee large numbers of guilty men who confess their guilt are to be let off from prosecution and punishment. I cannot suppose that this is true, but my attention being called to it, I direct a letter to each of those places, that the district attorneys may know that suggestions have been made that quite too many guilty men were to go unpunished. I am aware that in the excitement many unfounded rumors will gain credence, and I repose on your good judgment to prevent any possible scandal from anything that would even look like favoritism toward those who have defrauded the Government. It is the President's reiterated desire that no guilty man shall escape. I do not know that there is any intention on the part of any one charged with the administration of the laws to favor any person, and the appearance of any such favoritism should be very carefully avoided. I write this by way of abundant caution, for I am determined, so far as lies in my power, to have these prosecutions so conducted that when they are over the honest judgment of the honest men of the country, which is sure in the main to be just, will say that no one has been prosecuted from malice, and that no guilty one has been let off through favoritism, and that no guilty one who has been proved guilty or confessed himself guilty has been suffered to escape punishment.

"Yours, very respectfully,

"EDWARDS PIERREPONT,

*"Attorney-General.*

"DAVID P. DYER, Esq.,

*"United States Attorney, Saint Louis, Mo."*

Q. Take that letter, and point out wherever you regard it as improper.—A. Take the first sentence: "My attention has been called to many newspaper reports stating that in Saint Louis, Chicago, and Milwaukee large numbers of guilty men who confess their guilt are to be let off from prosecution and punishment." That statement, ignoring as it does entirely the fact which he must also have seen in the same newspaper reports that these men were accepted as State's evidence, to be used against other people, is a very objectionable and unfair presentation of the case. Then take the sentence: "I do not know that there is any intention on the part of any one charged with the administration of the laws, to favor any person, and the appearance of any such favoritism should be very carefully avoided." As there was nothing, either in the official communications to the Attorney-General, from the prosecuting officers, or from any other reliable official source, that reflected, as the Attorney-General's language does reflect, upon the candor and fairness of the district attorneys, that sentence contains an imputation utterly unbecoming the head of the Department of Justice, and uncalled for under the circumstances. The last sentence or clause in which he says, "and that no guilty one, who has been proved guilty, or confessed himself guilty, has been suffered to escape punishment," was a square blow at the right of the district attorneys to accept the testimony of accomplices, and, in substance, said to those men who had confessed their guilt, and who had been, or were about to be, accepted as State's evidence, "Shut your mouths; you have nothing whatever to gain by talking or confessing."

By Mr. COCHRANE :

Q. What have you now to say in reference to the tendency of the whole letter, written as it was at that time?—A. It was, under the circumstances, a square issue with the district attorneys at Saint Louis, Milwaukee, and Chicago, and was equivalent to a command to them not to make terms with any person who confessed his guilt. It struck a vital blow at the hope of the Treasury Department; and of the local officers to reach, by means of accomplices, the really guilty parties in the conspiracies—the men who had inspired and organized them.

By Mr. PLAISTED :

Q. Does not the Attorney-General say here that he does not write this by way of reproof, but simply through abundant caution?—A. Yes; he says, "I write this by way of abundant caution, for I am determined so far as lies in my power to have these prosecutions so conducted that when they are over," &c. The fact that this letter was seized upon by Mr. Babcock and Mr. Storrs and published to the world through the newspapers of the country, is safely indicative of the views of indicted parties as to the significance of the letter and its probable effect. In other words, as the counsel himself expressed it, "Drowning men catch at straws;" and his client caught at this.

Q. You say this letter presented a square issue between the Department of Justice and the local counsel?—A. Yes; and the Treasury Department.

Q. Will you please state wherein this letter of the Attorney-General is inconsistent with the decision of the Secretary of the Treasury, as expressed in his telegram to you of October 12, 1875, wherein he says :

"The question in hand does not relate alone to the amount of money involved in these particular cases, but affects the integrity of the revenue; and complete success in these prosecutions would be of great value to the Government hereafter. There-

fore, I would say to parties who offer to surrender, and ask terms, that they should plead guilty to the charges, or such of them as they admit to be true, make their statements to the court, throw themselves on its clemency, and submit themselves to such punishment as the court may pronounce. I would make no arrangement in advance for suspension of judgment, nor would I ask the court, after pleas of guilty, to suspend sentence in any case, unless, upon hearing the statement of the party in open court, it should be deemed proper to use him as a witness against a greater offender. The conviction and punishment of corrupt and guilty officials is of the first importance; and all proper means to this end should be used. The Attorney-General and Commissioner of Internal Revenue concur in this.

"B. H. BRISTOW."

A. The radical difference between the letter of the Attorney-General and the telegram of the Secretary to me is, that the Attorney-General's letter says that no man who confesses his guilt should be permitted to escape punishment. General Bristow, on the contrary, distinctly recognizes the right of guilty parties to turn State's evidence, and also the right of local counsel to use them, if they see fit, as witnesses against greater offenders; and also, when that has been done, the duty of local counsel to ask the court for such mitigation of punishment as, in their judgment, the circumstances of the case may justify or warrant. The telegram of the Secretary of the Treasury has its warrant in the decisions of the United States courts, as referred to and quoted by Mr. Brodhead, and is in entire accord with the common-law practice and the practice in courts of this country. The letter of the Attorney-General is in direct conflict with those authorities and this practice.

Q. But suppose the letter of the Attorney-General contained this sentence which I find in the telegram of the Secretary of the Treasury: "I would make no arrangement in advance for suspension of judgment, nor would I ask the court, after pleas of guilty, to suspend sentence in any case, unless, upon hearing the statement of the party in open court, it should be deemed proper to use him as a witness against a greater offender"?—A. That is right.

Q. Is there anything in the letter of the Attorney-General so strong as that?—A. There is nothing in the letter of the Attorney-General that is so sensible as that, and which so aptly meets the case. The letter of the Attorney-General, as I have already indicated, squarely says that no guilty man who confesses his guilt shall be permitted to escape punishment.

Q. Was it not the position of the Secretary of the Treasury, and always his position, that the guilty parties should plead in open court, and then submit to such judgment as the court might impose?—A. Undoubtedly; that is just what we have been saying all the way through—either to be punished entirely, or to have a suspension of sentence entirely, as in the judgment and discretion of the court they might see fit and proper.

Q. Was it ever the position of the Secretary that there should be a suspension of judgment?—A. If in the judgment of the court and the local counsel the confessing party put himself in the position of having deserved it.

Q. Mr. Bangs has stated here that all of that first batch have received immunity, and that it would be a breach of professional duty and fidelity now to move their sentence in court. Do you think that the learned counsel there, in allowing such a large number of men immunity, acted according to the spirit of this telegram of the Secretary of the Treasury?—A. No, sir, I do not. I have always, both by letter and telegram, as well as in conference, said that I would not have gone as far as local counsel and local revenue officers did; but when I say that, I must also say that I have never myself questioned, nor have I ever heard the Secretary of the Treasury question, the perfect good faith of the gentlemen who managed that affair.

Q. Ex-District Attorney Ward states that forty-seven received immunity; that is, that of the first batch only three were punished, and their punishment was very light. What have you to say as to that?—A. As to that I am already very fully on record in my examination-in-chief. I was never, either directly or indirectly, a party to immunity or promise of immunity to any distiller, except always that it should be made subject to the approval of the court. Of the first batch, so-called, it fully appears from my testimony heretofore given that Russell, Golsen & Eastman, and Parker R. Mason were the only parties that I ever expected would be used as State's evidence, with the right to substitute instead of Golsen & Eastman the firm of Roelle, Junker & Co.

Q. Then the policy adopted by the local counsel was not the policy of the Secretary of the Treasury nor of yourself?—A. No, sir, I do not say that. Part of the policy of the Secretary of the Treasury, as clearly indicated in his telegram of October, was to leave the settlement of the question as to what immunity, if any, should be granted, and the extent thereof, to the local counsel, the local revenue officers, and the courts; and the Secretary of the Treasury, as has been fully shown, with the Attorney-General and myself, so stated to Colonel Matthews, the supervisor of internal revenue, and, at a later day, to Mr. Dexter, referring the settlement of these questions to the prosecuting officers and the local revenue officers, under the approval of the court.

Q. Now, of these forty-seven to whom immunity was granted in Chicago—distillers, rectifiers, guagers, &c.—it is not the fact that only three of them have ever been brought before the court and arraigned for sentence?—A. I have no knowledge whatever, except as I hear it from the honorable gentleman, that any such number as has been stated ever received immunity in Chicago, nor do I believe they did.

Q. Well, taking to be true the statement of Mr. Bangs, the district attorney, that there were upward of thirty to his knowledge who had received entire immunity, did the local counsel carry out the instructions of the Secretary?—A. Undoubtedly; the local counsel were assured that they might act in their own sound discretion, and did; and that was entirely consistent with the telegram of the Secretary of the Treasury just referred to, and of the letter to Mr. Tutton read last week, and, as I understand, with his whole course in the premises.

Q. But did the policy of the Secretary of the Treasury ever contemplate that men should receive immunity without the judgment of the court?—A. No, sir, it did not; and in this case I believe the judgment of the court was had thereon.

Q. In open court?—A. In open court.

Q. Do you not know that in this respect you differ from both the present district attorney at Chicago and the ex-district attorney?—A. I do not. I have never read their testimony, and do not know what it is.

MR. PLAISTED. They state that there has not one of them been brought up and arraigned for sentence or judgment of the court.

THE WITNESS. I wish to say further, that while I myself would not have gone as far as local counsel did, yet, in view of the fact that they succeeded in convicting Hising and Rehm, and in reaching property that had escaped Mr. Tutton's investigations and my own, comprising as it did the largest distilleries in the city of Chicago, and also in obtaining evidence against Ward, Wadsworth, Bridges, Hoyt, and Root, (the chief clerk in the collector's office,) they have been fully justified in their course. If the policy of the Attorney-General as indicated in his circular-letter had been accepted as the rule, more of these results would have been obtained.

Q. Did the letter of the Attorney-General go further than to say that no arrangement should be made with the guilty parties beforehand; that they should all submit themselves to the judgment of the court?—A. Very much further; but the letter has already been discussed, and speaks for itself.

Q. If it be true that the local counsel granted immunity to the whole batch of some forty guilty distillers, rectifiers, gaugers, &c.—full immunity—without the judgment of the court, in open session, do you not think that such a letter of caution as was written by the Attorney-General was called for?—A. No, sir, I do not. It was utterly uncalled for in any view of the case, for the reason that the special counsel in the case at Chicago stood at the head of the profession in the Northwest; and if Dexter, Ayer, Boutelle, and Matthews could not be trusted to exercise some latitude in the premises, then no man in this country could have been.

Q. But you say yourself you would not have gone so far as they went in granting immunity to these guilty parties?—A. Yes; that is simply a difference of opinion between myself and them.

Q. And they dismissed the actions against Ward, Wadsworth, and Munn in opposition to your recommendation?—A. Local counsel did.

Q. Did you not censure them very severely by letter?—A. I did.

Q. Did you not say it was a disgraceful surrender on the part of the Government?—A. I did not say that, but I said something that was equivalent to it.

Q. Did you not send word to the district attorney that it was a cowardly betrayal of the public interests?—A. I did.

Q. Might not the Attorney-General be afraid that there might be a cowardly betrayal of the public interest as to those forty witnesses sufficient to induce him to send a circular-letter such as he sent?—A. As the case stood at that time, in my recollection, the Attorney-General had only one case before him in which there had really been absolute immunity granted, and that was the case of Roddis, a gauger, at Milwaukee.

Q. This circular-letter was written on the 26th of January?—A. Yes.

Q. Do you not know that Mr. Tutton represented to the President in January—about the middle of that month—that this immunity was to be granted to all these men?—A. I do not know that he made such representations, as explicit as that, or what was equal to it.

Q. Did not Washburn make the same representations?—A. No, sir; he did not to the President of the United States.

Q. Did he not state in a communication to you, or to the Secretary of the Treasury, that the local counsel there were going to grant immunity to these men, and not carry out the instructions of the Treasury Department?—A. He did to me.

Q. Were those letters of Tutton and Washburn presented to the President?—A. I do not know that they were.

Q. Were they presented to the Attorney-General?—A. I do not know that they were.

Q. Do you not know that Tutton's statements were presented?—A. I understand Mr. Tutton went and saw the President and talked with him about it.

Q. The letter that Tutton wrote you was presented to the President, was it not?—A. Yes; I think by the Secretary of the Treasury.

Q. At what time?—A. On about the 28th of January—two days after the issuing of the circular-letter.

Q. You received it at what date?—A. I received it some time between the 20th and 28th.

Q. It was written on the 13th or 14th, was it not?—A. I don't remember the date. I know, however, it was not presented to the President until the 28th of January, two days after the issuing of the circular-letter.

Q. Did not Mr. Tutton come here on the 20th of January?—A. I believe he did—about that time.

Q. Do you not know that he saw the President, and made the same representations to him that were made in that letter?—A. I do not know it of my own knowledge, but presume he did. I wish, in further answer to the question as to the situation, to read a letter from Colonel Matthews, the supervisor of internal revenue, to me:

“CHICAGO, ILL., *February 5, 1876.*

“MY DEAR WILSON: I would be pleased if you would give me the present and the probable future situation of whisky matters at Washington. I feel sure no mistakes have been made here, and the only explanation I can give to the letters of the Attorney-General is that there is a political combination in the background, of which he is an innocent instrument, gotten up to injure you and Secretary Bristow, and to defeat, if possible, the full development of the frauds here. So far as the *establishment* here is concerned, we do not care *personally* what is done with us, if we are allowed first to complete what we have undertaken. We feel so confident of the correctness of our position that we think our action will not only be approved by the authorities and the people when they come to know all the facts as we know them, but that all parties will agree that to have taken any other course would have been criminal on our part. Since the departure of Tutton, there has been no disagreement among officials here that I am advised of. We propose to stand or fall together, and when the crisis comes we shall undertake to defend what has been done from an independent stand-point, stating fully all the facts and the probable result in each case. We do not propose to throw up the sponge like children, and say we are sorry; but we shall say, ‘Under the circumstances, we would repeat what has been done.’ For one, if I cannot be allowed a little latitude in such matters, I propose to step out at once, and pass my office into other hands. Write me fully and freely all you know about the matter. I shall feel anxious until I hear from you. Kinney is here and hard at work. He will make a good agent. The trial of Hesing, Rehm, and Hoyt is set for March 7.

“No matter how this thing ends, I am, as ever, your friend,

“A. G. MATTHEWS.”

Q. Is it not true that the local counsel granted this immunity on their own responsibility?—A. I wish to state that the local counsel granted no immunity. In point of fact, every distiller and rectifier in the first batch, as I am informed, has been punished severely to the extent of loss of property as well as being subjected to the infamy of an open acknowledgment of the crime charged against him; and I cannot, for this reason, see how any sensible or fair-minded gentleman can claim the first batch could have had entire immunity, as I understand has been asserted over and over again.

Q. Has not the first batch had entire immunity from punishment?—A. They have not.

Q. From criminal punishment?—A. The question, as suggested, I presume is true; but the loss of property to these people, the expense, and the ignominy of prosecution have been brought home to them with great and telling force. They have been indeed, in my judgment, very severely punished, and it is an utter mistake to say that they have not been.

Q. You admit yourself that they have received no criminal punishment?—A. That I have said. I stand by my answer. I say they have been punished and punished severely for their complicity in these crimes; and, as the direct result of the assistance which we got from them, other people that could not possible have been reached have been reached, tried, and convicted, and are to-day in imprisonment in consequence.

Q. Was not the granting of immunity to some forty guilty parties a subject that honest, fair-minded men might reasonably differ about?—A. Undoubtedly, but I wish again to say that immunity, in the broad sense of the term as it has been used by the honorable gentleman and the witnesses on the other side of this case, has not been granted to them.

Q. You must admit that total criminal immunity has been granted to this batch of about forty men, and that is all we are talking about.—A. I admit no such thing.

Q. How many of this batch have been granted immunity?—A. I have never counted the heads myself, and have never been advised, either directly or indirectly, as to the number of people against whom sentence had not been moved.

Q. How many of the first batch of forty or forty-five has sentence been moved upon?—A. That I cannot say; but I say generally with reference to all the parties—distillers and rectifiers—that they have not escaped punishment, but have been punished severely. Loss of property to many people is a far more severe punishment than loss of liberty.

Q. Is it not true that these same parties are claiming civil immunity as well as criminal?—A. I do not understand that such is the fact; but, on the contrary, I have been assured by gentlemen officially connected with the management of those cases that Mr. Swett, counsel for the first batch, acknowledges the liability of his clients to the extent of the property seized and bonded last spring, and professes a willingness to pay the value of those bonds.

Q. You will admit that arrangements were made with those guilty parties in advance, before they pleaded guilty, that they should plead guilty and receive criminal immunity?—A. I presume, from having read the testimony and statements of gentlemen, that such an arrangement was made, though there is some conflict of opinion on that point. The information which I had at the time when the controversy was at its height always left the impression upon my mind that the question of immunity, and the extent thereof, was to be left to the courts.

Q. And that was the position of the Secretary of the Treasury?—A. Yes.

Q. From first to last?—A. Yes.

Q. I understand he has so stated?—A. Yes.

Q. But did local counsel act consistently with the position of the Secretary of the Treasury, as you have stated it?—A. From their stand-point they did.

Q. That is, they took the responsibility?—A. Yes.

Q. And granted total criminal immunity to some thirty or forty persons?—A. I deny the correctness or accuracy of the statement of the question, as made by the honorable gentleman. Of my own knowledge I cannot answer that question. I wish to state that to-day I can see no objections to the Attorney-General and the Secretary of the Treasury or the Administration overruling the course of local counsel, if they are satisfied with them.

Q. Do you not think it would have been proper for the Attorney-General to have instructed the local attorneys there that they should not grant total criminal immunity to the entire first batch?—A. Undoubtedly the Attorney-General had the power from his stand-point to issue such instructions as he might see fit.

Q. Can you have any objection to his issuing his circular-letter from his stand-point?—A. I have already stated my objection to it over and over again.

Q. What injurious effect did this letter have in fact upon the prosecutions generally?—A. I can only speak from information.

Q. You were in a position to be pretty well informed?—A. At Saint Louis it is a fact that it required the most active and earnest efforts of Colonel Dyer, the prosecuting attorney, and of General Noble, the counsel for the distillers and rectifiers, to induce them to go on giving the Government their hearty support. The impression was created, to use a phrase that was reported to me officially, that the Government was on the side of the defense, and not on the side of the prosecution in the McKee, Babcock, and Maguire trials at Saint Louis, and such was the impression which was sought to be created upon the minds of the distillers and rectifiers who were witnesses for the Government.

Q. Those witnesses were frightened?—A. Yes.

Q. What frightened them?—A. The assurance that they had nothing whatever to gain by giving the Government their testimony, but, upon the contrary, that they would simply add to the severity of their punishment.

Q. If immunity had been promised them, what were they to be afraid of?—A. The distillers and rectifiers undoubtedly, under the advice of their attorneys, in pleading guilty knew and relied confidently upon the fact that they had the right to ask the court to take into consideration their testimony as witnesses for the Government in the way either of mitigation or immunity.

Q. The position of the Attorney-General and of the Secretary of the Treasury was well understood, was it not, as expressed in the dispatch to you of October 12?—A. Yes, but, unhappily, that position of the Attorney-General was not so well understood after his circular-letter was issued.

Q. That position was that no arrangement should be made, but that they should come into open court and plead and submit to the judgment of the court?—A. Yes, sir. Unhappily, however, that telegram was not the charter of authority under which district attorneys were acting. The circular-letter of the Attorney-General was later, and was in direct conflict, as I have stated, with the position assumed by the Attorney-General in common with the Secretary of the Treasury and the Commissioner in the telegram of October.

Q. You state in your testimony that in conversation with the Attorney-General you told him that, in your judgment, it was equivalent to saying to those who plead guilty, "You must not do it; if you do, you simply render certain your own condemnation, and you have nothing whatever to expect therefrom." This was said in reference to the circular-letter, was it?—A. Yes, with the letter before me.

Q. Now, did not that imply that you understood that total criminal immunity was to be granted to these men?—A. No, sir; it implied this, above all, that the Attorney-General, as far as he could reach these people, advised them to keep silent—to stand on the defense, and perchance they might escape on trial; if they confessed, no escape was possible.

Q. They would still be subjects of the clemency of the court in imposing sentences, and the fact that they had plead guilty, and had given valuable information, would have been taken into consideration?—A. Yes, but the letter of the Attorney-General told them substantially not to plead guilty, and if they did not plead guilty, but stood trial, they, of course, would have had no claim upon the clemency of the court.

Q. How many distillers and rectifiers were indicted in Saint Louis?—A. I cannot now recall—thirteen or fourteen, I believe.

Q. How many have been punished with more than a nominal punishment, say of one day?—A. Nearly all, if not all, have been severely punished by loss of property, and by the ignominy of confessing their guilt, and by the sentence of court.

Q. To what extent by sentence of court?—A. To the full extent, as I am bound to believe, which the court, composed as it was of some of the best judges in the country, felt it necessary to impose upon the parties.

Q. Who was the organizer of the ring in Saint Louis?—A. From the evidence, I should say Megrew, McKee, and Joyce.

Q. What punishment did Megrew get?—A. None, that I know of; but he was a poor stick.

Q. Did he not, in his own testimony, confess that he was the founder of the whisky ring?—A. I am not sure but what he stated that he had a very prominent part in it; but he was a poor stick, utterly broken both in character and fortune—

Q. But he received no punishment?—A. [Continuing]—and was treated, as I have no doubt his case warranted, as being a man of but little importance. The indictment, however, still stands against him, I believe.

Q. You think the district attorney is at liberty to move his sentence?—A. If he has not entered a *nolle* he is at liberty to move sentence, as I feel sure no promise was ever made to Megrew in the premises.

Q. Can you state how many of the fraudulent distillers, rectifiers, gaugers, and store-keepers in Chicago have been discovered?—A. I presume nearly all of them; there is only one distiller unseized—Shufeldt, I believe—and I understand that even he is to be assessed for irregularities. There are thirteen to be seized in Milwaukee, and eight in Chicago, (five distilleries and three rectifying establishments in Chicago.) I have heretofore given their names. Six or seven of the largest establishments, distilleries and rectifying-houses, remain unseized. This fact is in a letter of the Secretary of the Treasury to Mr. Tutton, heretofore made part of my evidence.

Q. Were you not advised by Tutton and Brooks that the documentary evidence against these parties of the first batch fully established their guilt?—A. I was, and always believed that it constituted at least a strong *prima facie* case, added to Mr. Brooks's testimony taken on the ground, against all the parties seized.

Q. Can you state any one of those parties of the first batch who has been punished?—A. All have been punished in the manner I have heretofore indicated, to a greater or less extent.

Q. State those who received criminal punishment.—A. As to that I cannot state.

Q. Did Russell and Matthews come here to Washington to make arrangements as to this first batch?—A. That fully appears from my testimony heretofore given.

Q. Did you confer with Mr. Russell and Mr. Matthews?—A. I met Mr. Russell and Mr. Matthews in conference; but Mr. Russell was not present at the conference between Mr. Matthews, the Commissioner of Internal Revenue, the Secretary of the Treasury, and myself.

Q. The Secretary did not see Russell at all?—A. He did not.

Q. What was the proposition that he made?—A. As has been heretofore stated, I went to Chicago in December, at the suggestion of Mr. Webster, and the proposition, as then made, was that Russell, Golsen & Eastman, or Rolle, Junker & Co., and Parker R. Mason were to be accepted as State's evidence. That proposition was considered in council by Mr. Dexter, Mr. Ayer, myself, General Webster, and Colonel Matthews, and it was decided to accept it. However, when Russell came to Washington with Matthews, he desired to extend the number of parties to be included.

Q. What was the character of Russell's offense?—A. He was a distiller and had been swindling the Government of its revenue.

Q. Has he ever received any criminal punishment?—A. As to that, I cannot say.

Q. Has he not left the State of Illinois?—A. I do not know.

Q. Did you see this Russell when you were there?—A. I did.

Q. Was he in consultation with the counsel for the Government?—A. No, sir; he was in consultation with General Webster.

Q. Did he have the confidence of General Webster and the counsel of the Government?—A. Not to any great extent. I believe they thought that he was rather the fairest and most decent man of the lot.

Q. Is he the same fellow of whom Webster spoke in his letter to you as such "a graceless scamp"?—A. Yes; after the date of this conference.

Q. Was not partial immunity granted to Rehm?—A. As to that I cannot state. The record of the judgment is the best evidence, and the decision of the judge in the premises. I am not able to quote it here.

Q. Has not the result of his trial been reported to you?—A. It has.

Q. Were not Munn, Wadsworth, and Ward indicted on Rehm's testimony?—A. In large part they were.

Q. Which of those were tried?—A. Munn.

Q. He was acquitted, was he?—A. I believe he was.

Q. Was he not acquitted on the ground of the worthlessness of Rehm's testimony?—A. As a matter of information, I think it has been so stated to me. Of course, I do not know what influenced the jurors.

Q. What influenced the local counsel in dismissing the case of Ward and Wadsworth?—A. That question has been asked of the local counsel, and they have answered it, and I do not see that there is any occasion for my going into it any further.

Q. Was it not on the ground that the testimony of Rehm was worthless?—A. I don't know what reason was given. I never read their testimony.

Q. You did not agree with them in that assertion?—A. I did not. There was a perfectly good case against Mr. Munn.

Q. Did you not send word to the district attorney that if you had the power you would take his official head off?—A. I did, peremptorily.

Q. Regarding his action as a cowardly surrender?—A. Expressing my strong dissent from the course pursued by him.

Q. Did the Attorney-General agree with you in that particular?—A. I believe that he did later on, except that he has not removed Mr. Bangs.

Q. Do you not think there had been as good cause for the removal in the fact that thirty or forty guilty thieves had been granted entire criminal immunity?—A. I have gone over that ground very frequently before, and I don't think it necessary to go into it again here.



WASHINGTON, D. C., August 9, 1876.

ELMER WASHBURN sworn and examined.

By Mr. PLAISTED:

Question. Where do you reside?—Answer. Chicago is my home.

Q. You are in the service of the Government in what capacity?—A. I am what is known as chief of the secret service.

Q. How long have you occupied that position?—A. I was appointed the 2d day of October, 1874.

Q. Did you hold any position under the Government prior to that time?—A. I did not.

Q. What were you at the time you were appointed?—A. I was doing nothing just at that time.

Q. You had been chief of police in Chicago?—A. I had.

Q. For how long?—A. About sixteen months.

Q. You had charge of the investigations of the whisky frauds at Chicago, did you not?—A. Yes, sir; more particularly in obtaining evidence and information.

Q. Prior to the time of the seizure?—A. Yes, sir.

Q. How long before the seizure were you engaged in the investigations?—A. The seizure occurred the 10th of May, and we commenced obtaining evidence about the 1st of March previous to that.

Q. Under whose directions were you conducting this investigation?—A. Under the direction of the Solicitor of the Treasury.

Q. Did you have any written instructions?—A. Just previous to the seizures, and more particularly in relation to the seizures, I had written instructions.

Q. At what date were you ordered to commence the investigations at Chicago by the Solicitor of the Treasury?—A. It was about the 1st of March, 1875.

Q. Did you meet the Solicitor in conference on this subject?—A. Yes, sir.

Q. Where?—A. It was first talked of in his office here in Washington, and the matter of meeting him more particularly on that subject was at New York.

Q. At what time?—A. That was early in March.

Q. Who were present at that conference that you had in New York?—A. The Solicitor of the Treasury, Mr. Brooks, Mr. Yaryan, and myself.

Q. Was that the first time that the proposed investigation was made known to you?—A. No, sir; I think not. I think there was talk about it previous to that.

Q. When did you first learn that you were to take charge of this investigation at Chicago?—A. A few days before this meeting in New York.

Q. From whom did you learn it?—A. From Mr. Wilson, the Solicitor.

Q. You were here in Washington?—A. Yes, sir. I had been seeking information in that direction for some time previous to receiving any definite instructions.

Q. Did the Solicitor, then, at your meeting with him in Washington, in March, disclose to you his plans and purposes?—A. Yes, sir, I think so; in a general way.

Q. State what they were.—A. He gave his suspicions as to what was going on—namely, that the Government was being defrauded by parties failing to pay the whisky-tax.

Q. At what points did he indicate that he suspected these frauds were going on?—A. Milwaukee, Chicago, Saint Louis, Peoria, Evansville, and Cincinnati; all the large points in the West where whisky is made to any extent.

Q. Can you state fully what his plan was, as proposed to you at that time?—A. Only to obtain evidence that would substantiate his suspicions.

Q. Did he direct you to obtain the evidence in your own way?—A. I don't think anything was said particularly about the manner in which the evidence should be obtained.

Q. Did he state to you what evidence he had against these distillers at Chicago, Saint Louis, and Milwaukee, or whether he had any evidence at all?—A. I do not remember, and I do not think that he did state that he had any evidence—that is, any legal evidence—but that he desired to obtain it, if it existed. He seemed to feel satisfied in his own mind that there was such a thing.

Q. Did he say to you at that time that he would see you in New York at an early day?—A. I don't remember that he did. I knew that he was going to New York, and he knew that I was going to New York on some other business, and while at New York he sent word for me to meet him.

Q. At what point?—A. I cannot tell. It was at some business house in New York. It was the office of his brother, who was interested in some railroad matters.

Q. Did you meet him there?—A. I did.

Q. Who were present at that meeting?—A. As I have previously stated, Mr. Yaryan, Mr. Brooks, Major Wilson, the Solicitor, and myself.

Q. Did he direct you to have Mr. Brooks present?—A. I do not think that he did.

Q. At that meeting what was the plan disclosed by the Solicitor with the view to ferret out the frauds at Chicago or any other place?—A. There did not seem to be any definite plan of action, except that I should send Mr. Brooks to Chicago, with such assistance as would be necessary to enable him to cover Chicago, Milwaukee, and Peoria, if he could; and I think it was the original intention that he should get the evidence at Evansville.

Q. Then he was not to confine his attention to Chicago and Milwaukee?—A. Well, not exclusively; I think the Solicitor anticipated that the evidence could be much more readily obtained than proved to be the fact.

Q. Did he direct you whom you should take to assist you, or to assist Brooks?—A. No, sir.

Q. Did he direct Mr. Brooks to choose his own agents?—A. I do not think he gave Mr. Brooks any such direction. I do not remember that he did; and I do not know that he did.

Q. You do not know that he did not?—A. No, sir; of course I could not know that he did not.

Q. Have you stated fully upon what plan you were to work at Chicago as disclosed to you by Mr. Wilson?—A. At the interview in New York it was decided that Mr. Brooks should go to Chicago and Milwaukee; that he should go to Chicago first, and before going there it would be necessary for him to come to Washington, and here he would get definite instructions from me.

Q. So definite instructions were not given in New York?—A. No, sir; I do not think they were. I would be liable to confound what was said at different times with what occurred at other places.

Q. Did Mr. Brooks come to Washington before he went to Chicago?—A. Yes, sir.

Q. How long after this interview at New York?—A. A few days.

Q. Did you come to Washington before you went to Chicago?—A. O, yes, sir; I did not go to Chicago for nearly two months.

Q. But Mr. Brooks was to be under your orders?—A. Yes, sir.

Q. What instructions, if any, did you receive from Mr. Yaryan at this interview at New York?—A. None.

Q. What was the earliest date when you went to Chicago?—A. I remember that I reached there on the morning of the last Sunday in April, and that was about the 29th or 30th.

Q. Had Mr. Brooks reported to you frequently the results of his investigations?—A. Every day. I have a written report of every day's proceedings of his from the time he

was ordered to report to me until the present day; and the same with every other regular appointee of the service.

Q. During this time, between March and the 30th of April, did Mr. Yaryan go to Saint Louis?—A. I think so. I cannot say as a matter of fact, but I think he did.

Q. He went to make investigations there?—A. I think he must have gone there for that purpose within that time.

Q. Who of your force was at work in Saint Louis?—A. I had had nothing to do with the Saint Louis matter at that time; I am not certain but Mr. Brooks went down in the mean time.

Q. Did you see any reports which Mr. Yaryan sent to the Solicitor from Saint Louis?—A. I do not remember that I ever did.

Q. Did you see any that Mr. Colony sent?—A. I think I have seen some letters of Mr. Colony's, though I am not clear as to their contents.

Q. For what purpose were you sent to Chicago on the 30th of April?—A. To stir up or bring things to a head, and make arrangements for the seizures and get the custodians.

Q. You did not make the seizures until the 10th of May?—A. No, sir.

Q. Was the seizure delayed for any particular purpose or reason?—A. I think not; it was only delayed for the purpose of making it more effective.

Q. Did you report to the Solicitor when you were ready to make the seizures?—A. Yes, sir; I judged from the correspondence I had with Mr. Wilson that there was a good deal of consultation here between the higher officers of the Treasury Department in relation to the matter.

Q. As to the time of making the seizures or as to the expediency?—A. I remember Mr. Wilson telegraphing to me that he had had a consultation with the Secretary and the President at a certain time, and it was decided that such and such things should be done, and so and so should do it.

Q. State how you brought the matter to a head by the seizure of these distilleries?—A. I received the following written instructions:

“DEPARTMENT OF JUSTICE,  
“OFFICE OF THE SOLICITOR OF THE TREASURY,  
“Washington, D. C., May 7, 1875.

“SIR: I inclose herewith an abstract of information in relation to frauds in Chicago and Milwaukee, to be delivered respectively to Supervisors Tutton and Hedrick.

“By telegraph you have been informed that these gentlemen are directed, under special orders of the Secretary of the Treasury and the Commissioner of Internal Revenue, to make seizures of the distilleries and rectifying houses in Milwaukee and Chicago against which evidence of fraud has been obtained.

“You will find on the last page or pages of the inclosed abstracts my instructions to you, which you will please accept for your guidance in dealing with this subject.

“My idea is that Mr. Brooks, sr., should go to Milwaukee with Mr. Hedrick, and that you should co-operate with Mr. Tutton.

“These matters, however, I leave of course to the judgment of the gentlemen interested, when you shall have met for conference at the Palmer House on Sunday.

“For convenience, and to save time, I have given Mr. Brooks the same general instructions that you have received. I trust that affairs will be quietly and successfully managed, and hope to hear from you by telegraph on Monday. Please instruct Mr. Brooks, also, in order to save time, to telegraph me direct.

“Very respectfully,

“BLUFORD WILSON,  
“Solicitor of the Treasury.

“Col. ELMER WASHBURN,  
“Palmer House, Chicago, Ill.”

“Confidential memorandum for Col. Elmer Washburn, chief of secret service.

“First. In conjunction with Mr. Tutton please make careful inquiry in relation to Peoria, fifth Illinois, distilleries, telegraphing me fully if fraud is found, or if there is a strong reason to suspect it.

“Second. Confidential matters, affecting the status of Federal officials and calling for executive action, should be verified by consultation with Mr. Tutton and General Webster before being telegraphed. Information in this direction is especially desirable, care being taken to transmit nothing that is not clearly reliable.

“Third. Telegraph me on Monday all essential details, particularly those calling for approval or disapproval of the Secretary.

“Fourth. Be sure of your facts, then go ahead. Secrecy, celerity, and audacity may justly be taken as watch-words in the conduct of these matters.

“Perfect co-operation between yourself, your forces, and those of Supervisor Tutton, is especially enjoined.

"Fifth. Spare no effort to secure and perpetuate by affidavit or otherwise all and any additional evidence of fraud.

"BLUFORD WILSON,  
"Solicitor of the Treasury."

Q. To what evidence does he refer when he speaks of evidence that he had furnished you?—A. I think he says information. There was information furnished, which was addressed to Mr. Tutton, for Chicago, and similar information for Supervisor Hedrick, who was to make the seizures at Milwaukee, and those were inclosures in this, which were turned over to those gentlemen. My recollection is that they specified what places they considered, from the information Mr. Brooks had furnished and from documentary evidence that the Solicitor had obtained by the examination of papers here, ought to be seized.

Q. Who made the seizures?—A. The supervisors.

Q. You were not authorized to make the seizures?—A. No, sir.

Q. Were you present at Chicago when the seizures were made?—A. Yes, sir.

Q. Where was Mr. Tutton when the Chicago seizures were made?—A. Mr. Tutton and myself were together.

Q. Who went to Chicago?—A. Mr. Brooks and General Hedrick, with some revenue-agents. There were some revenue-agents with Mr. Tutton. My recollection is that it was Mr. Mitchell.

Q. Then these seizures were made at Chicago under your supervision?—A. You can hardly say that they were under my supervision, as I had no authority to make or direct the seizures. Mr. Tutton made the seizures on the information that the service had been—

Q. He belonged to another department?—A. Perhaps to another department, in the sense in which you use the word, but he belonged to the Treasury Department. I belonged to the secret-service division of the Treasury Department.

Q. State whether you and Mr. Tutton worked together harmoniously?—A. Entirely so.

Q. After the seizures were made, to what end were your efforts directed?—A. To securing all the documentary evidence possible.

Q. How long were you engaged at Chicago in the work after the 10th of May?—A. Through the month of May. I think I returned here on the 2d of June.

Q. What were you doing during that time?—A. Seeking additional evidence. There were a good many criminal arrests made in the mean time.

Q. Can you not state a little more minutely the processes by which you obtained this evidence?—A. Yes, sir; I can state more minutely than I have, but a definite statement would be found in the reports of Mr. Brooks. One method of obtaining evidence was to watch the distillers to see what they removed and where they took it to.

Q. What was the result of your efforts during those twenty days?—A. The result of watching some of the distillers would be to know that they removed high-wines at unseemly and unusual hours; and frequently they would go in different directions when going to the same place—never traveling the same road twice.

Q. I refer more particularly to the period between the 10th of May and the 2d of June, after the seizures.

Q. Well, most of the evidence obtained at that time was obtained from the books and papers of parties whose distilleries were seized. Their books and papers were examined, and it was found that they had received high-wines or liquors without putting them on the proper footing.

Q. What were you, Mr. Brooks, and Mr. Tutton doing after the seizures were made up to the 2d of June?—A. Attending examinations and examining houses of less importance.

Q. Was the grand jury in session?—A. No, sir; there was no grand jury until fall.

Q. Did you confer with the district attorney after the seizures were made?—A. Yes, sir.

Q. Did you work under his directions after the seizures?—A. Yes; as far as legal advice was required.

Q. Were you in frequent consultation with him?—A. Yes, sir.

Q. Did you find Mr. Ward, the district attorney, ready to co-operate with you in those prosecutions?—A. Yes, sir.

Q. Were you familiar with the evidence that was obtained against this house?—A. No, sir; I am hardly familiar with it.

Q. Was the evidence that was obtained turned over by you to the district attorney?—A. Yes, sir. Mr. Brooks was left there all summer. He remained there nearly all the time compiling evidence, until last January or February.

Q. Was this evidence which was obtained against these houses that were seized regarded by you and the district attorney as sufficient to convict the parties?—A. Yes, sir; in most cases. I do not now call to mind any case in which it was regarded as insufficient.

Q. You left Chicago, you say, about the 2d of June?—A. I reached here, I say, about the 2d of June.

Q. Was Mr. Wilson in Chicago before you left there?—A. Yes, sir.

Q. At what time was he there?—A. I think he got there about the 22d or 23d of May.

Q. What instructions, if any, did he give you at that time in Chicago?—A. I cannot call to mind any particular instructions. He was always urging vigilance to obtain evidence.

Q. When did you go to Chicago again?—A. About the 6th of January last.

Q. You were not there during the session of the grand jury?—A. I was in Chicago again about the middle of October. On the 16th of October I returned there again, and I think the grand jury was then in session. I reached Chicago one morning; was there but a couple of hours, and went on to the west; I came back the next day, and went down to the southern part of Illinois.

Q. Did you go before the grand jury yourself?—A. No, sir.

Q. Did you make any report to the Solicitor of the Treasury recommending the dismissal of the district attorney from the time you went out to Chicago until October?—A. No, sir; I did not recommend his dismissal; I remember telegraphing something in relation to the district attorney, which, perhaps, will answer your question.

Q. State whether at any time you recommended a change in the office of district attorney.—A. I did not.

Q. State whether or not the Solicitor conferred with you with reference to a change in that office.—A. He did not.

Q. Did he ever make any complaint to you with respect to Mr. Ward, questioning his zeal or fidelity?—A. I cannot call any instance to mind where he made a complaint.

Q. Do you remember any conversation which you had with the Solicitor with regard to the removal of Mr. Ward?—A. I can't recall any conversation; I hesitate a little because I have a general idea, or I think there was a general idea, that Mr. Ward did not discharge his duties with entire fidelity.

Q. I wish to get at the bottom of that and find what that idea of mistrust was founded upon.—A. Well, I do not know what it was founded upon. Perhaps I do him injustice in making the remark I have made. I think there was rather a feeling that Mr. Ward would not discharge his duty.

Q. Did the Solicitor express to you any want of confidence in Mr. Ward's zeal or fidelity previous to his removal?—A. I cannot call to mind any definite expression of that kind.

Q. Did you discover any evidence in Chicago, or did any of your assistants discover any, which led you to think that Mr. Ward was not faithful to his office?—A. No evidence was discovered.

Q. Do you know upon what grounds he was removed?—A. I do not. I remember bearing the Solicitor say to the Secretary once, after my return from Chicago, early in November, I think, that while, perhaps, there had not been as many men indicted in Chicago as in some other places, yet Mr. Ward would be likely to convict as large a proportion of those who were indicted as any one would. This was a few days before the 10th of November, I think.

Q. When was the grand jury in session first after the seizures?—A. I think it was in session in October. It was called in October. I am not certain whether they were to examine any cases in that month or not.

Q. When was the court in session for the trial of those parties indicted?—A. The first parties that were indicted, I think, pleaded to the indictment on the 14th of January, or about that time.

Q. Then you never heard the Solicitor express any want of confidence in District Attorney Ward; do I understand you to say that?—A. I can call no definite expressions of that kind to mind.

Q. Did you know at any time before he was removed that the removal of Mr. Ward was in contemplation by the Secretary of the Treasury or the Solicitor of the Treasury?—A. No, sir. I heard a rumor of that kind before he was removed, but I did not hear it from any official.

Q. Did you discover any evidence there that seemed to implicate Senator Logan in these frauds?—A. No, sir.

Q. Did you discover any evidence that tended to implicate Mr. Farwell, a member of Congress?—A. No, sir.

Q. Did you have any consultation with the Solicitor of the Treasury with respect to indicting Mr. Farwell and Mr. Logan?—A. No, sir; I do not think he ever mentioned their names to me in connection with an indictment, except since it has been charged that he was seeking to indict those parties. He has spoken of the matter to me since that time.

Q. State whether he denied it or not.—A. O, yes, he has denied it.

Q. Did he deny that he had ever sought to get them indicted?—A. O, yes, sir.

Q. Did he ever say that he believed them guilty?—A. I do not remember that he ever said that to me.

Q. After October were you in Chicago again?—A. Yes, sir; I was West and in Chicago several times, from the 16th of October to about the 10th of November.

Q. How many of the first batch in Chicago have been tried on the indictments of October?—A. I do not know.

Q. Do you know of anybody who has been tried?—A. I do not call anybody to mind now. Most of them pleaded guilty, I believe. When I say most of them pleaded guilty, I have reference to the distillers and rectifiers.

Q. And the gaugers?—A. I think some of the gaugers were guilty. As a matter of fact, however, I do not know it.

Q. But you cannot state whether any of them were actually tried upon the indictments, can you?—A. No, sir; I suppose most of them have been compelled to plead.

Q. You say that the first term of court before which they were arraigned was in January?—A. Yes, sir.

Q. Were you there at that time in January?—A. Yes, sir.

Q. What time in January were they required to plead?—A. I think it was about the 14th.

Q. How early in January were you there?—A. I think I was there about the 8th. I was there off and on until the latter part of February, between Saint Louis and Springfield and Chicago.

Q. Were you there during the time when this question of immunity was discussed by the counsel at Chicago?—A. There was some discussion of that question while I was there.

Q. Were you present at the discussion in the district attorney's office?—A. Yes, sir; during some portion of it.

Q. State what you know about that matter of granting immunity to this first batch.—A. Well, of my personal knowledge I know nothing, but I know what appeared to be the facts there, and what I learned from the attorneys.

Q. State what you learned from the attorneys.—A. Well, it was to the effect that they had promised a certain number of distillers and rectifiers, whose names they gave, that if they pleaded guilty, and furnished the testimony for the conviction of certain other parties, there would be no sentence moved against them.

Q. Who were the other parties against whom evidence was sought?—A. Jake Rehm, and Hering, and the Northwestern Distilling Company—a large company.

Q. Was there any difference of opinion as to the propriety of granting those terms?—A. The counsel, the supervisor of internal revenue, Colonel Matthews, and the collector of internal revenue, General Webster, seemed to be all agreed about it.

Q. What position did Mr. Tutton hold there?—A. He was a supervisor of internal revenue from the Pennsylvania district, and was sent there to aid in the prosecution of cases—he having made the seizures originally and being familiar with the cases.

Q. He was to be present at that term of the court at which the parties were arraigned?—A. Yes, sir; I so understood; that was my information.

Q. He was there at that time about the middle of January, when this arrangement was made?—A. Well, I think it was agreed to, probably, before he reached there; he was there before it was consummated.

Q. When was that?—A. When the men pleaded, I suppose.

Q. Do you remember when that was?—A. I think it was the 14th of January.

Q. Did Mr. Tutton agree with the district attorney as to these conditions?—A. No, sir; he did not so express himself.

Q. What was the issue between Mr. Tutton and the attorneys on that point?—A. I do not know that there was any issue; there was a difference of opinion. Mr. Tutton did not think it advisable to promise them immunity from punishment or promise that there should be no sentence moved, while the counsel thought it was advisable.

Q. Did Mr. Tutton claim that he was representing the views of the Secretary of the Treasury?—A. Yes, sir.

Q. State whether you made any report to the office of the Secretary of the Treasury respecting this matter of immunity.—A. Not what you might term a report; I notified the Solicitor of what I knew in relation to the matter.

Q. Have you any paper touching that matter which was made at the time?—A. I sent a telegram in relation to it.

Q. At what time?—A. I think it was dated the 13th of January.

Q. Can you produce it?—A. Yes, sir. It is in cipher, and I have preserved the original translation.

The witness produced and read the following telegram:

“CHICAGO, January 13, 1876.

“To the SOLICITOR OF THE TREASURY:

“The prosecutions here are not being conducted as you indicated. It is agreed between the counsel for both parties that Golsen, Eastman, Roelle, Junker, Mason, Russell, Furlong, Miller, Fredricks, and, perhaps others, shall plead guilty to conspiracy charge, do faithfully all they can to convict Hering, Ruhm, and those recently seized, and no sentence shall be moved. This arrangement, in my opinion, ought not to be consummated; and if you desire to prevent it, you must act immediately, as parties plead to-morrow morning.

“ELMER WASHBURN.”

Q. What reply did you receive from the Solicitor?—A. This is the first reply:

“WASHINGTON, D. C., January 14, 1876.

“ELMER WASHBURN, *Palmer House, Chicago, Illinois*:

“See Secretary's dispatch to Tutton, and mine to Matthews.

“BLUFORD WILSON.”

Q. Did you see those dispatches to Mr. Tutton and Mr. Matthews?—A. Yes, sir.

Q. Can you state what their terms were?—A. I cannot state definitely. The substance of them was giving instructions. I think Mr. Tutton had either telegraphed or written to the Secretary at the same time that I telegraphed to Mr. Wilson, and whatever the Solicitor referred to here, his dispatch to Matthews and the Secretary's dispatch to Mr. Tutton, related to the subject of immunity.

Q. Have you any other dispatches in relation to this matter which you received from the Secretary or the Solicitor of the Treasury?—A. Yes, sir.

Q. Did you send the Solicitor any other dispatch in regard to this matter than this of the 13th of January?—A. I think not.

Q. Did you write him in regard to it?—A. I think not; I did not see any necessity for it. I thought he understood everything very well.

Q. Was that agreement carried out the next day—the 14th—by which immunity was granted?—A. The men went in to plead next morning, I think.

Q. Under that arrangement, that sentence should not be moved against them?—A. I suppose so; but I only know from what the counsel said.

Q. Did you understand that those parties whom you have named in your dispatch to Mr. Wilson were to receive civil immunity also in any degree?—A. I do not recollect that I understood anything about that. I think the subject was spoken of by counsel, but I have forgotten what was said about it.

Q. You worked on these whisky frauds and cases against the whisky thieves more or less all the time with Mr. Tutton?—A. While we were there in Chicago in May a year ago I was working with him all the time.

Q. State whether or not he is an energetic and efficient officer.—A. Yes, sir; I should say so, decidedly.

Q. Can you state upon what ground Mr. Tutton made his objections to this arrangement granting immunity?—A. I do not know upon what ground, only that he conceived it would not be to the public interest.

Q. Did he state whether or not it would be in accordance with the instructions received?—A. He did not consider it in accordance with the policy that the Department desired.

Q. What did you understand was the policy of the Secretary of the Treasury with reference to granting immunity or clemency?—A. My understanding was that while it was desirable that men should give all the information possible in relation to the frauds, and while they were willing that the court should weigh that information in any way they saw fit, yet they were not supposed to promise any one immunity or mitigation of sentence.

Q. But the whole matter was to be left to the discretion of the court when these parties were arraigned for sentence?—A. Yes, sir; I had understood that to be not only the Secretary's views, but the views of Mr. Wilson also.

Q. Do you know anything about the order transferring the supervisors?—A. Nothing of my own knowledge.

Q. You know that there was such an order?—A. Yes; I think I have seen it published.

Q. You also know that that order was countermanded by the President, do you not?—A. I do not know it of my own knowledge. Of course I am satisfied that it was so.

Q. It is a matter of general knowledge, is it not?—A. Yes, sir, I believe so.

Q. Do you recollect at about what time it was countermanded?—A. I should judge it was in December, 1874, or January, 1875.

Q. Don't you recollect it was just previous to your commencing operations in March? Was it not some time in February?—A. It was previous to that, but my impression is that it was not just previous.

Q. I mean the countermanding of the order?—A. My impression would be that it was in January, 1875.

Q. State whether or not in your opinion the countermanding of that order worked in the interest of justice or in the interest of the whisky ring?—A. It would be a matter of opinion with me only. I can give it if you think it desirable.

Q. You were the chief detective. I will ask you this question. That order was to take effect about the 15th of January or February, I cannot say which. But suppose that order had taken effect and the supervisors had all been transferred, would you then have been able to detect the frauds which had already been committed and which you did detect?—A. Well, I should think not so clearly.

Q. Would not the fact that new supervisors were assigned to these different posts have placed the guilty parties upon their guard?—A. I should think it would have had that effect.

Q. Did not the countermanding of that order throw them off their guard and make them bolder?—A. I should think it would have had that effect.

Q. And enable you to work more successfully and efficiently?—A. I should think so.

Q. Undoubtedly the transfer would have stopped the "crooked," would it not, for a time, at least?—A. Well, I should think it would frighten them some, and make them a little more cautious.

Q. When was that order carried into effect, and when did the transfer of the supervisors take place?—A. I don't remember. It was a matter with which I had nothing to do, and of which I had no knowledge except what I saw published.

Q. Was it not carried into effect on the 10th day of May? Did not Mr. Tutton go to Chicago then?—A. You mean the order for sending Supervisor Tutton to Chicago to make seizures, Mr. Hedrick to Milwaukee, and some other gentleman to Saint Louis?

Q. Well, was there not about that time a general transfer of the supervisors?—A. For this special purpose of making the seizures, I believe so.

Q. Only for that special purpose?—A. That is my understanding. They were soon relieved from duty by other men.

Q. Have you any other dispatches or letters which passed between you and the Solicitor or the Secretary of the Treasury touching this matter of granting immunity to the Chicago distillers and rectifiers?—A. No, sir; only this one that he has to work on.

Q. Have you any dispatches or letters touching the points on which I have examined you, which would more fully give us the facts?—A. No, sir; I think not. I could be more definite as to dates if it were necessary, but that is not important.

Q. Who was your chief clerk from December 1, 1874, until April of this year?—A. A man by the name of Snowden from about the 1st of December, 1874, to the 1st of March, 1875.

Q. Was he with you or under you here in Washington?—A. Yes.

Q. Was he corresponding for any paper?—A. Not to my knowledge; I have no idea that he was at that time.

Q. Was he before or since?—A. Yes; he was a reporter of the Chicago Times previous to that, and since city editor.

Q. Was English one of your clerks?—A. Yes.

Q. How long?—A. From early in June, 1875, to the 2d or 3d day of last month.

Q. Was he a correspondent of any paper?—A. Not at that time. He was a reporter when I employed him. I hired him from the Chicago Tribune.

Q. Where is he now?—A. He has returned to the Tribune.

Q. Were you in Saint Louis during the Babcock trial?—A. A portion of the time. I was there two or three days.

Q. What called you there?—A. It was official business of some kind. I don't remember now whether I was required at any time for any special purpose or not. I remember getting a telegram at Springfield from Brooks, who I think was in Saint Louis, indicating that I ought to come there.

Q. Do you know for what purpose?—A. On account of some matters that were developed there. Some parties had come on from the East and were representing that they were sent there.

Q. Sent there by whom?—A. That they were sent there by Mr. Cook, of Washington.

Q. To testify in the Babcock case?—A. Yes.

Q. For the defense or the prosecution, which?—A. I understood that they were sent there to testify for the defense.

Q. Brooks sent for you in the interest of the prosecution?—A. I am not certain whether it was Brooks who telegraphed for me, or Mr. Anchisi.

Q. What was his position in connection with the Government?—A. He is an agent of the secret service.

Q. You were not sent for in the interest of the defense, in the interest of General Babcock?—A. O, no, sir.

Q. I find in the testimony of Ex-Solicitor Wilson this testimony, [reading:]

“During the progress of the Babcock trial this dispatch was sent from Saint Louis to New York:

“SAINT LOUIS, February 9, 1876.

“LOUIS DELANO, 163 Forsyth Street:

“Can you produce evidence against Wilson for big money? Answer.

“J. T. PORTER.”

“This J. T. Porter was a witness in General Babcock's trial at Saint Louis, an ex-secret-service man, dismissed by me, and was there to prove that I had given Washburn the chief of the secret service, \$5,000 to make a case against General Babcock.”

Now, will you state fully what you know about that matter? I have not asked you a question in regard to it, and therefore do not know what you can say.—A. I learned when I arrived at Saint Louis—I mean the time that I was telegraphed for to come down from Springfield—that a man by the name of Porter, the man referred to here, and one John E. Walker had come to Saint Louis and represented to General Babcock's counsel that they had been sent on there to testify in relation to the Solicitor of the Treasury, or to testify to this fact—that he had given me \$5,000 to attend at Saint Louis, with instructions to use it for the purpose of securing testimony that would convict General Babcock, and to secure it at all hazards, or words to that effect.

Q. Was that the whole of it?—A. Yes, sir.

Q. Who informed you of this?—A. I think Mr. Brooks told me about it first. Several parties talked to me about it, among them General Babcock's brother and General Babcock's counsel, Mr. Storrs. Mr. Tutton spoke to me about it also, as did Anchisi. I think the first I learned of it was from Mr. Brooks.

Q. Did Mr. Tutton request you to investigate it?—A. No; I did not think it worthy of investigation. I did not think it of any particular importance.

Q. Did he come to you and ask you if you knew these persons?—A. I presume so. I did know them very well.

Q. Did you not make any report of any of these parties with regard to either of these persons; did you not report to either Mr. Tutton or Mr. Brooks, or the counsel of Babcock, about them?—A. Well, Mr. Brooks knew them quite as well as I did. I told Mr. Tutton about what the character of them was, and I told General Babcock's brother, who, I think, introduced the subject.

Q. Do you not know that they were discharged and sent away immediately after you made this report?—A. I understood and believe they were. I think one of them did go away, but the other man staid around some time.

Q. Did not the Solicitor say to you that he understood that Mr. Tutton had something to do with these men—that he got a wrong impression as to Mr. Tutton with regard to disclosing the true character of these men?—A. I don't remember that the Solicitor ever said anything connecting Mr. Tutton with the affair.

Q. Don't you remember explaining to Mr. Wilson and telling him what Mr. Tutton said about it?—A. Yes; I think I do.

Q. And that Mr. Tutton said that Mr. Wilson was incapable of doing such a thing?—A. I have heard that Mr. Tutton said so.

Q. Did you not state to Mr. Wilson that the part that Mr. Tutton took in that affair was highly creditable to Mr. Tutton?—A. I don't remember whether I ever said so. I must have had some conversation with the Solicitor about it, but I have forgotten what it was.

Q. As a matter of fact, was not the part that Mr. Tutton took in connection with this matter carried out creditably to him at the time?—A. I believe so.

Q. Did he not ask you to ascertain the true character of these men and report to Babcock and Wilson?—A. I don't think he could have asked me to ascertain that, because I think he knew them and their character very well.

Q. Did he not ask you to state to Mr. Babcock what you knew of the true character of these men, in order that he might "bounce" them?—A. I remember that he told me what was said about them.

Q. Have you a copy of the telegram from Solicitor Wilson subsequent to the one which you read a few minutes ago?—A. Yes; it is as follows:

"WASHINGTON, D. C., *January 20, 1876.*

"ELMER WASHBURN,

*"Palmer House, Chicago, Ill.:*

"Hope you have accepted situation loyally at Chicago, and are aiding Matthews all in your power. Tutton writes strongly and unfairly in dissent, and does himself no credit. Times articles should receive no encouragement from you. I would not have gone far as Dexter and Matthews, as now advised, and did not authorize what was done; yet I do not disapprove, hoping for best results. Send me new developments, and tell Matthews to beware of Swett, and to have nothing to do with him.

"MALTA."

Q. Whom does Malta stand for?—A. Malta stands for Bluford Wilson.

Q. Who was Swett?—A. An attorney in Chicago.

Q. Was he the attorney for the whisky ring?—A. He was attorney for some of the distillers. I think for Russell and Furlong.

Q. Do you know the circumstances of Rehm's case?—A. I do not, personally.

Q. It was after you left that their case was developed, was it?—A. Yes. I would like to add, in relation to Mr. Snowden, that he left my employment, or the employment of the service, before Mr. Brooks left Chicago, and knew nothing of the affair whatever until the seizures were made; that is, he knew nothing of our efforts to obtain information. He knew Mr. Brooks perfectly well, but he did not see him or meet him in Chicago.

Q. And was not in communication with him?—A. No, sir; and could have known nothing whatever about his matters. No one in my office knew anything about Brooks's reports, or what he was doing, until about the time the seizures were made.

WASHINGTON, D. C., *August 10, 1876.*

ELMER WASHBURN recalled.

By the CHAIRMAN:

Question. Were you in the consultation which took place between the counsel and the supervisor with reference to the policy of granting immunity to certain witnesses at Chicago, of which you spoke yesterday?—Answer. I recollect being in council, or being in company with those gentlemen after the policy was decided on, as I understood.

Q. Were you consulted before that policy was decided upon, either by the counsel for the

Government, the supervisor, or the Collector of Internal Revenue?—A. No, sir; I was not.

Q. Were you consulted or your opinion asked afterward by the counsel or supervisor?—A. By one of the counsel.

Q. By which one?—A. Mr. Dexter.

Q. Did Mr. Dexter inform you of the policy which had been agreed upon in regard to the immunity of witnesses?—A. Mr. Ayer did first, and Mr. Dexter assented to it as being correct. Mr. Ayer was one of the counsel for the Government in Chicago.

Q. Did you have any consultation or conversation with anybody else about that policy after it was agreed upon?—A. Yes, sir; I had some conversation.

Q. With whom?—A. Mr. Webster, the collector of internal revenue at Chicago, and Mr. Matthews, then the supervisor.

Q. Do you know anything about a letter which Mr. Webster wrote to the Secretary on the subject—with regard to the whisky frauds?—A. No, sir.

Q. You never saw it?—A. I do not think I ever did. I have an indistinct recollection of hearing that he did write, and I presume he did write to the President several times.

Q. These men with whom you had the consultation were the men who advocated this policy of granting immunity to witnesses?—A. Yes, sir.

Q. Was the district attorney in the consultation?—A. I think he was in the consultation to which I have referred.

Q. And the Government counsel?—A. Yes, sir.

Q. And the supervisor?—A. Supervisor Matthews and Collector Webster.

Q. Was Mr. Tutton in that consultation?—A. I think he was.

Q. They all agreed to it except Tutton? That is what I understood you to say yesterday.—A. Yes; they were all agreed on the policy except Mr. Tutton and myself.

Q. Do you know whether Mr. Tutton offered any objection to it in the consultation which was held at that meeting?—A. Yes; he gave his reasons.

Q. That was after the policy had been agreed upon?—A. Yes; I understand that the policy was agreed upon before that.

Q. Was Mr. Tutton consulted before this policy was agreed upon?—A. I do not think he was.

Q. Did he not know anything about it till afterward?—A. I think not.

Q. It had been agreed upon by the counsel and the Government officers before Mr. Tutton got there?—A. I think so. I concluded so from what I heard Mr. Ayer say.

Q. How long had Mr. Tutton been there before this consultation took place of which you speak?—A. About a day or two.

Q. Where did he live at that time?—A. At or near Philadelphia.

Q. How long had the counsel and Government officers been engaged in working up those cases?—A. The seizures were in May, 1875, and the arrests followed in a few days; and the counsel were engaged immediately after that; I should say, in the June following.

Q. How long had they given their active attention to it?—A. I do not know; I presume not very long.

Q. This telegraph dispatch to which you testified yesterday which you sent to Mr. Wilson, did you consult anybody about sending it?—A. Mr. Brooks and Mr. Tutton were in the room. We started off (Mr. Tutton and myself) to see Mr. Dexter before we sent it. We went down to State street, and waited for a car. It got to be so late that we finally concluded that when we got to Mr. Dexter's house he would be abed and that he would not like to be disturbed, and that we had better notify the authorities here, and inform him the first thing in the morning of what we had done.

Q. Where were the other counsel?—A. Mr. Ayer lives out of town and Mr. Boutelle also.

Q. Who suggested sending this dispatch?—A. I cannot say whether I suggested it first or Mr. Tutton. I recollect that I wrote my dispatch out, Mr. Tutton saying that he would correspond with the Secretary in reference to the matter. He did not seem to be quite positive whether he had better send anything that night or not. I wrote my telegram out and showed it to him. After his saying that he was not certain whether he had better telegraph anything that night or not, I said that I should send my telegram anyhow, and give them the facts, and that they could do what they saw fit. I did that because the arrangement was contrary to any thought I had ever had.

Q. Did you show your dispatch next morning to Mr. Dexter?—A. He was made acquainted with the fact.

Q. Did you show him the dispatch?—A. I do not remember that I did show him the dispatch, but if not it was because I saw that he was thoroughly acquainted with the fact. I remember speaking to him about it.

Q. Who had conversed with him before you?—A. I do not know that any one did. I think the fact was communicated in that meeting to which I have referred.

Q. The fact that you were going to telegraph?—A. Yes.

Q. Did you tell them in that meeting that you were going to telegraph?—A. No. The meeting was subsequent to my telegraphing.

Q. What was the date of that meeting of which you have spoken?—A. I think it was the 14th January, the day after I sent the telegram, which was dated January 13.

Q. Then you communicated to all present at that meeting that you had sent such a tele

gram the night before to Mr. Wilson?—A. Yes; the fact was known there. I think that Mr. Tutton also telegraphed; at all events, I recollect his reading a letter to me which he had written to the Secretary. I think he telegraphed the same night that I did.

Q. Who were the men to whom immunity was to be given?—A. Golsen, Eastman, Roelle, Junker, Mason, Russell, Furlong, Miller, Fredericks, and perhaps others.

Q. Who were those whose indictment and conviction were desired to be procured by giving immunity to these men?—A. Hesing and Rehm, and the words of the telegram were "others recently seized." Those others recently seized were members of the Northwestern Distillery Company, the Chicago Alcohol Works, Simon Powell, and Buffalo Miller.

Q. Why was it desired to have these parties particularly indicted?—A. I think it was because they were believed to be very badly in, perhaps worse than the others. Mr. Dexter expressed himself that it was more important that Hesing and Rehm should be convicted than all the others, by which I think he referred to the men whose names I have just mentioned, who were known as "the first batch."

Q. Why was it so much more important to have Hesing and Rehm convicted than the first batch?—A. Dexter's idea was that Hesing and Rehm were more responsible for the conspiracy to defraud the Government.

Q. Why were they more responsible?—A. Because he thought that they had been more successful, I suppose.

Q. Were they large operators?—A. Yes; the sequel has shown that they were largely interested in the frauds.

Q. More largely than any of the other men?—A. I think the evidence goes to show that Rehm was more largely interested in the frauds than any of the others—better known as the first batch. The evidence goes to show that Rehm was a sort of treasurer of the ring.

Q. Who was the other witness at Saint Louis who went there for the purpose of testifying that you had received \$5,000 to procure the conviction of Babcock?—A. John E. Morgan.

Q. The intention of these two men was discovered before you got there, by Mr. Brooks, your subordinate?—A. I think he communicated it to me. Whether he discovered it first, or Mr. Tutton, I am not exactly clear. I remember his telling me that Mr. Tutton had spoken to him about it, and had asked him about the parties.

Q. What was Tutton doing there?—A. I understood that he was subpoenaed there as a witness.

Q. By whom?—A. As a witness for General Babcock.

Q. And he ascertained what these parties were going to swear?—A. Mr. Tutton told me, and, I think, Brooks telegraphed to me, at Springfield, about them.

Q. Did you mention the matter first to Tutton or Tutton to you?—A. I do not recollect.

Q. Do you know how Mr. Tutton got his information?—A. I understood that he got it either through the brother or counsel of General Babcock.

Q. He ascertained the character of those witnesses from Mr. Brooks and yourself?—A. From Mr. Brooks first; Brooks knew them.

Q. And when you told Tutton what sort of men they were, he advised General Babcock not to have them put on the stand?—A. I understood that he told General Babcock's counsel that they ought not to have anything to do with those men, as neither Mr. Wilson nor myself would have anything to do with a matter of that kind.

Q. Which one of Babcock's counsel did he tell that to?—A. Probably Mr. Storrs; I am only speaking from what has been told me.

Q. You were prepared to attack the character of those two men if they had been put on the stand?—A. Yes, sir.

Q. And you apprised Tutton of that also?—A. I do not recollect that I told him that we would attack their character. I presume I told him what the character of the men was.

Q. He knew, of course, that their character would be attacked if they were put on the stand?—A. He must have known it after talking to Brooks and myself.

Q. What were the names of those two employes of yours who went into the newspaper business as reporters?—A. Snowden and English.

Q. When did they quit your employment?—A. Mr. Snowden about the 1st of March, 1875, and Mr. English on the 2d or 3d of last month.

Q. Then Mr. Snowden left your employment before these investigations commenced?—A. Yes, sir; he certainly knew nothing of the investigations.

Q. Did Mr. English communicate any of the secrets of your department to anybody?—A. Not to my knowledge. I have no reason to believe that he ever did. I do not believe he ever did, or Mr. Snowden either. Referring back to the question of immunity, I should say that Mr. Dexter said that he expected, through the testimony of those parties, to reach Senator Logan and Mr. Farwell.

Q. Did he explain to you what connection they had had with the matter?—A. No, sir.

Q. Or how the testimony of those witnesses would reach them?—A. No, sir; you might infer from my answer that Mr. Dexter made a special point of giving me that information; he did not; he made that remark to me and Mr. Tutton, when explaining his views with reference to the granting of immunity, and why he thought better to grant it.

Q. Where did that conversation take place?—A. It took place at the Palmer House in Chicago, on the evening Mr. Dexter called.

Q. That was before you sent your dispatch?—A. No, sir; afterward.

Q. How did you ascertain that that immunity had been proposed?—A. I had it from Mr. Ayer, and Mr. Dexter assented to it.

Q. When Mr. Ayer communicated it to you, were you aware what parties were proposed to be indicted through the instrumentality of those witnesses?—A. Yes, sir; I do not mean to say that Mr. Dexter stated that Logan and Farwell would be indicted; at the time that Mr. Ayer stated what this arrangement was, there was no mention made to my knowledge of Logan and Farwell.

By Mr. PLAISTED:

Q. Were you not present at two conferences on the evening of the 13th and the morning of the 14th of January?—A. The night of the 13th was the night that I sent the telegram referred to; that evening Mr. Tutton and Mr. Brooks were in my room, and Mr. Mitchell, a revenue agent; if you call that a conference, I was present.

Q. Was it at that conference that you learned that that arrangement was to be made?—A. No, sir; I think it was on the morning of the 13th.

Q. Did you inform the counsel, Mr. Dexter or Mr. Ayer, that you intended to send a dispatch to the Solicitor of the Treasury?—A. I did not, previous to sending it, for the reason I have given, that Mr. Tutton and I started out (after deciding to send some telegram, or to say something about it) to find Mr. Dexter. It was then nearly 10 o'clock; we went down to State street and went into a place to wait for a car, but after waiting some time no car came, and we concluded that when we got to Mr. Dexter's house he would be in bed.

Q. Was it the next morning that you notified the counsel what you had done?—A. I think it was the next morning; I am quite certain that that was our intention.

Q. The morning that these parties of the first batch were arraigned and pleaded?—A. Yes.

Q. And before they were arraigned and pleaded?—A. I think that there was some change made, and that the men did not plead on the morning of the 14th, as was at first intended. I think the matter was delayed a little. I may not be right about that, however.

Q. I understood you to say that the object of getting immunity for the first batch was to convict Rehm and Hesing, particularly.—A. Mr. Dexter seemed to place more stress on their cases, and to attach more importance to their detection and conviction than that of any of the others.

Q. Was it in connection with these two men that he mentioned Logan and Farwell?—A. Yes; at the same time.

Q. What was Rehm's business; was he a distiller?—A. I do not know that he was interested in any distillery. It was understood that he owned a malt-house. He held several important offices in Cook County.

Q. Do you know whether or not immunity was granted to him afterward?—A. I do not.

Q. Who was Hesing?—A. Hesing is a prominent German in Chicago.

Q. Was he a distiller?—A. The sequel proved that he was interested in a distillery. He owned a part of a distillery. The evidence in some case showed that.

Q. Was he tried and convicted?—A. He pleaded guilty, I understood.

Q. What sentence did he receive?—A. I understood, two years in the county jail and some fine.

Q. What sentence did Rehm receive?—A. Six months in jail and \$10,000 fine.

Q. Do you know how much money he received from the ring?—A. Not as a matter of fact.

Q. Do you know that there was an arrangement made with Rehm to grant him partial immunity?—A. Not as a matter of fact; I have heard so.

Q. Do you not know that his counsel claimed that he was entitled to entire immunity from any criminal prosecution at the time that he was sentenced?—A. No, sir; I do not know that they claimed that. I presume that they would claim it if they thought they could get him off on that ground.

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WASHINGTON, D. C., August 10, 1876.

Senator JOHN A. LOGAN sworn and examined.

Mr. LOGAN. Before I proceed I wish to put in this note, to show that I appear here at the solicitation of the committee. [Handing to the chairman a note from Mr. Plaisted requesting his attendance.]

Mr. PLAISTED. Have you read the testimony of Bluford Wilson as given before this committee?

Mr. LOGAN. I have not. I read a statement in the newspapers, but I have not read the printed testimony.

Mr. PLAISTED. I will read from a letter of Mr. Wilson to Secretary Bristow, which I put in evidence:

"DEAR GENERAL: Mr. Cook was just in to see me with some startling news. He saw President Grant after he met you, and was assured by the President that he would remove Ward promptly, and to that end he would ask Webster at once to name his successor. But what was especially noteworthy was a letter to Cook from a reliable friend in Chicago, attributing Logan's illness to sheer fright, and which charges that he is in it, and that the atmosphere is full of rumors about Ward's connection with the ring, his relations with Distiller Powell, &c. Inclosed from Brooks may interest you. The Lord give you wisdom.

"Faithfully,

"WILSON."

You may make any statement you see fit in regard to those insinuations or charges in that letter.

Mr. LOGAN. I would state that that statement of Mr. Wilson's, put in here seemingly for the purpose of casting a reflection upon me, was a great surprise to me for this reason: early in December last, when I was very sick, almost unto death, Mr. Wilson and a gentleman who now sits here (Mr. Mathews) were in my room at the Palmer House, in Chicago. They visited me in my sickness, and, compared with Mr. Wilson's declaration at the time, this letter of his is very astonishing, because he must have known that the letter was false in every particular so far as concerns its insinuations in reference to my sickness. He saw me there, and no man who saw me would make such an insinuation as that unless he were a very dishonorable man. I further state that it is a falsehood in all its parts, so far as it refers to me either by insinuation or otherwise, and that it must have been known to be so by Mr. Wilson when he put this letter before the committee in regard to my sickness.

Q. Were you confined to bed?—A. I was; and so that I had to be turned in my bed by two men. I was for days unconscious, and I may say that I did not walk a step for nearly six weeks. I was not able the greater part of the time to raise myself in bed, and I think I was in that condition when Mr. Mathews and Mr. Wilson visited me.

Q. Was Wilson present at any time when you had to be moved by the help of others?—A. I cannot say whether I had to be moved during the time he was in there visiting me; but at that time I did have to be moved by the help of others when I had to move at all. I was then unable to move myself.

Q. This letter speaks of a letter of Cook's, which charges that he, Logan, is in it, (meaning the whisky ring); what have you to say in reference to that charge?—A. I have to say this: that any insinuation, directly or indirectly or remotely, that has been made by Mr. Wilson or others in regard to my being connected with or having any knowledge of the frauds of the whisky ring in Chicago or elsewhere is without any foundation whatever, and is a falsehood from beginning to end. I have never had any connection, directly or indirectly, with a distillery or with anybody connected with a distillery, or with any whisky transaction whatever, either for profit or otherwise, nor with any fraud; nor did I ever have knowledge of any fraud, in Chicago or elsewhere, and all the knowledge I have to-day is from the developments that have taken place on the trials in Chicago and elsewhere, as published by the press.

Mr. PLAISTED. Mr. Wilson states that by your influence he was thwarted in his efforts to obtain the removal of certain officers, and I think Mr. Ward was one.

Mr. LOGAN. Mr. Ward was removed while I was lying on my bed sick in the Palmer House in Chicago, and the only knowledge I had of his removal was a telegram which I received from my colleague, Governor Oglesby, and one from George S. Bangs, in reference to his successor. Governor Oglesby's dispatch was in reference to my concurring with him in the recommendation of another person for that office. I will state further: At the time Mr. Wilson visited me at my sick-bed, some slanderous attacks had been made upon me in certain newspapers, and Mr. Wilson stated to me and to my wife and to others present that he knew that I had nothing to do with the whisky ring, and that these tales were slanders. While he was there in Chicago at the time mentioned, he was interviewed by a reporter of a newspaper in regard to me, and said that I had "no more to do with the whisky ring than he had."

Mr. PLAISTED. There is one other reference to your action in the testimony of Mr. Wilson. I will read it to you:

"Q. What was the conversation on the morning to which you refer in that letter?—A. It was a very brief one. The President received me coldly. I said to him, 'I have called, Mr. President, to inform you that I have received and accepted such offers for professional business outside as have decided me to vacate the office of Solicitor of the Treasury. I do this under the advice of my friends, and also for the reason that I wish to put an end to the interminable embarrassments and annoyances to which you are subjected on my account.' The President said, 'Very well; that he hoped now, after the Cincinnati convention, we would have a season of quiet;' and I said to him I hoped that during the remainder of his administration he would have peace and quiet; and with the assurance of my respect and kindly consideration, I took my hat, bade him good morning, and went away.

"Q. He did not treat you very genially at any time during that interview?—A. He was cold, but polite.

"Q. Your relations and his, for some time prior to this resignation, had not been cordial at all, had they?—A. I had not so considered them.

"Q. Did it ever occur to you that it was improper for the President of the United States to listen to the tattle of every fellow that chose to tell him stories about an officer of the Government?—A. As to that question, I think my views are presented in my letter of March 9, and in my interview heretofore narrated.

"Q. Did the President of the United States ever give you an opportunity of replying to any of these people other than by mere interviews with himself?—A. Never face to face.

"Q. Did he ever indicate to you who these people were who he said were telling him these things?—A. Never. He refused to do that, although I asked him; but I knew full well, upon information entirely satisfactory to me, who they were.

"Q. Who were they?—A. They were, first and above all, Charles B. Farwell, of Chicago; John A. Logan, of Illinois; Senator Spencer, of Alabama, and Stephen Hurlbut, of the House, and perhaps, though I cannot say certainly, Sargent, of California, together with men like William B. Moore, and one Stewart, a dismissed revenue-agent."

MR. LOGAN. I will say this in reply: I never interfered, directly or indirectly, with the prosecution of these whisky frauds in Chicago or elsewhere. I had no knowledge of them; although some few of the parties indicted had been my friends politically, still I never interposed either with the Attorney-General, the President, the district attorney, or any one else in their favor, nor to effect the prosecution in any way whatever. I did go to the President, and I did recommend Mr. Wilson's removal. My reason for that was this: The district attorney of Chicago told me that Mr. Wilson said to him that he had to indict me—that it was a "political necessity." The district attorney said to him that "there was no testimony whatever against me," and Mr. Wilson said that "that would make no difference; to indict me and the evidence would be found afterward." The district attorney told me that other persons had told him the same thing—that Mr. Wilson was following me, and trying to have me indicted without any evidence whatever. I went to the President, told him these facts, and said that Wilson was not a fit man to be Solicitor of the Treasury if he was engaged in that kind of persecution and conspiracy. That is exactly what I said, or the substance of what I said, to the President. For that reason I did ask his removal; but the President did not remove him at my request.

Q. Do you recollect the date of that interview?—A. I do not, precisely. It was last winter or early last spring, as soon after this information was given to me as I had an opportunity of seeing the President here in Washington after my recovery from sickness. My object in having Wilson removed was not to protect whisky men or anybody else, but not to have a man in that office who would conspire to destroy the reputation of a man whose reputation was better than his own, or at least as good. That was the only object I had.

By MR. COCHRANE :

Q. Was it under your recommendation that Mr. Ward was appointed district attorney at Chicago?—A. Partly.

Q. How long have you known Ward?—A. Many years.

Q. Do you know a man in Chicago named Rehm?—A. I do; but before you go further, let me say in connection with Mr. Ward's appointment, the President said that he was going to make a change in Chicago. Mr. Glover was then the district attorney there. I understood that Mr. Wilson had recommended Mr. Glover's removal for some reason or other, I do not know what, and that the President was going to appoint a district attorney in his place. I thought a change should be made, and recommended it also. In conversation with me the President and myself spoke of Mr. Ward in connection with the place, and he asked me if I thought Mr. Ward would like the place. I told him that I did not know, but that I would ascertain. I did ascertain, and then I recommended Mr. Ward. I do not now remember who else recommended him, but I know that I was one who did.

Q. Are you quite certain that the President mentioned his name first?—A. I do not recollect distinctly, but it is entirely immaterial. If you desire me to say that I recommended Mr. Ward, I do say that I did.

Q. Who first mentioned his name?—A. I cannot state with certainty. I may have suggested it to the President, or he to me.

Q. Had the President known Mr. Ward before that?—A. O, yes; he knew him very well. Mr. Ward had been a member of Congress, and his time had just then expired, or was about to expire, but I think it had expired. He was quite a prominent man in Illinois.

Q. Did Mr. Rehm recommend the appointment of Mr. Ward?—A. I have no recollection of it; he may have done so, but if he did I do not suppose it would have had any influence with the President, for I do not think that the President ever had much respect for Mr. Rehm, from what I have heard the President say in reference to him prior to this appointment.

Q. How long have you known Rehm?—A. I have known him probably ten years, or more.

Q. Have you known him well?—A. I know him just as I know other men in Chicago. I am not very intimately acquainted with him, but I know him very well in meeting him frequently. I conversed with him as I would with any other one with whom I was acquainted.

Q. Was he not a political friend of yours?—A. I cannot say that he was a political friend of mine in any other sense than that he was a republican.

Q. Is he a man of very great influence in Chicago?—A. I do not say that. He was said to be a man of considerable influence.

Q. From your knowledge of him, are you not able to say that he was a man of very great influence with the Germans of Chicago?—A. I think he was a man of considerable influence with the Germans of Chicago.

Q. Did he not exercise that influence on more than one matter in which you were concerned?—A. In what respect do you mean?

Mr. COCHRANE. Politically.

Mr. LOGAN. I have no knowledge of it since I was elected to the Senate. He was for my election then, as I understood from him and others. The republicans of Chicago were generally for my election at that time. I got the vote of every republican member and Senator from Chicago in the republican caucus, except two, as I now recollect it.

Q. Did you at any time, in recommending appointments, receive any suggestions from Mr. Rehm as to the proper persons to be appointed?

Mr. LOGAN. Appointments to what office?

Mr. COCHRANE. To any office.

A. I may have done so.

Q. Do you now recollect whether you did or not?—A. I recollect that at one time I signed a dispatch, along with the governor of the State, the attorney of the county or city, Mr. Rehm, and probably others, recommending a man for office.

Q. What man?—A German who lives on the north side of Chicago; his name is Schoeninger.

Q. For what position?—A. For the collectorship of the port of Chicago. Mr. Schoeninger is a very reputable man, and one who stands very high, both among Germans and Americans, in Chicago.

Q. Did you recommend his appointment on the recommendation of these gentlemen?—A. I recommended it on my judgment and in connection with the suggestion of the governor of the State. Governor Beveridge and I were talking about his being a suitable man for the place, and he being a German would make it desirable politically. I went down to the office with the governor, and there Mr. Rehm, Mr. Reed, and probably others joined in the dispatch to the President, or to Mr. Bristow; but I do not remember any others who joined in the dispatch.

Q. This dispatch bore your name?—A. Yes, sir.

Q. The name of the governor of the State?—A. Yes.

Q. The name of Mr. Rehm?—A. Yes.

Q. Did you make any written recommendation of Mr. Ward?—A. I do not recollect. Perhaps I may have done so. I frequently do so, and it is very likely that I did, but I have no distinct recollection now. I have not examined to see.

Q. Did you recommend the appointment of Supervisor Munn?—A. I did.

Q. Did Mr. Rehm have anything to do with the recommendation of that appointment?—A. Not that I know of. I went to the President myself and asked for Mr. Munn's appointment. At the time that I did so, Mr. Munn stood as high in the State of Illinois as almost any man in the State. He had been a State senator, and was a very reputable man.

Q. Are you prepared to say whether Mr. Rehm recommended that appointment?—A. I am not prepared to say. I do not know whether he did or not. It would not have had the slightest influence with me whether he did or not. Mr. Munn was a friend of mine politically. He had been a candidate for Congress and a State senator, and had supported me when I was candidate for the Senate. It would have made no difference to me whether Mr. Rehm or anybody else recommended him other than myself.

Q. You would have wholly disregarded the word of any other friend in the premises?

Mr. LOGAN. In regard to what?

Mr. COCHRANE. In regard to the appointment of Munn. Nobody could have had any influence with you?

Mr. LOGAN. I did not say that. I say that I should have recommended him, knowing him as I did, whether he was recommended by Mr. Rehm or anybody else. Mr. Rehm could not have influenced me to recommend Mr. Munn, or to recommend anybody else whom I did not desire to recommend. I was not on that intimate relation with Rehm that he could have influenced me to do anything contrary to my judgment.

Q. But you had been on quite intimate relations with Munn?—A. Yes; so far as my being a friend of his and he of mine.

Q. Did you recommend the appointment of Mr. Glover, Ward's predecessor?—A. I do not recollect whether I did or not. It is very likely I did.

Q. Do you recollect whether Mr. Rehm had anything to do with that?—A. I do not know. I do not know that I recommended Mr. Glover, and my impression is that Burton C. Cook had perhaps more to do with getting his appointment than anybody else. At the time of Mr. Glover's removal he had been in very ill health for some time, and was not in a condition to attend to the duties of the office. I think he was at that time at the Hot Springs in Arkansas on account of his health. Mr. Glover was not removed because he was not qualified, but he

was removed on account of the condition of his health, and the necessity of having some one who was able to attend to the duties of the office.

Q. You understood, however, that Mr. Wilson had requested his removal?—A. I had heard so, but I will say now that that did not influence me in recommending Mr. Ward. I recommended Mr. Ward because I thought him qualified for the position. He stood very high in the State, and was considered as respectable a man as any in the State.

Q. Do you know whether Mr. Charles B. Farwell recommended the appointment of Ward?—A. I think he did; he and Mr. Ward were friends. They were members of Congress together, and neighbors, and I think he did recommend him.

Q. Did not you and Farwell go together to the President to recommend Mr. Ward?—A. We may have done so at one time.

Q. How was it in regard to Munn's appointment; did Farwell go with you?—A. I have no recollection of Mr. Farwell's going with me to the President about Mr. Munn.

Q. Do you know whether Farwell united with you in recommending Mr. Munn?—A. Very likely he did. If I had asked Mr. Farwell to sign Munn's recommendation I think he would have done so, and very likely he did so, but I do not now remember it.

Q. How many times did you request the removal of Bluford Wilson?—A. I do not know that I did it more than once.

Q. Did you do so a great many times?—A. I do not know that I did more than once; I may have done so. I am not in the habit of running to the President to ask him to remove or appoint men when he declines to do so at the first asking.

Q. Did you not go to the President four or five or six different times and solicit the removal of Bluford Wilson?—A. No, sir; I am not in the habit of doing such things more than once.

Q. Did you not, at the time when these frauds were discovered in Chicago, earnestly recommend his removal?—A. No, sir; I did not. I never asked for Mr. Wilson's removal, and never made a suggestion in reference to it, until I was told that he was attempting to injure my reputation by seeking to have me indicted without any testimony. For that reason, and for no other, I asked his removal. That was some time during last winter or spring; I think in the winter. In connection with that, however, I desire to say now that any intimation that I desired Mr. Wilson's removal because of any favors that I wanted the whisky ring to have, is without any basis whatever. I was as desirous for the whisky ring to be punished as you or any other man could be. I only asked for Mr. Wilson's removal because I thought he was attempting to persecute me, in order to destroy me politically at home.

Q. When was it that Munn was tried in Chicago?—A. I do not recollect the date.

Mr. MATHEWS. Munn was tried in May, 1876.

Mr. LOGAN. I presume that that is correct. I only saw the publication of the trial in the newspapers.

Q. At that time were District Attorney Ward and Wadsworth indicted?—A. I presume so. I heard so.

Q. What was the action taken in their cases?—A. I do not know, except as I have heard. I am as unfamiliar with the proceedings of that court as you are, except as I have read them in the newspapers or been told by others. I understand the cases were dismissed.

Q. At the time that you recommended Wilson's removal had Munn been tried?—A. No, sir.

Q. Had the cases of Ward or Wadsworth been disposed of?—A. No, sir. Their being indicted had no influence whatever on me.

Q. Did you go to Mr. Wilson when Ward told you about his trying to have you indicted and ask him about it?—A. I asked Mr. Wilson about it here in Washington.

Q. Did you ask him about it prior to your conversation with the President in which you recommended his removal?—A. I do not recollect certainly, but think I did.

Q. Would you not be likely to recollect whether you did or not?—A. I am not sure whether I would or not, as I had good reason to believe the statement about Wilson. It was immaterial whether he denied it or not.

Q. You recollect having a conversation with the President on that subject?—A. I do; but I do not recollect the time with any degree of certainty.

Q. You say that it was in the spring of this year?—A. Yes, sir; winter or spring.

Q. Do you now recollect whether you went to Mr. Wilson and demanded of him why he had made any such statement as that?—A. I asked Mr. Wilson about it in my room in Washington, and he denied it, and has since denied it to me.

Q. Did you ask him in your bedroom whether he had made this statement that you were going to be indicted?—A. The occasion that I refer to was in my rooms in Washington City.

Q. How long was that prior to your recommendation that he should be removed?—A. I do not know that it was before, but think it was.

Q. Was that this year?—A. Yes.

Q. In the spring?—A. In the winter, I think.

Q. He denied that he had ever made any such recommendation?—A. He did.

Q. You say that you ascertained from other sources than District Attorney Ward that Mr. Wilson had suggested that you should be indicted without evidence. From what other sources did you ascertain it?—A. I have heard it frequently from divers sources.

Q. Be kind enough to state from what source.—A. I do not know that I can give all the sources that I heard it from. I have heard it from several persons.

Q. Can you give us now the name of any person other than District Attorney Ward from whom you heard it?—A. I heard it from persons who said that Mr. Tutton had said so. Mr. Tutton never told me so, but I heard that he said the same thing, and from different persons. Mr. Curtis, who is present, also stated it. How they got their information I do not know.

Q. You did not inquire?—A. I did not. I believed what Mr. Ward said, and believe it now.

Q. Did Mr. Farwell ever mention to you anything about Wilson going to have you indicted?—A. Mr. Farwell has talked to me about it, and has made a similar statement to me.

Q. Did he say that Tutton had told him about it?—A. I do not recollect that he said that Mr. Tutton had told him. I do not think he did say that. He said that Mr. Ward had told him and others had told him.

Q. Did he say that there was any talk about indicting him also?—A. Yes; he spoke of that. Of course I have nothing to do with Mr. Farwell's matters and do not want to speak of them. He spoke of the same attempt being made so far as he was concerned.

Q. At the time that Ward made this statement to you, was Ward under indictment?—A. No, sir; he was district attorney at the time. He had not been removed.

Q. Do you recollect about what time it was that he told you?—A. I do not recollect the time precisely. It was some time during my stay at home, in the latter part of the fall of last year.

Q. Was it as early as February of this year that you had a talk with the President about Wilson?—A. I cannot say whether it was or not. It was during the winter or spring season here. I did not visit the President often when I first came to the city, and I think that probably the first time I visited him I mentioned the matter, but I do not recollect the precise time when that was, but think it may have been as early as February.

Q. If you placed confidence in what Mr. Ward related, why did you not communicate earlier with the President in regard to Wilson's removal?—A. There was no particular reason why I didn't do it, except that I had no opportunity to speak to him on the subject sooner. I had no fears of being indicted, as I did not believe they could bribe any man that would be believed.

Q. You had no fears, particularly, that Wilson could have you indicted by a grand jury, acting under oath, without testimony?—A. I did not think so, but at the same time that did not excuse the intention or desire on his part, if he had it. It was not a question with me whether he could indict me or not. I was not afraid of indictment for that or any other offense, but the question was whether he had that maliciousness in his heart to attempt such a thing against me. That was the only question in my mind.

Q. Did not a statement of that kind strike you as being a little absurd in its very nature—that a proposition should come from the Solicitor to the Treasury Department to have you indicted without evidence before a grand jury that was acting under oath?—A. It struck me as being a very strange proceeding.

Q. Did it not strike you as being so strange a proceeding as to require you to make some inquiry about it from the Solicitor himself?—A. I spoke to the Solicitor about it the first opportunity I had after being well enough to have it in my mind.

Q. And he denied it?—A. Yes; I have said that.

Q. And yet, in the face of that denial, you recommended his removal?—A. I asked the President to remove him because I believed that he had made the statement, and now I feel very sure of it since his attempt made before this committee to injure me.

Q. Did you state to the President the reason why you asked for his removal?—A. I did. I stated that that was my reason, and it was my only reason.

Q. At that time were you and Wilson on good terms?—A. There was no other reason than the one given why we should not have been at that time that I then knew.

Q. Were you at the time, in point of fact?—A. We were on as good terms as men would be under the circumstances. There was no reason why he should have any ill feeling toward me; but, if I believed that story, I should not have had as much respect for him as I formerly had.

Q. Did it strike you, at the time that you requested the removal of Wilson, that if the President acted on your suggestion, it might cause great injury to the cases which the Government had against these whisky thieves in Chicago?—A. No, sir; I did not think so. There are plenty of men as able to prosecute whisky thieves as Mr. Wilson.

Mr. COCHRANE. But there are not many men so familiar with all the ins and outs of the matter.

Mr. LOGAN. That may be. I do not know. It is the duty of the district attorney to prosecute criminals, and I did not see that the removal of Mr. Wilson would interfere with the district attorney in Chicago prosecuting the men who were indicted.

Q. Do you not know that the district attorney in Chicago and the private counsel employed to assist him were in constant communication with both the Secretary of the Treasury and Mr. Wilson, the Solicitor?—A. I do not know; but from what I understand, I would think some one was in communication with them.

Q. Did you not know that Mr. Wilson and the Secretary of the Treasury had been very

active in discovering these frauds, through agents?—A. I have understood that they were, but I have no knowledge whatever on the subject. My information on the subject of the whisky ring and whisky frauds is very limited. I only know from what I have read and heard. I never was in the court-house at the time that any of these people were being tried or indicted, nor have I had any connection whatever with their prosecution or defense.

Q. Did you ever recommend to the President that he should remove Mr. Bristow?—A. I have no recollection of ever making any recommendation to him on the subject. I do not interfere with the President's Cabinet.

Mr. COCHRANE. I ask you if you ever did recommend the President to get rid of Mr. Bristow.

Mr. LOGAN. I have no recollection of ever talking with the President on the subject of getting rid of any Cabinet officer. That is a matter in regard to which he does not like to be dictated to. I may have conversed with him about Mr. Bristow, but as to my suggesting whether he should have him in his Cabinet or should not, that is a thing that I am not in the habit of doing, nor do I do so.

Q. Are you prepared to say that you did not, on more than one occasion, recommend to the President that he ought to get rid of Bristow at once, (without naming his successor?)—A. I am prepared to say it. I may have said to the President that I thought Mr. Bristow was not in harmony with him in political matters, and may have said in his presence that Bristow, in my judgment, was unreliable as a republican. I do not remember to have said so, but if it occurred to me to say so, I said so. I have no hesitation in saying to you now, that if the President had asked me within any reasonable time back about it, I should certainly have said that, and have further said that, in my judgment, he ought not to have remained in Grant's Cabinet. At one time I had a different opinion of Mr. Bristow, but have not changed my opinion on account of any prosecutions whatever. But I would have suggested that to the President, because I think Bristow was under the influence and almost the entire control of Wilson.

Q. Your feeling, however, to Mr. Bristow had undergone a change?—A. In a certain sense. It is of a political character, and the control I have mentioned of his administration by Wilson.

Q. What was the matter?

Mr. PLAISTED objected to the course of inquiry.

Mr. COCHRANE. I am asking the witness for what reason he suggested that he would not, if he were President, have Mr. Bristow in his Cabinet.

Mr. LOGAN. I do not say that I said so, but that I would have said so if asked by the President.

Q. For what reason?—A. There are various reasons and objections that are not necessary to be mentioned besides the ones given.

Q. Who was the collector of internal revenue in Chicago at the time of the discovery of these whisky frauds?—A. Mr. Wadsworth, I think.

Q. Had you recommended the appointment of Wadsworth?—A. I had recommended him.

Q. Had Mr. Rehm?—A. I do not now recollect that he had or had not.

Q. Did not a number of these parties, inclusive of Mr. Rehm, send you a petition for the appointment of Wadsworth?—A. It may have been so, and perhaps it is so. Mr. Wadsworth was my choice for collector. I recommended him in place of Mr. Hoyt. Mr. Hoyt was recommended by Mr. Webster, I think, and by Mr. Ward, and probably others. I recommended Mr. Wadsworth, whom I knew to be a good business-man. He desired the position and asked me for it, and I told him that I would get it for him if I could. I told the President, after he appointed Mr. Hoyt, that I thought Mr. Wadsworth was the best man, and I said so to the Secretary of the Treasury; and after the appointment of Mr. Hoyt the President changed it, and appointed Mr. Wadsworth at my suggestion. That Mr. Hoyt should not have been appointed is, I think, apparent from the fact of there being an indictment against him in Chicago at this time, unanswered by him.

Mr. COCHRANE. Both he and Wadsworth were unfortunate in that regard.

Mr. LOGAN. Yes; only that Mr. Wadsworth's indictment was dismissed because the district attorney thought there was not evidence against him, and Hoyt ran away and is still absent. It was a contest between Wadsworth and Hoyt, and I preferred Wadsworth.

By Mr. PLAISTED:

Q. Do you not know that the only testimony implicating Wadsworth was the confession of Rehm?—A. I know nothing about it; I only know from what I have seen in the papers and from what I have heard people say.

By Mr. COCHRANE:

Q. Did you have any conversation with the President in regard to the removal of Henderson at Saint Louis?—A. No, sir; not prior to his removal. I may have had since. If you ask me to know what my judgment was about it—

Mr. COCHRANE. No; I want to know the fact.

Mr. LOGAN. I do not think I ever spoke to the President on the subject of Henderson's

removal. I am sure I did not prior to his removal; but if I had been the President I should have removed him.

Mr. COCHRANE. Irrespective of what the consequences would be?

Mr. LOGAN. You may put that in for yourself.

Mr. COCHRANE. Would you say that?

Mr. LOGAN. I did not say that.

Mr. COCHRANE. I ask you whether you would say in that connection that you would remove Henderson, irrespective of the consequences to the public service?

Mr. LOGAN. I did not make any such answer. My answer was complete. I said that I should have removed him, and that is sufficient.

Q. Did you know all the circumstances attendant upon the remarks that were made by Mr. Henderson?—A. I did not. I read the speech which he made, and on that I should have based my judgment.

Mr. COCHRANE. Suppose you had known that Mr. Henderson was the best prosecutor who could have been obtained, that he was familiar with all the facts of those cases and with all the inside workings of the whisky rings, and that he was the man most likely to procure the correction of offenders, would you have dismissed him if you had been President?

Mr. LOGAN. That is a hypothetical question; it is supposing a thing which I do not know to have existed.

Mr. COCHRANE. You say that if you had been President you would have removed Henderson?

Mr. LOGAN. I have given my answer and have no disposition to change it.

Mr. Cochrane repeated his question.

Mr. PLAISTED objected, and the objection was sustained.

WASHINGTON, D. C., August 10, 1876.

W. SCOTT SMITH sworn and examined.

By Mr. PLAISTED:

Question. Where do you reside?—Answer. In Washington.

Q. Are you acquainted with Ex-Solicitor Wilson?—A. I am, sir.

Q. State whether or not you had a conversation with him respecting the indictment of Senator Logan, and, if so, when.—A. I had a conversation with Mr. Wilson, who was then Solicitor of the Treasury, during, I think, last fall or winter, at his office. I went to see him there in reference to matters of news. During one of these conversations he told me that he expected to secure the indictment of Senator Logan, Mr. Farwell, and Mr. Ward. I asked permission to use that statement for publication, but he declined to allow me to use it—at least to use their names. I made a dispatch, however, about it that day, in which I said that a prominent Illinois politician would, as it was understood here, be indicted shortly. Mr. Wilson said he was getting the evidence together, and felt sure that he would be indicted.

Q. Did he give you permission to make that general statement with reference to Illinois politicians?—A. He forbade my using their names.

Q. Can you give the date of that interview?—A. I cannot. The newspaper would give the date. My recollection is that it was last fall, just before the meeting of Congress.

Q. Do you remember whether you had used the words "a Senator" or "a congressman"?

The CHAIRMAN. Had we not better have the dispatch in?

A. I do not think I could furnish that dispatch. I do not think I used the word "Senator;" I think I said "a prominent politician."

Q. Was anything further said at that time, or any other, between you and the Solicitor, in reference to the indictment of Senator Logan or Mr. Farwell?—A. He went more into detail about it. I do not remember fully now what was said, except that my recollection is he told me he had some letters or telegrams from Chicago saying that they had procured almost all the necessary evidence required to find an indictment.

Q. Do you remember what the evidence was that he stated he had procured?—A. He did not state the nature of the evidence at all.

Q. Have you stated all that was said at that time?—A. Yes; as far as I now recollect.

By the CHAIRMAN:

Q. When did that interview take place?—A. I think it was last fall, or early in the winter.

Q. Where?—A. At his office in the Treasury.

Q. Was anybody present except you and he?—A. I do not remember now. I was in the habit of going into his office almost every day.

Q. What gave rise to that conversation?—A. Well, I called in there to make some inquiries in regard to whisky-trial matters. I was in the habit of dropping in every day and asking if there was anything new.

Q. What paper were you reporting for and telegraphed to at that time?—A. I sent that dispatch to the Chicago Journal, and my recollection at this time is that I sent it to my other papers also, east and west.

Q. What other papers?—A. The New York Evening Post, the Boston Journal, Hartford Post, the Springfield Union, Providence Bulletin, the Pittsburgh Telegraph, Cleveland Herald, Cincinnati Times, as well as the Chicago Journal. My recollection is, I sent it to all these papers. I remember particularly about the Journal, because there were some editorial comments about it.

Q. Mr. Wilson desired you not to mention any names?—A. Yes; I wanted to use the facts, however, that there was some prospect. He said I should not use any names, as it might interfere.

Q. Did you use his name?—A. I think I did; I think I said the statement came from him—that the indictments would be found in a few days against prominent politicians.

Q. To whom did you first communicate the information that Mr. Wilson had given you with regard to the names of these parties?—A. I do not remember that I ever communicated it to anybody, unless I sent it privately to my editors at Chicago. Well, I may have spoken of it some time afterward, perhaps.

Q. Did you give the names when you spoke of it?—A. I presume I did, but I cannot say that I did; I may have told some of my newspaper friends in talking of it, or discussing it.

Q. You may have told the names that he imparted to you?—A. I may have used the names; I cannot remember positively that I did.

Q. Who is the person to whom you can now recollect you first told the names?—A. I do not remember of telling any person; I have no recollection on the subject, but it is possible that I may have told a gentleman who has desk-room in my office.

Q. Mr. Wilson did not tell you what evidence he had?—A. No, nothing besides the mere general fact that he expected to have the necessary proof in order to indict the parties. I became satisfied afterward in my own mind that Mr. Wilson had told me this in order to make an impression on me to influence me.

Q. What first satisfied you of it?—A. Well, the fact that they were not indicted, for one thing.

Q. What impression did he desire to make on you?—A. As I looked at the matter afterward, Mr. Wilson desired to create the impression on my mind that General Logan, Mr. Farwell, and Mr. Ward, were in the ring.

Q. But he desired you not to give their names?—A. That is very true, but it left an impression on my mind that they were in the ring, and that there was no doubt about their indictment, and that would, as I may say, affect my regard for them.

Mr. PLAISTED offered in evidence the circular-letter of the Attorney-General, dated January 25, 1876. [It will be found elsewhere in this record.]

Mr. PLAISTED also put in evidence the following letter of the Attorney-General:

“DEPARTMENT OF JUSTICE,

“Washington, December 6, 1875.

“The President informs me that the court of inquiry convenes at Chicago next Thursday; that General Babcock starts to-night to meet his trial; that Colonel Gardner is the judge-advocate, to whom, at Chicago, you will please send any documentary evidence bearing upon the case, and the names and the residence of any witnesses whose testimony you judge important to make the investigation thorough.

“If there is any evidence in addition to that sent me, please forward it, and communicate with the judge-advocate by messenger or otherwise as you deem most safe, to the end that this important inquiry which will attract the attention of the country may be complete in every respect.

“I repeat what I have so often said, that we wish no innocent man tarnished, and no guilty one to escape.

“EDWARDS PIERREPONT,

“Attorney-General.

“Hon. D. P. DYER,

“United States Attorney, Saint Louis, Missouri.”

Mr. PLAISTED also offered in evidence a letter of the President of the United States, dated July 12, 1876, to Hon. B. H. Bristow, late Secretary of the Treasury, regarding the position of members and ex-members of the Cabinet with reference to conversations had at Cabinet meetings.

Mr. COCHRANE objected.

Upon a reference of the subject to a meeting of the main committee, the letter was excluded as irrelevant and incompetent.

WASHINGTON, D. C., August 11, 1876.

ASA C. MATTHEWS sworn and examined.

By Mr. COCHRANE :

Question. Were you supervisor of internal revenue at Chicago?—Answer. I was.

Q. At what time?—A. From June 1, 1875, to July 1, 1876.

Q. You were there during the time that the prosecutions were instituted against the whisky ring?—A. The seizure of what was known as the first batch, was made before I went there, but the prosecutions were being commenced about the time I went there.

Q. Are you acquainted with Mr. Tutton, now the collector at Philadelphia?—A. Yes, sir.

Q. Do you know of his being in Chicago as a Government officer connected with these investigations?—A. I do.

Q. What, if anything, do you know about Mr. Tutton wanting Charles B. Farwell to be indicted?—A. Mr. Tutton had been, as supervisor, assigned by the Commissioner of Internal Revenue to make the first seizures in the city of Chicago, on the 10th of May, 1875. The first grand jury after that period met in Chicago in October, 1875, and Mr. Tutton was directed to go there as supervisor and take charge of the cases involving the seizures he had effected. The question of the connection of Mr. Charles B. Farwell with the whisky frauds was examined to some extent by Mr. Tutton as supervisor, and Mr. Ward as district attorney, during that session of the grand jury, but to what extent I am not prepared to say.

Q. Did Mr. Tutton ever have a conversation with you in reference to the guilt or innocence of Mr. Farwell?—A. Not that I am able to call to mind.

Q. You do not remember of his ever saying anything to you on that subject?—A. No, sir. It seems to me he has done so, but when or where, or what he said, I am not prepared to say. I can say this: that there were suspicious circumstances pointing to Mr. Farwell, and it was a subject, not infrequently, of discussion between Mr. Tutton and the rest of us: but I could not state when I heard Mr. Tutton speak of it, or what he said, or the extent of the conversation. I will state that after all the evidence was sent before the grand jury, no bill against Mr. Farwell was found, and I do not really know what the evidence at that time they had against Mr. Farwell was. I think it grew out of the fact that a man by the name of Mersereau had used the commercial house of J. B. Farwell &amp; Co. as his bankers.

Q. What do you know about the distillers composing the first batch, and the circumstances under which they were accepted as State's evidence?—A. I presume I know pretty nearly all about that.

Q. State briefly the leading facts connected with that matter.—A. Along about the 1st of December, 1875, as the day of the trial of the first batch was approaching, (they were indicted in October, if you remember,) some of the first batch came to the revenue officials and wanted to know what terms could be made by which they might turn State's evidence. There was a man named Russell, I think a man named Waterman, and also the firm of Golsen &amp; Eastman. I wrote to Solicitor Wilson on the subject, about that time, (the early part of December;) I think General Webster also wrote to him on that subject: and he, in reply, in discussing the matter, stated that if it were left to him he would not hesitate to grant immunity to some of the "small fry," for the purpose of breaking up the organization. Matters went along for a while. I talked to some of the parties and General Webster talked to others about them. About the 12th of December, I telegraphed to Solicitor Wilson that I thought if he came out there matters could be talked over and we could expedite things, and we could more thoroughly destroy the whisky organization in Chicago by accepting some of these parties as state's evidence, than by going on with the trial. I had been engaged at Milwaukee, and things moved rather slowly there, and our success had not been what we expected, the jury being slow to convict, and the trials being expensive. I suggested this plan. I think Mr. Wilson was there on the 13th or 14th of December, in response to my telegram. We had a conference at the Palmer House, at which General Webster, Wirt Dexter, and Mr. Ayer were present, and perhaps, though I am not sure, Mr. Boutelle, both of whom were associate counsel of the district attorney. There the matter was discussed, and at that time we supposed by taking Golsen &amp; Eastman, and Parker R. Mason, and possibly Rolle, Junker &amp; Co., we could get along. The proposition then, upon the part of the distillers, was that they would turn state's evidence in the common-law acceptance of the term, if they could have immunity from criminal prosecution, and the property then under seizure and liable to be condemned returned to them. They were not present at this conference, however; that was the proposition made by some one of the revenue officers there. After discussing the matter pretty lengthily, our counsel insisted that the cases against some of the parties that were then under indictment, and whose property was under seizure, were not as strong as we would like to have them. It was determined if we could succeed in getting some of these men to turn state's evidence we would accept them as state's evidence upon the terms then indicated. That was in the evening. Upon that evening or the next, Mr. Wilson left. As he left the rotunda of the Palmer House, he and General Webster and myself had a conversation, and he remarked that all there was to be done about this was simply matter of detail, and that we should "go on and knock the bottom out of it if we could."

Q. Out of what?—A. Out of the whisky ring. He left. On the 16th of December, as

I now remember it from a note that I have in General Webster's handwriting, we met at the office of Wirt Dexter, to confer with the attorney of the first batch, so-called. When we got there, I think Leonard Swett was there, and Sidney Smith, the attorneys representing the distillers. The proposition as indicated at the Palmer House was stated to them. They said that proposition was all very well, provided it included all of their clients, but they did not propose to turn a part of their clients loose upon the balance. They then went on to state what their clients would be able to show—the developments they would be able to make; that they had talked it up among themselves, and were talking candidly on this matter, and if we would accept all their clients—ten men that they had—as state's evidence, these matters could be accomplished; otherwise they did not propose to make any further negotiation. That was a proposition that startled all hands of us pretty thoroughly, and we hardly knew what to do about it. I figured up at the time, and have a memorandum of the amount of property then under seizure belonging to what was called the first batch, and under their proposition that property would all have to be returned to them. That property was appraised at \$224,192.50. That proposition, as I have stated, covered so many parties, and such an amount of property, (and this property was supposed to be underestimated,) and the revelations that they proposed to make were so startling in character, that we did not exactly feel authorized to reject the proposition, nor did we feel disposed to accept it. Thereupon it was determined to send me to Washington to have a talk with the Commissioner of Internal Revenue and such Government officials as might have an interest in the matter. I came to Washington with the proposition as I have stated it. I saw Solicitor Wilson, Secretary Bristow, and Commissioner of Internal Revenue Pratt, and stated to them the proposition. Mr. Russell, one of the distillers, came with me, and on the way here I concluded that better terms could be made than the attorneys were talking about with the distillers. When I got here, I stated to some of the officials, but to which of them I do not remember, that I thought if this proposition were peremptorily rejected we could make a better proposition. The authorities were inclined to reject it anyway, as far as that was concerned, and it was rejected. I had left Chicago on the evening of the 18th, which would bring me here about on the evening of the 19th; I staid here a couple of days, and then returned, getting back about Christmas. When I returned to Chicago, we had another conference about the matter with the attorneys of the distillers; in that conference it was agreed that these parties should turn state's evidence, as I have said before, in the common-law acceptance of the term; that they should withdraw all defense in these cases of seizures, which I stated amounted to something over \$200,000; that they should come into court and plead guilty to at least one good count in the indictment; and if after that they testified fully, fairly, and truthfully to what they knew, sentence should not be moved against them, but that their property should in every case be forfeited where they had entered any plea claiming it in any manner.

Q. Whom did you see in Washington?—A. I saw Bluford Wilson and Secretary Bristow.

Q. Did you submit the matter to Secretary Bristow?—A. I did.

Q. What did he say about it?—A. He said that he was inclined to reject the proposition; he thought it too broad—that it covered too much. He said it was paying too much for the information we were going to get.

Q. Did he say anything to you about leaving the thing in the discretion of the attorneys employed by the Government?—A. He did; he left it entirely with them.

Q. Did he express confidence in those gentlemen, and say that they would do their duty by the Government?—A. Yes, sir.

Q. What did Mr. Wilson say on the subject?—A. He said in substance the same.

Q. Before proceeding further, I will call your attention to a letter which I understood you to say was written by General Webster to Secretary Bristow.—A. I have a letter written by General Webster to myself. If you wish the letter, you can see it; it is a private note written to me. To make it plain I will state that when the attorneys in Chicago telegraphed permission for me to go to Washington or asking to have me directed to go, as I had to be directed, I asked the attorneys for their written views upon the subject of this proposition, and among others I asked General Webster, knowing that he was a personal friend of the President. The attorneys did not feel inclined to give me their views in writing, but General Webster did so. That letter I brought here and presented to Mr. Bristow. He told me that he took it to the cabinet, and that it was read at the cabinet meeting, and the spirit of it was indorsed. He also told me that the President himself read the letter.

By Mr. PLAISTED:

Q. The President indorsed it himself, did he?—A. Yes; indorsed the spirit of it. That is what the Secretary told me; I was not at the cabinet meeting, nor did I see the President.

By Mr. COCHRANE:

Q. Did the information these distillers proposed to give implicate Hesting and Rehm?—A. Yes, sir.

Q. Was that considered by the attorneys and by yourself as a desirable thing?—A. Very desirable.

Q. Why?—A. Well, they were what was known in this whisky parlance as ring men, and had organized, by their political and personal influence and prowess, this whisky organization, protecting it and giving it vitality from day to day.

Q. Without them, you think it would have dropped to pieces?—A. I think so, beyond any question.

Q. Then, as a faithful public officer, and with the desire to break up the whisky ring in Chicago, you were desirous of getting at Hesing and Rehm?—A. Beyond all sort of question they were guilty, or we supposed they were, and the evidence tended to prove it. As matter of fact, they both pleaded guilty, and they are incarcerated on that plea.

Q. Was the last arrangement agreed to with this first batch of distillers?—A. It was agreed to.

Q. Was that arrangement, in your judgment, a good one for the United States?—A. I have no hesitancy in the world in saying that it was the best possible arrangement that could have been made, in my opinion.

Q. Give us briefly the results of that arrangement and the effect that it had upon the whisky ring in Chicago.—A. I cannot give you the entire results, but I can give you the immediate results. It resulted immediately in the seizure of property as to which condemnations followed in most cases—property to the value of about four or five hundred thousand dollars—and the arrest of some twelve or fifteen persons, and among them Buffalo Miller, who was a very prominent politician, as also Hesing and Rehm, and their conviction, and the utter destruction of anything like a whisky organization in the city of Chicago. At the time these developments were made there was in the collector's office as chief deputy a man by the name of Root, occupying a high official position. He had been in this organization, but we could not discover him by the ordinary means of discovering frauds. There were also on duty in Chicago some four or five gaugers and storekeepers who had been in this corrupt organization whom we could not discover at all, although satisfied that they were in it. There were also five large distilleries that we were satisfied were in the organization all this time. They were in full blast. By these developments the four or five gaugers were immediately arrested, and three deputy collectors were reached, all of whom have fled the country now, one having forfeited his recognizance; the other we did not succeed in capturing. It covered all the corrupt officials in Chicago, gaugers, storekeepers, deputy collectors, one or two revenue agents, and utterly destroyed confidence between these men, so that an organization of that kind could not again be gotten up.

Q. It had the effect, in your judgment, of demoralizing and breaking up the whisky ring?—A. Yes, utterly.

The witness here read the following letter:

“UNITED STATES INTERNAL REVENUE,  
“COLLECTOR'S OFFICE, FIRST DISTRICT ILLINOIS,  
“Chicago, December 18, 1875.

“DEAR COLONEL: In response to your request to have my views on the subject of your mission to Washington, I have to say that hardly any price is too high to pay for the information proposed to be furnished by R.

“But two questions arise—can he and the parties he proposes to bring to us furnish it? And, second, can we get it without that help? The price asked is high, but I would pay it if I could not get this information in any other way; that is, if the decision were left to me. But I wish you to go to W., because I did not feel like assuming so great a responsibility. As to the probability of getting all the information by the process of summoning parties before the next grand jury, you, as a lawyer, can judge better than I. It is highly probable that we will be better prepared to go before that jury than we were the last time. The inquiries will be pushed more energetically. But I have an impression that, do our best with the grand jury, and we shall still not get all we want. We might very probably get most of it by taking in Junker with Russell, but might not get one or two large distilleries. Then, as you suggested this morning, time is of great importance. We don't want to be very long beating around the bush, or carrying the place by regular approaches. If we can get help from the inside of the enemy's camp, it will be worth a very large price, but I hesitate to take the responsibility of paying it. If we take Russell and Junker, will that be enough to make a panic and a stampede among the enemy? I am not quite sure. So that while I am pretty clear as to Russell and Junker, I am not certain as to the rest of the party. Again I say the price appears large, but the information and time may be well worth it. I should think that some of the parties, Ford and George Miller, for instance, would tell all they know rather than go to the penitentiary, letting the Government have all their property. They are of the better class, reputable heretofore, and would be likely to be horrified at the prospect of a prison. This is in favor of a separate conference with each before any final arrangement—as has been proposed. It just now strikes me that we might begin with Russell and Junker, and leave the others to be dealt with according to developments, according to the greater or less ease with which we get information in the earlier stage of the proceedings before the grand jury, which may show whether the whole ring structure is going to fall to pieces without further effort. This last idea of beginning with the two is about as definite as anything I have arrived at in my own mind. I still see the

greatest importance to the best interests of the country of getting at the bottom of this whole thing—the big stones are at the bottom of the building. The same vile influences which controlled the republican party here so long are now again asserting themselves, and if they are not counteracted our efforts to make the party worthy of support will fail, and we shall lose all that we gained at the recent elections.

"Very truly, yours,

"J. D. WEBSTER.

"Colonel MATTHEWS."

By Mr. PLAISTED:

Q. You spoke of this arrangement made in December; state how many that arrangement included.—A. [Referring to a paper.] The houses seized under the direction of Mr. Tutton were Golsen & Eastman, Rolle, Junker & Co., G. S. Russell, R. C. Mersereau, George Muller & Co. The houses seized by my efforts were those of B. M. Ford, Oliver & Co., Andrew Cochrane, Rue P. Hutchins.

Q. What are you reading from now; your report?—A. Yes; I am refreshing my recollection from my report of the 18th of February, 1876. By this arrangement I caused to be seized the distilleries of the Illinois Distilling Company, of Chicago Alcohol Works, the Dickerson, Abel & Co., William Cooper, Simon Powell; the large rectifying-house of Keely & Kirwin, and a rectifier by the name of Matthi; and the arrest of all the guilty parties connected with these houses, and a great many gaugers, storekeepers, and smaller Government officials.

By Mr. COCHRANE:

Q. Do you know what the President's reply was when that letter was read to him? Did he say that no price was too high to pay for Hesing and Rehm?

Mr. PLAISTED. Ask him what he did say about it.

A. I had no conference with the President at all.

Q. But you say that Secretary Bristow showed him the letter.—A. I handed the letter to Secretary Bristow, and he took it to the Cabinet. Mr. Pierrepont was not in the city at the time. I remained in General Bristow's office until he came back from the Cabinet meeting. When he came back he told me that the President read the letter, I think, twice, and remarked that the proposition was broad, (the proposition was, at that time, to give criminal and civil immunity to these men); but while it was pretty large, according to his idea, yet no price was too high to pay for that kind of men.

By Mr. PLAISTED:

Q. Did Mr. Bristow use that as the language of the President?—A. He gave me that as the substance of the President's language—that no price was too large to pay for that kind of "ringsters," I think his expression was.

By Mr. COCHRANE:

Q. Was it possible to have reached Hesing and Rehm in any other way?—A. It was utterly impossible to have reached them in any other way than that. And here let me say that Mr. Tutton, with the force of experts, had his eye on Rehm during the October term of the grand jury, and did what he could to get evidence against him, but utterly failed to bring any evidence before the grand jury to induce them to find an indictment against him or to secure his conviction.

Q. Without having secured these men would that ring have been broken?—A. After the work of Mr. Tutton the "ring" was still intact; these distilleries, which I have indicated, were running; these corrupt officials, gaugers, and storekeepers were still on duty; these corrupt deputy collectors were there also. Some of them had not been removed; and, without this process, the "ring" would have been as strong as ever. Some of the bricks would probably have been knocked out of the building, but the building would have stood erect, if you will allow me to use a figure.

Q. Do you recollect the circular-letter of the Attorney-General?—A. I recollect it very well, sir.

Q. What influence did it have upon the witnesses for the United States?—A. The influence of that circular-letter after it was published, and it was published almost immediately, was, in my judgment, (and I only give my judgment—I do not seek to criticise the action of my superiors, whether I am in office or out,) very detrimental. I was in the office of Judge Bangs, the district attorney, at the time the circular-letter arrived. I think Mr. Dexter was there, and probably Mr. Ayer, two of the associate counsel. The letter was then read. We were discussing these very matters at the time. Our impression, after reading the letter, was that it was only done to keep the records right in Washington, and that it did not mean anything, although it was a very strong letter for a lawyer to write—a gentleman who had been a lawyer as long as Mr. Pierrepont had. But it was published throughout the country; and as you ask for my opinion, I will state that it had a very bad influence. In the first place it weakened the confidence of jurors in that character of testimony. The courts had been instructed that that character of men did not stand in the light of the ordinary *particeps*, and under instructions of that character convictions were quite easy; but after this circular-letter was published, and discussed by the press throughout the

country, my judgment is that jurors picked it up, and we found convictions on that kind of testimony afterward very difficult to accomplish.

By Mr. PLAISTED :

Q. That was owing to the discussions in the newspapers?—A. Owing to the publication of this circular-letter.

Q. If it had not been published would it have done any harm?—A. I think if it had not been published it would have been looked upon by the officials as rather a foolish and weak kind of letter, and would have done no harm.

Q. Do you think it would have been stronger than the declaration of the President, to "let no guilty man escape?"—A. My judgment is that it was in the opposite direction. Referring to this indorsement, "Let no guilty man escape," here were five large distilleries, and several rectifying-houses, and many corrupt and guilty officials, who were in this ring, and were escaping entirely. We could not have reached them in any other way than as we did. These "ringsters," the first batch, are beggars and paupers to-day. These very men, in my judgment, have suffered greatly; they have suffered the ignominy of coming into open court and pleading guilty, and of coming on the stand and testifying to their own infamy. If it were not for these men the other men would have escaped. Mr. Tutton, the best man whom it was believed could have done anything with these people, was there, doing his level best to catch them, but could not, and did not accomplish it.

Q. Mr. Tutton took very positive grounds against the action of the attorneys and yourself?—A. Yes, sir.

Q. Did he not make himself somewhat officious on the subject?—A. Mr. Tutton is pedantic in his character, and very officious in his action.

By Mr. PLAISTED :

Q. But Mr. Tutton was one of the officers, of the Government?—A. O, yes; he was an officer. He made himself very officious in the matter.

Q. He had as much right to express his opinion as you or General Webster had?—A. Beyond all doubt he had a right in this country to express his opinion. I have no objection to it and had none. I will state to you that as soon as he arrived from Philadelphia in Chicago, I sought an interview with him.

Q. At about what date?—A. I really cannot give the date. I think it was about the 15th of January—the date can be found in the record somewhere. I talked to him about it, and tried to make him see it as I saw it, but the more I talked to him the more obstinate he became. That is why I say he was pedantic in the matter and inclined to be dogmatic. I attribute to him no wrong motive whatever. It was either a mistake on his part or a mistake on our parts—time will develop which.

Q. As a supervisor, you made yourself quite familiar with all the facts in the case?—A. I intended to, and believe I did. I worked as hard as anybody.

Q. Was not Mr. Tutton very faithful also as an officer of the Government?—A. Mr. Tutton's reputation is that of being a faithful officer of the Government. I will state that I know nothing really about Mr. Tutton, except that I met him two or three times. When I first assumed the office, on the 1st of June, 1875, Mr. Tutton and Mr. Wilson were there with a corps of revenue officers. He left then and did not come back until the October term of the grand jury. He took charge of this matter himself, and I preferred that he should, as he had made the seizures. He and Mr. Brooks took charge of it. He did not invite me into his counsel, and I did not seek to intrude myself upon him.

Q. They had worked up the evidence as to this first batch?—A. Brooks had. Mr. Tutton had very little to do with it.

Q. Was there not ground for an honest difference of opinion?—A. I think possibly there might have been. I want to state here that I attribute to Mr. Tutton and Mr. Washburn, in their view of this case, no improper motive in the world, but looking at it from the standpoint I did, and knowing all the facts, and seeing that organization which they were attempting to break up still intact with these ringsters in the background, it was impossible for me to take their view of it.

By Mr. COCHRANE :

Q. Were you in Chicago when the *not. pros.* was entered in the case of Ward and Wadsworth?—A. No.

Q. Were you there when the indictments were found?—A. I was. Let me remark that I was not a party to any arrangement by which the evidence of Jacob Rehm was accepted as State's evidence. I was out of the city at the time and knew nothing about it until my return, and then his written statement as drawn up by his attorney was submitted to me by Mr. Dexter. That is the first I knew of it. The second batch I knew all about. This Rehm matter might be called a third batch, if you please, because Rehm's evidence was not accepted until he had been indicted and the motion made to quash the indictment had been overruled by the court.

Q. What kind of case did you have against Ward?—A. If it is proper and important that I should tell you I can tell you what kind of a case we had against Ward; but I will state that I would rather not do it; in other words, I do not want to get up any more personal antagonism than can be avoided.

Mr. COCHRANE. I will assure you that no such antagonism will result from your telling the truth before this committee.

Mr. PLAISTED. Tell only what you know of your own knowledge.

The WITNESS. I know that, because I heard it testified to, and heard Mr. Dexter enumerate the charges against Ward. The principal evidence against Mr. Ward, that I can see, was that testified to by Rehm. Rehm testified to having paid him certain sums of money. That testimony, as reported by me, is on file in the Department, and has been there for some time. Mr. Ward did not deny having received some portion of that money, but he denied receiving it for the purpose Rehm stated it.

Q. How much money did Rehm say he paid him?—A. My impression is that it was \$2,500.

Q. What did Ward say he had received it for?—A. I might be mistaken about this, but I do not think that Ward ever denied having received a thousand dollars to assist in the campaign when he was defeated about a year ago. That, however, was treated as a contribution for political purposes, and Rehm himself said there was nothing corrupt in it; but the \$1,500 which Rehm testified to having paid Mr. Ward was paid to him on his desk in his office after he became district attorney.

Q. For what purpose?—A. Rehm says for a corrupt purpose—as a bribe, of course. It could not be paid for any other purpose; he did not owe him anything. Ward said (I will give the version of both) that it was to take to a man by the name of Goodell, who was a banker, at the Fourth National Bank in Chicago, and there delivered to Mr. Powell, who was a distiller, and did his banking with that concern. That matter was investigated. I inquired into the bank-account of Ward to see whether or not a deposit had been made at or about that time, but I did not find anything very suspicious in regard to it, and I prefer not to go further into details, unless you insist upon it.

Q. Did you find any testimony bearing upon it?—A. I found some little testimony that bore somewhat upon it.

Q. What was it?—A. Ward insisted that soon after the package was taken down to the bank he and Goodell and Powell met there, and that in addition to the \$1,500 that was in an envelope, there was a note of \$5,000 made by Hesing, which was part of the \$40,000 paid to Hesing to take his son Washington off the track so that Charley Farwell might be elected to Congress. (I do not want to have to explain these matters too far.) Ward says that this note was in it; that that was sent down to Powell; that they subsequently met at the bank, and that the \$1,500 was paid to Powell. I thought if that were paid to Powell and he did his banking there, there possibly would be some indication of it on his bank account, and I thought that if Ward drew a check for the money there would be some indication in the bank account. Meantime the bank had gone into liquidation, and the assets were in the hands of a man named Sherman. I went to Sherman, and asked him to allow me to examine the bank accounts of these gentlemen. The examination covered the period in which this money was paid. The suspicious circumstance I found there was this: the tickets of deposit which a depositor is required to make out himself, (and which are kept in the bank as a part of the records of the bank,) in the account of Mr. Ward and Mr. Powell, covering this period, were gone, so that I could not trace the thing satisfactorily nor find what their bank account did show at that time. I told the cashier about it. He said it was unusual; that it was a very remarkable thing. I went and reported the matter to Mr. Dexter. It seems that the cashier went down and told Mr. Goodell about it, and Mr. Goodell told Ward.

By Mr. PLAISTED:

Q. This is not, then, your own knowledge, is it?—A. You will find that it will be when you hear the rest. Mr. Ward came to me the next day, and, said he, "You have been down to the bank examining my account?" I said, "Yes." He said, "You found the deposit tickets gone?" I said, "Yes; they have been abstracted from the files;" and I said, "Mr. Ward, it is to my mind a suspicious circumstance." He said, "Here are the tickets." He presented them to me, and referred to the fact that they looked as if they had been canceled, and so indeed they did. I asked him how he got them. He said that the newspapers rumored that he was implicated in these matters, and that he had expected his bank account would be examined, and he and Goodell had gone down there on the Sunday prior to the examination, and took these tickets from the files of the bank.

Q. Did he hand them to you?—A. Yes; I took them and examined them. I did not find anything else in the bank account of Ward that looked at all suspicious. I did find, however, a deposit of \$1,500 by Mr. Powell; about twenty-one days after the seizures, this money was paid to Mr. Powell, or, according to the testimony of Ward, Rehm paid it to him to pay Powell, prior to that time.

Q. Were these tickets of deposit retained by Ward after you had examined them?—A. They were, sir.

Q. You do not know that the ones he showed you were the original ones?—A. I do not; but I will state that the general appearance of them looked as if they were the original certificates; they were in Ward's handwriting, and they had marks upon them indicating that they had been shoved down over a canceling instrument or the wire of a bank.

Q. It would have been a very easy matter for him to have made them out and pushed them down over a wire, would it not?—A. Well, I have an impression that it would not have been a very hard task to do that, but I want to state at the same time that I really did not suspect that Mr. Ward did that. I have a kindly feeling toward Mr. Ward.

Q. What other fact did you ascertain bearing upon the case of Ward? Let us have it fully.—A. I think that that is about the substance of what there was against Ward: there was a rumor, which was not traced to any reliable source, that I could make plain to you, and possibly it might as well be in here.

Mr. PLAISTED. I would not give a rumor.

The WITNESS. This that I will make plain is not a rumor. After Mr. Tutton made the seizures and attempted to seize the books and papers belonging to this first batch, the distillers resisted and locked their safes up, and he not having the combination could not get at them. While they were making that attack a bill was filed for an injunction to enjoin Tutton and Wadsworth and their forces from opening the safes by force. That matter was pending when Tutton went away, and I took charge of it myself, and on the 22d of June an order was entered by Judge Blodgett directing these safes to be opened in my presence, and with a corps of deputy marshals I went down and caused those safes to be opened. The books I had placed in the hands of the marshal of the district. As I understood the order then and as I understand it now, they were put, rather, in the joint custody of the marshal and district attorney; subsequent to that time, the court met and ordered that these books and papers, so far as they pertained to the cases at bar, should be retained in the district attorney's or the marshal's office. Those that did not pertain to the cases but had reference only to the private business of the parties should be returned to them. That separation took place in my absence. I wrote to Ward, asking if he desired that I should be present when the sifting of the books, as he expressed it, should take place, but I did not desire to be there unless he wanted it; he wrote back that it was not necessary for me to be there; by chance, however, I went there on the very day that they were examining the books. I was there to take no part in it and did not desire to do so. I supposed everything was straight enough. Those that pertained to the cases, as Mr. Ward told me, were put in his safe and that of the marshal, one or the other or both, and those that did not were taken by the distillers. Subsequently Mr. Brooks, who has testified before this committee, came there to examine these matters under the direction, perhaps, of the Solicitor or Mr. Tutton, or both. When we came to examine the facts, there were a great many books absent that we thought ought to have been retained, but how those books got away or what became of them, I will say, Mr. Plaisted, is mere rumor.

By Mr. COCHRANE:

Q. Was it ever discovered definitely?—A. When this break-down came these books came back again. I can tell you what the men said about it, but that is not within my own knowledge.

Mr. PLAISTED. Any conversation you had with Ward about it I shall not object to.

Q. Did you have any conversation with Ward about it?—A. I had different conversations with him about it.

Q. Did you communicate to him anything of this rumor that you speak of?—A. No, sir; I do not think I communicated the rumor to Mr. Ward.

Q. What did Ward say to you about those books?—A. Mr. Ward said when the time arrived to separate the books that the court commissioner, Mr. Hoyne, and the parties under the general supervision of himself separated the books, and that what books he supposed pertained to the cases were retained, and those that did not pertain to the cases were delivered to the parties.

Q. Were there not some valuable books missing?—A. Of course there were.

Q. What was the general character of those books that were missing?—A. The most important—those throwing most light upon the whisky frauds—were gone, and those that threw least light upon them were not gone.

Q. Who produced these books subsequently?—A. The owners of the books. When the first batch broke down we found the books.

Q. That is when they turned State's evidence?—A. Yes.

Q. They were produced by the men who owned them?—A. Yes.

Q. And those books you believe were in the custody of Ward?—A. That I cannot say. There were several wagon-loads of books in those different safes, but I am as well satisfied of it as I am of anything. I do not know it personally.

Q. Was there any denial by the distillers who produced those books that they were a part of the books that were taken?

(Mr. PLAISTED objected to the question.)

The WITNESS. I can make this plain if I be permitted to tell what the distillers said about it.

Q. I understand you to say that there were several wagon-loads of books in the possession of the district attorney?—A. There were several cart-loads of books in the possession of the district attorney and the marshal. There were large vaults in the marshal's office and in the district attorney's office, and in those vaults the books were kept.

Q. Did you see those books when they were taken out?—A. No; I saw them where they were put in, and I wrote Ward, as I have said before, that I would come and assist in separating the books, but that I hoped it would not be necessary. I had the utmost faith in these men, and I do not pretend that anything was wrong.

Q. Do you know anything else tending to implicate Ward?—A. I do not, sir.

Q. Was there any documentary evidence—I think Mr. Bangs spoke about some documentary evidence?—A. If there was any documentary evidence against Ward, I know nothing about it, except these tickets of deposit which I have mentioned. He had not been in office very long and would make but few documents.

Q. How was the case against Wadsworth?—A. The case against Wadsworth was based largely on the testimony of Rehm. There were some circumstances connected with Wadsworth's case that if he had been an old collector would have forced the idea of guilt upon the mind of almost any man. He had not, however, been collector very long. That is one of the largest collection districts in the United States, and, is, perhaps the very largest; I believe there is more money collected there than in any other district in the United States. Wadsworth was a very clever kind of fellow, and was not a man, I should think, that would take very readily to that kind of business.

Q. What were the most important facts that appeared against him?—A. The most important fact that I discovered against Wadsworth was the condition of his books—the books he kept with these rectifying houses. A collector is required to keep an account of all the spirits that are gauged into his rectifying vats, and all that are gauged out. When the spirits are dumped for rectification they are gauged, and the collector charges the rectifier with the amount of proof gallons then gauged, and he cannot take out any more than he puts in; if he does it is assumed that the excess is fraudulent. As to one firm of Rolfe, Junker & Co., there was an overdraft of some thousands of gallons, that must, of necessity, as the revenue department understands it, be fraudulent spirits. There, in my judgment, the existence of some conspiracy against the Government was brought to Wadsworth's mind. That is one point.

Q. Anything else?—A. Well, there was this instance of a gigantic conspiracy right under his nose, and fraudulent spirits were being put upon the market every day by distillers under his charge, which ought to put any man upon his guard.

Q. The ring had become quite bold there, had it not?—A. Bold was no name for it; it was very bold.

Q. What was Rehm's testimony as to Wadsworth?—A. Wadsworth's case was not tried; I have given you the outline of it.

Q. How was it about the grand jury?—A. Rehm stated before the grand jury that he had paid Wadsworth for corrupt purposes a sum, I think, in the neighborhood of \$40,000, but I would not be sure about the amount; it was quite a sum, however.

Q. Did you order or approve a nolleing of the indictment against Ward and Wadsworth?—A. I did not order it, nor did I approve; my notion was that inasmuch as they had been indicted by a grand jury, and the Department stood in rather a critical position in regard to them, they ought to be sent before a traverse jury for trial, and, if they were acquitted, the responsibility would be upon the jury and the court, and I further thought that it was hardly our duty to pass upon the credibility of this testimony. But I did not assume to control these matters at all; that was not the province of my office. I was advised of that by the law officers of the Department.

Q. You didn't undertake to dictate to these gentlemen?—A. None, whatever.

Q. These private counsel representing the Government were among the most distinguished lawyers of your State?—A. They were, indeed.

Q. Not only honest, but very capable gentlemen?—A. I think so, sir. I would defer to their opinion about a matter of that kind at any time without any hesitancy.

Q. Did politics have anything to do with the prosecution of Ward or Wadsworth so far as Mr. Wilson and you were concerned?—A. Nothing in the world is further from the fact, no matter by whom charged.

Q. Do you know Solicitor Wilson?—A. I do, sir.

Q. Do you know him intimately?—A. I have known him intimately since 1863. I served in the same army with him.

Q. So far as you know, was he actuated by any unworthy motives in this matter?

(Objected to by Mr. PLAISTED.)

Q. So far as you know, was he actuated by any unworthy motive, judging either from his declarations or his acts?—A. I unhesitatingly state that I never have discovered that he was actuated or moved by any unworthy motive in any of his transactions whatever.

Q. How was it as to Secretary Bristow?—A. My acquaintance with Mr. Bristow was very limited; I never met him but twice in my life. Solicitor Wilson always instructed us not to present for indictment, or cause to be indicted, any parties until we had the facts well in hand, and until we were sure in our own minds that we had against the party a good case.

Q. Mr. Logan testified yesterday that Ward and others had informed him that Mr. Wilson had pressed Ward to have Logan indicted, without any evidence; now, in your whole official connection with these transactions did you ever know anything of that kind?—A. Never in the world; and, if you want me to express an opinion, I do not believe a word of

it. I can tell you why, in regard to Ward, I do not believe it—this is not the first time that the question has been mooted.

Mr. PLAISTED. I object to going into this until it is shown to be competent.

The WITNESS. I can tell you what Ward said about it. This is in regard to Logan. [After a pause.] Well, possibly, what I know is in regard to Farwell, and perhaps I had better not state it.

By Mr. PLAISTED :

Q. You had a conversation with Mr. Ward with respect to Mr. Farwell?—A. Yes. The similarity of the charge fixed my mind the other way.

Mr. PLAISTED. I do not object to anything that Ward said with regard to the charge against Logan.

By Mr. COCHRANE :

Q. Did he say anything to you about that note?

(Mr. COCHRANE proposed to ask the witness whether Ward said anything to him about the charge against Mr. Farwell, to which Mr. Plaisted objects.)

Q. I wish you would state whether at any time Mr. Wilson advised you, or suggested to you, that you should procure an indictment against any man without sufficient proof, or whether his directions were all to the contrary.—A. He never, directly or indirectly, indicated to me that he desired to have any man indicted against whom we did not have a solid case, and I will also state that I never heard him make a proposition to any one, either directly or indirectly, that any innocent man should be in any manner blackened or smirched, and if he had ever made a proposition to me to have any innocent man so treated, although I regard his friendship strongly, I would have reported his conduct to the authorities for his dismissal immediately, or the dismissal of any other man that would make such a statement.

Q. I wish you would state whether the instructions which you and all the officers there received were not to move slowly and carefully and make your cases complete and secure.

Mr. PLAISTED. Let him state what his instructions were.

A. They were not to move slowly, but usually to move rather rapidly, but to be sure that we had a case and our facts well in hand before we moved.

Q. Is there any other point as to which you wish to make a speech in connection with this matter?—A. None occurs to me, but I desire to state that I have never had an opportunity of reading all the testimony that has been given before this committee, and I do not pretend to affirm or deny anything that other witnesses may have said, because my attention has not been called to it. It may be all right, or may not be. I presume it is all right.

Q. Except, I suppose, in so far as your statement of facts under oath might affect it?—A. Yes, of course; but the facts I state are independent of any knowledge of what might be in the record.

By Mr. PLAISTED :

Q. You state that you went to Washington in December with the letter of Webster?—A. I left Chicago on the 18th day of December, 1875.

Q. How soon after did you have this conference with the counsel for the Government and the counsel for the defendants?—A. I cannot give you dates, but I will say that it was immediately upon my return or within a reasonable time thereafter.

Q. At that conference the terms of the arrangement all were definitely settled, were they not?—A. They were talked over; that they were definitely settled I could not say, but I presume they were. There was not much talking done, but the terms were understood.

Q. State precisely what the terms of the arrangement were.—A. I think I can do it. These men were to come into court first and plead guilty to some one good count in the indictment. They were to forfeit all the property then under seizure, which amounted to over \$224,000; these were then to turn State's evidence, in the common law acceptance of that term, become witnesses for the Government, and tell what they knew about the whisky organization, and, if they testified fully, fairly, and truthfully, no sentence was to be moved against them on their plea of guilty. There were assessments against each of these distilleries (not against the rectifying houses) in the hands of the collector for collection, which assessments had been made upon my report in some instances, and in some upon the report of Mr. Tutton and other revenue officers. These were sent to General Webster for collection. As far as possible property had been levied on and sold in order to collect these assessments. By "as far as possible" I mean as far as visible property was available. The attorneys for the defense stated, "Now, when our men commence to talk, these assessments may be increased;" so that it was understood in addition that no new assessments were to be made, because that would be taking testimony from the mouths of these men and using it against them. It was understood further that these assessments that I have mentioned were to be suspended for a few days or some reasonable time, to the end that the distillers themselves might have an opportunity to present them to the Commissioner of Internal Revenue for collection or payment, as he, in his judgment, might think best to do. It was not understood that we were to approve or disapprove anything of the kind, unless called upon, and then we were to settle the facts of the case. There never was a fairer transaction in the world, so far as our judgment went.

Q. What was implied by their turning "state's evidence in the common-law acceptance of the term?"—A. I used that term because it was used there among the lawyers.

Q. What did they understand by it?—A. Well, we were not talking to the defendants themselves, but to the attorneys; I presume they understand by that that if their men testified truthfully, fairly, and fully, they would be entitled to immunity from criminal prosecution, and that no sentence would be moved against them, because that was the agreement; and in addition I presume that the attorneys understood that whatever immunity or whatever rights would flow from that condition of testimony would come from theirs, limited only by the understanding.

Q. Then you understand that these arrangements gave to these persons entire immunity from criminal prosecutions?—A. Yes, sir; if they testified truthfully and fully.

Q. How many were there included in these arrangements at that time, in December?—A. I can give it to you by referring to papers.

Q. Would you know the names if I should read them to you?—A. I think I would.

Q. Was Anton Junkers included?—A. Yes.

Q. Was Joseph Rolle?—A. Yes.

Q. Was George Miller?—A. Yes.

Q. Was Henry Fredericks?—A. Yes.

Q. Was James Miller?—A. Yes.

Q. Was Golsen G. Russell?—A. Yes.

Q. Was John P. Furlong?—A. Yes.

Q. Was William G. Golsen?—A. Yes.

Q. Was F. Eastman?—A. Yes.

Q. Was B. M. Ford?—A. Yes.

Q. Was Oliver?—A. Yes.

Q. Was James Connor?—A. I do not know; there might have been some such man as Connor indicted.

Q. Was Parker R. Mason included in that arrangement?—A. Yes.

Q. Was Adolph Muller?—A. He was not indicted at all.

Q. He was not included in that arrangement, then?—A. Not at all, and I am not sure that James Miller was.

Q. Was Charles A. Vergho?—A. No; I can explain about him.

Q. Was he not included in that arrangement?—A. Not at all; he came in afterward; neither Vergho nor Miller was indicted.

Q. Was M. P. Beecher included in that arrangement?—A. M. P. Beecher was not indicted; he was on duty at the time, and was one of the very men we were after at the time; that is to say, we wanted to know whether they were on duty or not.

Q. Was J. E. Miller included?—A. I think he was.

Q. Was J. W. Hood included?—A. No, sir.

Q. He was a gauger, was he?—A. He was a gauger. He was not included.

Q. Was George D. Phelps, the store-keeper, included in the arrangement?—A. He was not.

Q. Do you remember any others than those I have named?—A. No; and you have named really two or three more than I thought were in it. They were partners, in all probability, of the concerns indicted.

Q. Those parties were all to have immunity from criminal prosecution?—A. Yes; all that were granted immunity from criminal prosecution in that arrangement about which you have interrogated.

Q. The arrangement of December?—A. The arrangement of December. Before you leave that subject, I wish to explain how that error got in to which I have referred; that is, I assume that you are giving names from somebody's else testimony.

Mr. PLAISTED. I am inquiring from memoranda made.

The WITNESS. I can explain it. Beecher and Vergho and Muller were unindicted Government officers, either gauger or store-keeper, and I think James E. Miller also, though he may have been an indicted party. It became necessary, in the opinion of our counsel, to have the evidence of these men. There had been but one of them indicted, certainly, under Mr. Tutton's administration or under my own, up to that time. When this first batch turned "state's evidence," we uncovered all these other men. Those three or four men whom you have named, and who were not indicted, came to Mr. Dexter and told him that they knew about Hesing, Rehm, and Miller, and some of these men that we were after. Thereupon it was deemed proper to use their testimony. What terms were granted them I know not, because I was not advised about it, but I think they were granted immunity from criminal prosecution. After that we had some trials in which some gaugers and store-keepers were used, and they were used on their own solicitation. There were no terms made with them further than this: that we told them, in all such cases, (most of these men came right up and pleaded guilty to the indictments as they stood, with some half dozen counts in them,) that when the court should come to sentence them, we, that is, the prosecuting attorneys, would state what these parties had done, in mitigation of any fine or sentence imposed upon them. That is all the additional immunity ever granted to anybody to my knowledge.

Q. Have any of these been sentenced?—A. I only know about them from the reports of

the newspapers. I understand that some two or three of these men have been; and while I do not criticise anybody my judgment is that the recent management of these cases has not been so efficient as it ought to have been, but I know nothing about that, except from common rumor.

Q. Was not Beecher indicted and the indictment lost?—A. I think not. If so, I am not advised of it. I never heard of the loss of any indictment before.

Q. Was not J. E. Miller indicted and the *nolle prosequi* entered?—A. I do not know whether a *nol. pros.* was entered or not in that case. James E. Miller was indicted under the direction of Mr. Tutton.

Q. He was included in the arrangement, was he not?—A. Not in that arrangement. That arrangement was between distillers emphatically, and did not include an officer. Subsequently we found that it was necessary to take in three or four (not to exceed five) gaugers and store-keepers, and they were all indicted, as I now remember, with this one exception.

Q. How many guilty parties were brought to justice by this arrangement?—A. Well, if I could answer you I would do so very promptly. These sentences, mark you, have all been passed since I went out of office. I do not know when Hering was sentenced, at least I was not there, (that I distinctly remember.) When I quit the service there had been no decision as to what disposition should be made of the gaugers and store-keepers.

Q. The object of granting immunity to this first batch was to uncover certain other fraudulent distillers?—A. Yes.

Q. Who were those whom you sought to uncover?—A. All these corrupt gaugers and store-keepers, in the first place, amounting to about thirty. We sought to uncover the distillers whom I have named here—the Illinois Distilling Company, the Chicago Alcohol Works, William Cooper, and Dickerson, Abel & Co., (I think those are the parties,) and also the two large rectifying houses that were there. I will state here that the property which was uncovered in that manner was considerably larger in value than the property that had been seized by myself and Mr. Tutton prior to that time.

Q. This arrangement secured that property?—A. This arrangement secured absolutely the property that Mr. Tutton had seized. You know it is sometimes difficult to bring about these forfeitures. In all these other cases we have had trials and forfeitures of property, and, with the exception of one or two cases, the property has been forfeited, and the cases were pending when I left.

Q. I am speaking of those who were punished criminally.—A. Yes, I understand that.

Q. You have gone over the matter of property. I now desire to inquire as to punishment. Was A. C. Hering brought to punishment?—A. Yes.

Q. By this arrangement?—A. Yes.

Q. What was done with him?—A. He was sent to the county jail and fined \$5,000. After those, of course, I speak from hearsay. I know no more about it than you do.

Q. As to H. B. Miller, how is it?—A. That is Henry B. Miller, familiarly known as Buffalo Miller?

Q. His frauds were brought to light, were they?—A. Yes. He was a man who had a reputation as a politician. He was county treasurer for Cook County, or had just been such, and was a very prominent officer, and also a prominent man in other respects, but not a distiller.

Q. You caught him?—A. Yes.

Q. What was his punishment?—A. I don't remember what his punishment was.

Q. He is a state's prisoner, is he?—A. No, sir; he is not in the state's prison, but in jail.

Q. Was he allowed to plead guilty?—A. He did plead guilty.

Q. Did he receive any immunity or partial immunity?—A. None in the world, that I know of.

Q. He was sentenced by the court?—A. He was sentenced by the court.

Q. How is it as to D. J. Rush?—A. That is Dr. Rush. He and Pahlman were tried and found guilty on five counts in the indictment, sentenced by the court, and, I think, their property has been forfeited.

Q. He was detected through this arrangement, I suppose?—A. Yes; he was detected through this arrangement.

Q. Can you name any others who were detected through that arrangement?—A. Yes: Dickerson, Abel & Co. Of that firm there were three partners, Dickerson, Abel, and George Burroughs. That was one of the largest distilleries in the State, and a very large rectifying-house also.

Q. All three of those parties were sentenced by the court?—A. Yes, sir.

Q. How is it as to William Cooper?—A. William Cooper was sentenced upon his plea of guilty.

Q. Without any immunity?—A. Without any immunity that I know of.

Q. Was Simon Powell sentenced?—A. Yes, and there were partners in those houses that I don't recollect.

Q. Was R. P. Hutchinson?—A. He was not uncovered by this arrangement. His house is one that I seized in the ordinary way myself.

Q. How many do you state were uncovered by this arrangement and brought to justice

by sentence of court?—A. Hesing, Buffalo Miller, Rush, Abel, Burroughs, Cooper, Powell, those men are already tried and sentenced, and I think that their property has been forfeited.

Q. I am only speaking of those who had criminal punishment.—A. Very well. There are indictments pending against the partners of the Illinois Distilling Company—how many I do not know—that have not been tried.

Q. Why have they not been tried?—A. That is a question for the court, but I will tell you why. They were brought before Judge Blodgett, and he remarked that when he was at the bar he was attorney for many of those parties, and he preferred that their cases should be tried by the circuit court—Judge Drummond. Then there are indictments against Keely & Kirwin, a large rectifying-house. Why they have not been tried, I do not know, but they have not been tried. My idea is that they pleaded guilty.

Q. And they were let into this arrangement?—A. Not at all; they were to go to the jury and get what clemency the court might give. There was no arrangement with them at all for immunity, or if there was I have not heard of any. I only know that they were one of the houses got at by the information given in the first batch.

Q. I should like to know precisely the names of those discovered by the arrangement made in December, and the punishment which they received.—A. I tendered my resignation as supervisor some time about the middle of May, 1876, and when I received notice of my resignation being accepted there were cases pending against a large number of gaugers, several rectifiers, two or three distillers and store-keepers, and how they have been disposed of since that time I am not able to tell.

Q. Do you not know that District Attorney Bangs states that there was something like thirty to thirty-five who were let into this arrangement subsequently?—A. I do not know that he states that. I think if Judge Bangs states that, he is mistaken. I will state further, that if it ever was done when I was there I was never advised of it, and if I had been advised of it I would have protested against it immediately. All the arrangement that was made with anybody except what was made specially with the first batch was that when they should come up and testify and plead guilty their cases would be mentioned favorably to the court when they came to be sentenced. They were entirely uncovered.

Q. You are referring to the first batch now?—A. No; but to the batch that Judge Bangs speaks about, if there is any such batch as that.

Q. Who is Callender?—A. Callender is a man who was indicted with the first batch, a man against whom there was not much of a case.

Q. Was he allowed to testify?—A. He was allowed to testify, but with the express understanding that it was only to mitigate his punishment, not to relieve him entirely. His testimony was to be stated to the court in mitigation, but he was not to have entire immunity.

Q. Then he was not in this first arrangement?—A. Not at all.

Q. Was he not a gauger?—A. I think he was a gauger or officer of some kind.

Q. Was McMullin allowed to testify?—A. I do not think he was, but I would not say as to that; I do not know.

Q. Do you know whether he has been sentenced?—A. I do not know that; he was indicted, and was ready to be sentenced at any time they saw proper to call him up for sentence.

Q. How about G. F. Robinson?—A. He was indicted in October, under the direction of Tutton and Ward.

Q. Then he was one of the first batch?—A. These crooked officials were not taken in at all, it was only the manufacturers and rectifiers that were taken in. If these crooked officials were taken in it was done subsequently as necessity might require it; and, as I tell you, I know nothing about it. In all such cases we said that the man should be sentenced, but the fact that he had given valuable information should be stated to the court at the time, so that it might lessen his sentence; that was all.

Q. How many of these corrupt officials can you name?—A. I can name about thirty.

Q. How many of these have received criminal punishment?—A. Not one that I know of, because they had not been called up for sentence when I left, and I do not know whether they have been sentenced or not; if I did I would cheerfully tell you.

Q. Would not Judge Bangs be likely to know whether he could move their sentence or not?—A. Yes; he would be very likely to know, but if Judge Bangs ever did a thing of that kind I want here to take an opportunity of clearing my hands of anything of the sort, and say that I never had anything to do with it directly or indirectly.

By Mr. COCHRANE:

Q. You never communicated any such proposition to the officers here?—A. Never in the world. In all such cases, as I understood it, when a Government official was used, all that was to be done was that, when he was called upon to be sentenced, the district attorney was to state that he had been used by the Government, and had given valuable information, from which there would follow a mitigation.

By Mr. PLAISTED:

Q. Excepting those of the first batch?—A. Excepting the distillers and rectifiers of the first batch. That is as truthful and positive as you will ever get it from anybody, and it is

correct. I don't care whether Judge Bangs or anybody else says so or not. That is the fact about the matter.

Q. You say there were about thirty, at least, corrupt officials?—A. Yes; there were about thirty corrupt officials. They were gaugers and store-keepers in that district.

Q. And none of them have been punished criminally?—A. I am not prepared to say that they have.

Q. Who was Jonathan Turner, of Siegetown?—A. Jonathan Turner was a distiller, at Sagetown, Henderson County, Ill.

Q. Was he indicted?—A. Yes.

Q. What has become of his indictment?—A. It is still pending there, as far as I know. I can tell you why it is pending. There is an indictment pending in Saint Louis against D. W. Munn, ex-supervisor, in which we probably wanted to use Mr. Turner as a witness, and we did not want to convict our own witness until we had used him in that case.

Q. He was allowed immunity, then?—A. He is not allowed anything that I am advised of at all.

Q. Has not his property been restored to him?—A. I have an impression that his property was restored to him upon the payment of the costs, and I think I can tell you why that was done. I seized their house. There were in store at the time two hundred and some odd barrels of spirits. The marshal, through my supervision, put it in charge of a custodian. The house was destroyed by fire with the spirits, but the custodian still staid there with what little was left until the costs really amounted to more than the value of the property left. It had not been bonded. It was restored to the owner upon payment of costs. That is all I know about it personally. I understand, however, that Mr. Turner, through some Government officials, had made some sort of arrangement by which his property was to be restored to him; but what that arrangement was I know no more about than the man in the moon.

Q. Taking the first batch and all these corrupt officials, they would make about fifty, would they not?—A. I think so, counting all the corrupt officials that are in Canada and in jail.

Q. How many fled to Canada?—A. I do not know; there is quite a batch of them, however.

Q. Can you name more than ten who have been actually punished by sentence of court?—A. I can, sir, name more than ten that have been punished, and more than twenty who are indicted and have pleaded guilty, and who ought to be punished.

Q. And who Mr. Bangs says cannot be sentenced or as to whom he cannot move sentence without breach of professional faith?—A. I know nothing about that whatever.

Mr. COCHRANE here interposed an objection to the character of these questions.

The WITNESS. I wish to state here that the duties of a supervisor and of a revenue officer measurably terminate when he finds facts and reports them to the Commissioner of Internal Revenue and the law department of the Government. After that, so far as I was concerned, I never sought to take any control of the sentencing of parties, or had anything to say except when I was called in to advise as to what should be done with them, and then I simply gave my opinion.

Q. One object of this arrangement you made in December was to catch Rehm?—A. Rehm and Hesing.

Q. Were they partners?—A. No.

Q. It was thought to be very desirable that Rehm should be caught, was it?—A. It was indeed.

Q. Do you know anything about the arrangement that was made with him after he was caught?—A. I do not, only what I subsequently learned. I was not a party to the arrangement at all.

Q. You know he was allowed to turn State's evidence?—A. I know that.

Q. Do you not know that he was granted partial immunity?—A. I think he was; and here let me say it was limited in his case very much as it was in the case of these gaugers and store-keepers, as I understand it, only there were limits put upon what the court would probably be advised to do in his case, and there was no limit in the other.

Q. Do you know what his sentence was?—A. I think his sentence was a fine of \$10,000 and six months in the county jail.

Q. Who was the organizer of that ring?—A. I think Hesing and Rehm were the organizers of the ring.

Q. His sentence was light in consideration of the fact that he testified?—A. I think so, and for no other reason that I know of. I think everybody would prefer to have had it much heavier if circumstances would have justified it.

Q. What was the object of granting immunity to him particularly?—A. His attorneys, George Campbell and Judge Lawrence, both high-toned gentlemen, and one of whom has been chief-justice of our supreme court, came and stated (of course I state this from hearsay) that Mr. Rehm knew of the guilty connection of Mr. Ward, of Mr. Bridges, of Mr. Munn, and of Mr. Hoyt with this whisky ring. He brought that testimony to them, and they told our attorneys that if they would grant Rehm this limited immunity that was mentioned he would become a witness and testify to these facts. I will here say that they accepted that because up to that time Mr. Rehm's general reputation for truth and veracity

was as good as anybody's, and they thought they were no doubt doing a proper thing, and it was because he proposed these developments that he was accepted as State's evidence.

By Mr. COCHRANE :

Q. The power of the ring had been broken by the arrest of Hering and Rehm, had it not ?  
—A. Entirely demoralized and broken up.

By Mr. PLAISTED :

Q. Did not you have sufficient evidence to convict Rehm ?—A. Abundant.

Q. Now, if the power of the ring had been broken up entirely and thoroughly, and you had in your possession the organizer of the ring with abundant evidence to convict him, why was he not convicted ?—A. I will tell you why ; there was the supervisor of internal revenue, the collector of internal revenue, the prosecuting attorney, and one or two revenue-agents, all of whom he averred were in the ring with him ; they were high officials, they were all men that all these people thought should be punished, and for that reason, although the ring was demolished, they proposed to punish the corrupt officials who had connived at its organization.

Q. But to do that they were willing to let off the organizer of the ring ?—A. In a manner.

Q. They were willing to let off the man who had been the cashier of the ring ?—A. Yes ; he had been cashier, and had had lots of money, no doubt, but he was not an official.

Q. How much money had he received ?—A. That is a mooted question. I think he testified to something over one hundred thousand dollars, probably \$120,000, and I think some others testified to more ; I cannot tell you exactly how much he received, but it was a right handsome little sum, as we understand it in the West.

Q. Mr. Tutton came to Chicago in January, 1876, did he not ?—A. Yes.

Q. To attend court ?—A. He came there more as a witness than anything else—probably to take some supervision of matters in an advisory way.

Q. You had a conference at that time, did you not ?—A. We did.

Q. On the night of the 13th of January ?—A. I will not undertake to locate the date, but it was about that time.

Q. Who was present at that conference ?—A. Well, there were several conferences, but at one conference we were all present—Mr. Dexter, Mr. Boutelle, Mr. Ayer, Judge Bangs, Mr. Tutton, possibly Mr. Washburn, and myself.

Q. Was Mr. Brooks there ?—A. No, sir ; I do not believe Mr. Brooks was there. Mr. Brooks was very cheerful, pleasant, and industrious. We all made a pack-horse of him. He did more than anybody else in the labor of this thing.

Q. I refer to the conference the night before these indicted parties were arraigned to plead ?  
—A. Yes ; I think that was in Mr. Dexter's office, and I think that these same parties whom I have named, or most of them, were there.

Q. Was there a difference of opinion as to the policy of granting immunity ?—A. The policy had been determined on prior to the arrival of Mr. Tutton, and when Mr. Tutton came he was dissatisfied with it, and assuming that he had authority in the matter (and I was desirous on my part to secure his co-operation) we explained it to him, and explained the reasons for it and showed what would come of it, and all that sort of thing, as near as we could, and that was the object of the meeting.

Q. At that time how many of the indicted parties was it in contemplation to include in that arrangement that you have spoken of ?—A. It was understood at that time that we would have about ten. The idea was that that would accomplish it, and that was what we agreed upon. I do not think there was any talk about whether we would take one more or one less, or anything of that sort, but there was some little—I do not know whether you would call it feeling, or what it was. Our attorneys out there insisted that the cases were not perfect against all these men ; that the cases were by no means good, and that we could not convict more than from four to six of these men at the very outside—I mean of what was known as the first batch of indictments—and that was one of the reasons urged there why this arrangement should be gone into. Those attorneys, who were very eminent men, stated that to be the fact. Mr. Ayer and Mr. Boutelle had drawn every indictment. They insisted that they had perfect cases not only against the rectifiers and distillers, but against these twenty gaugers and store-keepers. So far as I was concerned I had not examined the notes before the grand jury, having no right to do so, but I was willing to listen to the information, and did listen to it, given by the law-officers of the Government in preference to that given by Mr. Tutton, assuming that the law-officers knew better than the revenue-officer what would constitute a case for the Government. But at that time it was contemplated that we should take in about ten of these parties, and to them we would grant the terms stated in my examination-in-chief. Of course, as I remarked to you, Mr. Tutton was not satisfied with this.

Q. What was the ground of Mr. Tutton's objection ?—A. The principal ground of Mr. Tutton's objection, as I understood it, was that these parties whose establishments he had seized were bad men, and they ought to be punished. That was the ground that he urged most strongly.

Q. Did he suggest as another ground that it was not in accordance with instructions from the Secretary of the Treasury?—A. He did. He stated that it was not in accordance with the instructions of the Secretary of the Treasury to him, nor am I prepared to state that our action was in accordance with the instructions of the Secretary of the Treasury. I have not stated that. I do not want to state it. We went to work there and treated the thing as an original proposition. We thought that was the best thing to do.

Q. And it was done on the responsibility of the officers there who had the most intimate knowledge of all the facts and circumstances?—A. Yes; it was done more on that than anything else. The matter had been remitted to us by the authorities. We were to do the best we could in all these cases, and we did so.

Q. Did you feel that you had authority from the Treasury Department to make this arrangement?—A. The Treasury Department was not advised what the arrangement was, and of course I could only have had implied authority in that instance, but I did think that we had the authority to make any arrangement which in our judgment would be right.

Q. It was left entirely to your judgment?—A. Entirely.

Q. Did you feel that you had authority to grant entire criminal immunity to these guilty parties without having them arraigned for sentence in open court?—A. Well, let me limit that somewhat. I did not feel that I, as a revenue officer, had authority to grant immunity to anybody, but I recommended to the law department to grant immunity in the manner stated, and I did conceive that I had that authority, not only from the general course of the Department, but the general course of prosecutions.

Q. I read from Secretary Bristow's telegram of October 12, 1875, upon this subject :

"I will say to parties who offer to surrender and ask terms that they should plead guilty to the charges, or such of them that they admit to be true, make their statements to the court, throw themselves on its clemency, and submit to such punishment as the court may pronounce." Did you have any different authority from this upon which to grant immunity?—A. That dispatch was not sent to me. It was sent to Colonel Dyer. I happened, however, to be in Saint Louis when it came, and I recognize it. I am not prepared to state that I would probably have the authority to do all I did, but whether I had the authority or not, I assumed it because I thought it was right; and I would do it again.

Q. I read further from the same dispatch: "I would make no agreement in advance for suspension of judgment." Did you have any different authority from the Secretary of the Treasury than is contained in this dispatch?—A. No; I do not think I did. That dispatch, however, was not a circular dispatch at all; it was sent to Colonel Dyer, General Henderson, and Bluford Wilson, in Saint Louis, in October. I was down there looking after some revenue matters, when the dispatch came, but that was never sent to me at all. I do not know in fact that I ever saw it.

Q. Was it not sent to Colonel Dyer?

Mr. PLAISTED. It was addressed to Mr. Wilson.

The WITNESS. Well, he was there, I know, at the time. If I had had specific instructions of that kind, I should probably have followed them, or, before I would have varied from them, I would have telegraphed the circumstances to the Commissioner, or asked him to weigh some particular part of it, or tell me what ought to be done under the circumstances. I do not want to be understood as saying that I would do anything in contravention of authority.

Q. You had seen that dispatch?—A. I had.

Q. Do you think that Mr. Dexter saw it?—A. I do not think he did. It was by mere accident that I saw it.

Q. Did you hear Mr. Dexter say anything about this dispatch?—A. No, sir; not at all. I do not presume he ever saw the dispatch, or heard of it.

Q. You cannot state that you received any different instructions from the Secretary of the Treasury, or the Solicitor, than are embodied in this dispatch?—A. I would not want to say that. I stated in my direct examination, here, what Solicitor Wilson said and did when he came to Chicago. I have stated also that I came to Washington. The proposition I brought here was rejected. I stated to him that I thought better terms could be made. My recollection is, that at the time I left, my instructions were to go home and knock the bottom out of this thing.

Q. Did he tell you to knock the bottom out of it?—A. I do not know that he used those very words, but that was the sense of it.

Q. Did he tell you that in substance?—A. I did not feel that I was relying upon him for instructions. I was an independent official. But, so far as that was concerned, he seemed to be in harmony with me about the whole matter. I wrote to him, as you will see in an official report that he put into the record. I have his reply to that, indorsing what we did.

Q. You do not know, then, whether Mr. Dexter was acting under this dispatch of October 12, do you?—A. I think not.

Q. You think he did not know anything about it?—A. I think not. All the correspondence with the legal department would be through Judge Bangs. The judge came into office when Mr. Ward went out, and I think that Mr. Dexter didn't have any knowledge of it. I think he had this general knowledge, however, that the Secretary would make no terms

with anybody; that he would say to the officers on the ground, if there are any terms to be made, you make them; you are on the ground, and we have confidence in you.

Q. I read from Solicitor Wilson's testimony in regard to this telegram of October 12: "I wish to say that that telegram was read to Mr. Dexter on the occasion of his visit to this city, in reference to the question of accepting Jacob Rehm for State's evidence. "Now, let me ask you whether this question as to accepting Jacob Rehm's testimony was before or after the meeting of January 13 or 14.—A. It was a long time after. Mr. Dexter had not been to Washington on this business at all when that was talked about, and Mr. Tutton was complaining about this proposition even before Jacob Rehm had been accepted at all as State's evidence.

Q. Did you state how many of the indicted parties it was contemplated to grant immunity to on the 14th or 15th of January?—A. I think about ten, and our attorney said that at least four of those were men against whom we had no cases.

Q. As matter of fact, was not immunity granted to a great many more?—A. Not at that time; and any immunity granted after that time was limited in the manner stated.

Q. But you further say that there are some thirty or forty who have not been arraigned for sentence?—A. The causes have been continued, and some of the parties are in Canada, and all that sort of thing. That is true, sir.

Q. Then, if the district attorney there granted full criminal immunity to some thirty or forty after this consultation in January, it was not, in your judgment, in accordance with the agreement that was made at that time?—A. Not at all. If it was done, it was done in the course of the prosecution generally.

Q. And if you had been present you would not have counseled going any further?—A. I would not.

Q. Did you ever counsel going any further than the ten?—A. I tell you I wanted to crimp it just as close as I could.

Q. As to this letter of the Attorney-General, you say if it had not been published it would have done no harm.—A. I cannot say that it could have done much harm if it had not been published.

Q. You think the spirit of that letter was quite the reverse of the injunction of the President: Let no guilty man escape, if it can be avoided?—A. I never saw the letter, only as I have seen it published, except when it was brought to the office, and that is some time ago, but it strikes me that it was not in accordance with the injunction of the President: "Let no guilty man escape;" but it looked to me like the reverse of it. What is a man going to do when he has information that there is a big ring, and he finds that one man proposes to turn State's evidence on three or four others?

Q. Suppose a man comes to the district attorney and says, "I understand that thirty or forty gaugers, rectifiers, and whisky thieves are to be allowed to escape from all criminal punishment. My injunction is to you, Let no guilty man escape, if it can be avoided." Would not that have been in substance and spirit about the contents of the letter of the Attorney-General?—A. I do not think it is in substance, or spirit, or letter. That letter, as I understand it, was to the effect that no State's evidence should be received.

Q. It didn't say so?—A. That may be, but that is the interpretation that the public press put upon it.

Q. Was that the interpretation which the district attorney put upon it at Chicago, before it was made public?—A. I am not prepared to say that it was; I think not.

Q. Can't you state what the district attorney said to this letter before its publication when it came to his office?—A. I do not know that the district attorney said anything about it.

Q. What was said among the officers of the Government?—A. Well, it was said there that the letter was because it was necessary to keep their records all right at Washington.

Q. But that you had some discretion in this matter?—A. Yes; we didn't think that it intended to limit our discretion, although the letter of the circular would indicate that it did.

Q. Mr. Ward was district attorney there until December, was he?—A. Yes; I think some time in the early part of December he was removed.

Q. Up to the time of his resignation or removal was he not an active, vigilant, and faithful officer, so far as you knew?—A. So far as I know, he was.

Q. Were not some of his personal friends indicted?—A. They were.

Q. Was Mr. Powell indicted?—A. No.

Q. Some of his personal friends and clients, however, were indicted?—A. Well, Mr. Ward had been a politician there, and most of these men had been personal friends of his.

Q. Did he ever manifest any reluctance to procure indictments against them?—A. I do not think he did. I have talked to him about that; he was a very candid, frank man. He has said on such occasions, "When the case comes up against A or B, who is a friend of mine, I will let Dexter and Ayer try it."

Q. Were you present at the room of Senator Logan with Solicitor Wilson in December, 1875, when Senator Logan was sick and confined to his bed?—A. Yes; I think that was on the 13th day of December.

Q. What was Senator Logan's condition at that time?—A. He was sick, and had been sick for some time; he was confined to his bed, and was then preparing to come to Wash-

ington to attend this session of the Senate. I came to Washington soon afterward myself, and called at his residence and found him still on his back, and unable to be in his seat in the Senate. I would state here that Senator Logan at that time had seen some publication that appeared against him, and he spoke to Mr. Wilson about it. They discussed the matter *pro* and *con*. Mr. Wilson did not pretend to have discovered any evidence against Senator Logan one way or the other, and I think that they went so far as to be friendly toward each other. In fact, Mr. Wilson and I made a friendly call; that was all there was about it.

Q. Did you ever discover any evidence implicating Senator Logan in whisky frauds?—A. No, sir. This criticism about Senator Logan had been made, I think, because he had called for the appointment of many of these officers, as any Senator would have done.

Q. Did not these men stand high before they were indicted?—A. I think they did. I think Ward and Munn had a fair reputation, and I do not know but what all of them had.

Q. Wadsworth was a man of respectability, was he not?—A. Yes.

Q. And all these men, Ward, Wadsworth, and Munn, had the confidence of the community when they were appointed, had they not?—A. I think, as a general thing, they had, sir.

Adjourned.

WASHINGTON, D. C., August 12, 1876.

HORACE PORTER sworn and examined.

By Mr. PLAISTED :

Question. Where do you reside?—Answer. In New York City.

Q. Have you read the testimony of Bluford Wilson, taken before this committee?—A. I read it in the public prints, and it is with reference to the statements made in that testimony that I desire to make a statement to the committee.

Q. You are familiar with Mr. Wilson's testimony?—A. I am familiar with it.

Mr. PLAISTED. State what took place in the interview which you had with Mr. Wilson in this city, touching a certain letter written by him to Mr. Henderson, which he claimed to have been, in part, a forgery.

The WITNESS. That interview occurred in a purely accidental manner. I will state just how it occurred, as it has been quoted erroneously in the testimony of Mr. Wilson. In November last, or possibly in the early part of December, I spent a day in Washington. I called at the Executive Mansion to pay my respects to the President and his family. In passing through General Babcock's room, I fell into a conversation with him and one or two others who were present, in the course of which he said he had received, through an anonymous source, a very extraordinary letter, which he handed me to read. It was contained in an envelope postmarked "Saint Louis," bearing a recent date. It appeared to be a copy of a letter written by Mr. Wilson, addressed to Mr. Henderson. It was the "bottom-and-top" letter, which the committee has had before it, and it was headed at the top "A true copy." Then followed what purported to be a copy of a letter from Wilson to Henderson. It was not an original letter, and did not purport to be an original letter. As I understood, neither General Babcock nor any of his assistants recognized the handwriting of the anonymous sender. After reading the letter, I stated that I did not believe Mr. Wilson had been guilty of writing a letter of that character, and that it was my practice, in business, not to pay any attention to anonymous letters. General Babcock stated that that was the course he always pursued, and that he did not think it worth while to show this letter to the President. I understood him to say that it had been shown to Mr. Pierrepont and Mr. Bristow. I told him that I thought it would only be an act of justice to Mr. Wilson to send the letter to him, and I thought the best way to treat the subject was with entire frankness.

He said that this had been his intention, but I think he said Mr. Wilson had been absent from the city, and that he had not yet had an opportunity to bring the letter to his notice. I am not so positive about this statement. I said that if the letter were given me I would volunteer to take it to Mr. Wilson and do him the justice to show it to him. The letter was handed to me, and, in the course of the day, I went to call on Mr. Wilson. I think I met him on the street or at his hotel, and walked with him to his office in the Treasury Department. I told him that such a letter had been received, and I handed it to him. He appeared to know all about it, and said that he was not surprised, as he had learned that the letter had been lost or stolen in the court-house in Saint Louis. He said it was not a correct copy of his letter, and after awhile he brought out his letter-press copy-book and turned to the press-copy of his original letter, one of us reading the press-copy while the other read the copy which I had brought. My recollection is that they were identical, except as to the letters "W. H." which in the anonymous copy were inserted in parenthesis after the word "top." On this discrepancy being pointed out, I saw at once that the letters "W. H." had been interpolated, and I told Wilson that I was perfectly satisfied of that fact. He then went on to make an explanation in regard to the letter. He stated very positively that the letter

had no reference whatever to the President or to General Babcock; that it had no reference whatever to the visit of the President's party to Saint Louis the previous fall, but that it related entirely to whisky thieves in Saint Louis. I think he said that there was a motion pending to quash the indictments against some of them, and he thought it was necessary to have an increased watchfulness during the next ten days after writing the letter to prevent their escape, but he said he meant to stand or fall by that letter. He only wanted the truth in regard to it to be understood.

I told him that, according to my understanding, the letter had not been shown to the President, and that I saw no necessity for its being shown him. He then asked me personally to show this letter to the President, and to state to him that the "W. H." was interpolated in the copy, and also to make to the President the same explanation which he had made to me. You will observe that I had a copy of a letter with me, not an original letter, and not purporting to be an original letter, and that the letters "W. H." were not inserted in an original letter, and in a different handwriting, as has been asserted, so that I could not have said I saw this forgery in the original letter. In the course of conversation, Mr. Wilson asked me what I understood to be the origin of the term "Sylyph," and the explanation of the "Sylyph" dispatch. I knew nothing in regard to the origin of that term or any circumstances connected with it of my own knowledge. I merely repeated to Mr. Wilson what General Babcock had told me at Long Branch the previous summer, when from motives of curiosity I asked him what the explanation was. What I repeated to Mr. Wilson as coming from General Babcock was as follows: That in the fall of 1874 General Babcock visited Saint Louis with the President's party; that on one occasion McDonald, then supervisor of that district, was present, (with some other Government officers,) with General Babcock, either at a hotel, or at a fair which was being held in the city; that McDonald pointed out a handsome woman, but rather large in size, and called her a "Sylyph"; that that was done in such a manner as to create considerable amusement; that it was referred to afterward by way of a joke, and that it became a sort of by-word. I did not understand that the President was present on this occasion, nor did I understand that there was any reflection upon the lady's character. The allegation that I uttered or even repeated a gross and vulgar slander on the President in that connection, or in any other connection, or that I ever uttered language which could by any possibility be construed into a reflection upon his character, is so utterly absurd as to bear its own refutation on its face; but I want right here, under the solemnity of an oath, to give to that statement a broad and absolute and unqualified denial.

Mr. Bluford Wilson says or insinuates that I stated that the "Sylyph" telegram referred to the movements of some parties who were going out to Saint Louis on bridge business. Now, mark the perversion. What I stated to him in regard to that was precisely this: In speaking of telegrams, and for the purpose of illustrating how suspicious a telegram might be on its face, and yet how innocent might be its nature, I stated that Colonel Stevens had recently told me that he once received a telegram from General Babcock, in Washington, while he (Colonel Stevens) was in Saint Louis, which read as follows: "No one going from here." The colonel remarked that, on its face and without explanation, that telegram might look very suspicious, but that a day or two before, he (being a railroad manager, and hearing that the President and his party were coming to Saint Louis to attend the opening of the Saint Louis bridge, on the Fourth of July) telegraphed to General Babcock to know when the President would reach there, and of how many his party would consist, and that it was in answer to that telegram that General Babcock sent him the very innocent reply, "No one going from here." I took occasion, in compliance with Mr. Wilson's request, to speak to the President in relation to the "bottom or top" letter. In my interview with the President I showed him the copy, and explained to him that I had compared it with Mr. Wilson's letter-press copy, and that the "W. H." was an interpolation, and I gave him the explanation which Wilson had given to me. The President exhibited considerable feeling in regard to the letter, and did not appear to regard the "W. H." as at all important. It was the general tone of the letter to which he objected. I suggested that he should send for Mr. Wilson, see the letter-press copy himself, and hear the explanation from Mr. Wilson himself, as I did not want to be a vehicle for transmitting any explanation. Now, I want to say here that I made this call on Mr. Wilson from motives of kindness and with a disposition to do him an act of justice, and that the only reward I have received thus far is having my name drawn into an unseemly discussion in reference to a matter about which I know little or nothing and care still less. The President was annoyed by the letter, and looked upon it as very disrespectful, and as an effort to set spies upon him during his visit to Saint Louis. The President said that Mr. Wilson ought to be removed, and that was what led me to ask that he might send for Mr. Wilson himself.

Q. I read from Mr. Wilson's testimony on page 359: "I asked him (meaning you) if he had seen the handwriting of the original 'W. H.', and he said he had, and he said at once, 'Wilson, I do not want to hear anything more. That is an end of the matter; the letter is a forgery beyond question, and that lets you out.'" Was there anything to that effect said?—A. I did not make that remark. I could not make it, for I never saw the original, and do not know anybody who ever did see it.

Q. In speaking to Mr. Wilson of this woman styled by McDonald as "Sylyph," did you

allude to her as a lewd woman?—A. Not at all; I am placed in the attitude by the statement of Mr. Wilson, not of suggesting to him an explanation of the "Sylph" dispatch, but of giving what I understood to be an explanation in reply to his question; General Babcock had made an explanation of this to the President, he had made it to Mr. Pierrepont, he had made it to Mr. Bristow, and if Mr. Wilson was familiar with the case, as he undoubtedly was, he understood the explanation, which was the only explanation that I had ever heard of as being given in reference to the "Sylph" dispatch; therefore his testimony would put me in the attitude of suddenly inventing, in reply to his question, a romance, differing entirely from the explanation which had been given to the President and his Cabinet.

Q. And one which reflected very severely on the President?—A. Yes; I not only give a broad denial to that "Sylph" statement, but knowing the President as I do, I do not believe any person has ever been permitted to enter his presence and recite such a piece of vulgarity to him.

Q. I wish to call your attention to another part of Mr. Wilson's testimony, on page 359: "He (meaning you) said to me, without going further into the explanation, that the most estimable service in my power to render to the President of the United States was to shield and save General Babcock from exposure; that these matters were of a character which could not be gone into without giving all parties the greatest trouble and concern." Do you recollect anything of that kind, or anything that could be construed into it?—A. I never said that; I said this to Wilson, (and it is the only thing in that connection which occurs to me:) that General Babcock was a distinguished officer in the Army; that he had declared himself entirely innocent of the charges which had been made against him; that if there should be unfair means used for subjecting him to the annoyance and humiliation of a criminal trial, and that it should turn out in the end that he would be pronounced innocent of all those charges when such secret correspondence, suspicious in its nature, like this "bottom and top" letter, should come out, and it were found that the prosecution was conducted in that unusual way, it might lead to a disturbance of the pleasant relations existing between the President and the members of his Cabinet and officials; and that proved a prediction which has been verified.

By Mr. COCHRANE:

Q. What position have you occupied in the gift of the President?—A. First as an Aide on his staff.

Mr. COCHRANE. That was not a position given by the President, was it?

The WITNESS. Yes; the officers of the grade which I held were appointed on his nomination. I was then assigned to duty as private secretary at the Executive Mansion.

Q. How long did you occupy the position as private secretary to the President?—A. From the 4th of March, 1869, to the 1st of December, 1872.

Q. What position during that time did General Babcock occupy?—A. He occupied the position of a private secretary to the President also.

Q. During the whole time?—A. During the whole time.

Q. This position of private secretary is one of considerable importance, is it?—A. That is a matter of opinion.

Q. What are the duties of a private secretary?—A. He opens the mails, attends to the general correspondence, the preparation of messages, and their delivery to Congress.

Q. When you speak of mails, you mean all communications sent to the President, official or otherwise?—A. Yes; principally official.

Q. And then, after the secretary opens them, they are handed by him to the President?—A. Yes.

Q. Were your relations and General Babcock's not exceedingly intimate during that time?—A. They have been for many years.

Q. How long have you known General Babcock?—A. Since 1856, when he entered West Point.

Q. Since that time have your relations been intimate?—A. They were up to the time when I moved away from Washington.

Q. When was that?—A. In December, 1872.

Q. Since then have you not been so intimate?—A. No. I of course have not been thrown in contact with him since then.

Q. During this intimacy which existed at the time when you and General Babcock occupied the positions of private secretaries to the President, did you and he invest in different speculations to some extent?—A. Never to my recollection.

Q. Was not Mr. Asa Bird Gardner a trustee for certain real estate which you and General Babcock purchased as a speculation?—A. He was not a trustee; he acted as a friend. In your former question you used the word "speculation." This was not a speculation, but a simple purchase of two lots of real estate in New York.

Q. Do you recollect what were known as the Black Friday gold speculations?—A. I do, from common rumor.

Q. Do you know of General Babcock having made any investments at that time?—A. To my best knowledge and belief, he did not.

Q. Do you know anything on the subject?—A. I can only speak according to my best knowledge and belief.

Q. Did he ever tell you anything on the subject?—A. Never.

Q. Then what knowledge have you on which to base a belief?—A. Simply that I have never heard or believed that he did do so.

Q. You said a moment ago something about a friend. Who was that?—A. Major Gardner.

Q. What did he say about these Black Friday speculations and General Babcock's connection with them?—A. I have heard this as a slander some years ago, which was investigated, I believe, by a former Congress. Major Gardner told me that he never knew anything of the kind, and did not believe it.

Q. Do you say that General Babcock's connection with the Black Friday speculation has been the matter of investigation?—A. I mean that the Black Friday operations have been.

Q. But was General Babcock's connection with that speculation ever a matter of investigation?—A. Not that I am aware of.

Q. Then how did Major Gardner come to tell you that he did not believe Babcock had anything to do with it?—A. I met him after giving testimony here, and he said that such questions were asked him, and my impression from the conversation was that he seemed astonished that such questions were asked, as he had no such knowledge or belief.

Q. Did you hear from any one at any time of General Babcock's connection with the Black Friday speculations?—A. Never.

Q. Did General Babcock ever say anything to you about them?—A. Since this matter has come up, I have seen him, and he denied it.

Mr. COCHRANE. I am speaking of prior to this inquiry.

The WITNESS. I do not recollect that he did.

Q. Then you do not recollect that the matter was ever spoken of by any one prior to its having been mentioned in this investigation?—A. There was an allusion to it in some New York paper some months ago.

Q. Connected with this investigation?—A. I think so.

Q. Prior to having seen that notice in the newspaper, you never heard of General Babcock's connection with the Black Friday's speculation?—A. I do not think that I ever heard the subject or his connection with it referred to before that.

Q. Do you not know that papers were shown to the President of the United States, about the time that General Babcock was returning from Saint Louis, showing that General Babcock had been concerned in that speculation, and that that was one of the reasons why the President retained Mr. Wilson and Mr. Bristow in the public service?—A. I do not believe that any papers were ever presented to the President implicating General Babcock.

Q. On what facts do you found that belief?—A. Simply on what General Babcock stated since this matter came up, that he had no earthly connection with anything of the kind, and that no papers implicating him could exist unless they were forgeries.

Q. He stated that to you?—A. Yes.

Q. When?—A. Recently.

Q. How recently?—A. I do not recollect when.

Q. Within the last week?—A. No; it was longer ago than that, I think.

Q. Within a month?—A. I cannot recollect the time. It did not impress itself upon me.

Q. Then your belief that no such papers were furnished to the President is based solely on the declaration of General Babcock that he never had anything to do with that speculation, and that any papers implicating him were forgeries?—A. That he had never had anything to do with that speculation, and that therefore no papers could exist implicating him unless they were false papers.

Q. You do not know of any papers such as I have indicated now being on the files of the Department, do you?—A. I do not.

Q. Do you know of any such papers being in the possession of the President?—A. Not of my own knowledge.

Q. Have you any means of knowing?—A. I cannot say anything except of my own knowledge that would be competent testimony.

Q. Has the President ever said anything to you on the subject?—A. I would rather not refer to any conversation with the executive branch of the Government. If I did, my answer would throw no light on the subject.

Mr. COCHRANE. I will have to insist on an answer to the question as to whether the President ever mentioned to you having in his possession such documents as I have indicated, or whether he ever made any statement of any kind in reference to documents of that character.—A. He did not state so directly to me.

Q. What did he say on the subject?

The WITNESS. The only delicacy on my mind is in regard to the President. I dislike so much to introduce his name.

Mr. COCHRANE. It is a matter of absolute necessity.

The WITNESS. He intimated to me that there was nothing whatever that had ever come

to his knowledge which implicated General Babcock, directly or indirectly, with the Black Friday speculations in New York.

Q. What did he say, if anything, about certain papers which were handed to him?—A. These papers were in his possession at the time, and of course it was in allusion to them. These papers, according to the testimony, I think, were placed in his hands in February, and this was since February.

Q. Did he show you the papers?—A. He did not show me the papers.

Q. Did you see the papers?

The WITNESS. Let me consult with Mr. Plaisted before answering that question. [After consultation with Mr. Plaisted.] I have seen the papers, and they contain nothing which reflects in the slightest degree on General Babcock, or connects him directly or indirectly with the Black Friday speculations.

Q. What are those papers?—A. They are deeds of these lots that were bought and letters transmitting the deeds. They had no earthly connection with Black Friday operations.

Q. Deeds of the lots held by A. B. Gardner?—A. Yes, sir.

Q. Who transmitted the deeds and the letters?—A. I presume that they must have been sent by a friendly hand, to show the President that General Babcock was not implicated in the Black Friday proceedings.

Q. By whom were the letters signed?—A. The letters were written by General Babcock.

Q. And by whom were they sent to the President?—A. I do not know the history of their being sent to him.

Q. Were there any papers from which you could determine who had transmitted these documents to the President?—A. I saw nothing to furnish me with a knowledge of that fact.

Q. Do you know who did send them to the President?—A. No, not of my own knowledge.

Q. Did the President tell you who sent them?—A. If he had told me, I should not know of my own knowledge. I did not ask him the question.

Q. Did General Babcock tell you who sent them?—A. If he did, I could not state it of my own knowledge, because it would be mere hearsay.

Q. But did he tell you?—A. I do not recollect that he did.

Q. These papers were composed first of deeds of this property which had been conveyed to Gardner and which was owned by Babcock?—A. Yes.

Q. And certain letters which had been written by General Babcock. To whom were these letters written?—A. Either to the purchaser of the property or to the lawyer making the deeds.

Q. Anybody else?—A. Nobody else.

Q. Who was the purchaser of the property?—A. Mr. Fahnestock, of Jay Cooke & Co.

Q. And who was the lawyer?—A. I think that the lawyer who acted throughout was Major Gardner.

Q. What did these letters contain?—A. As I recollect them, they were letters of transmittal of the deeds and mortgages. General Babcock was off in the country, traveling, and these papers had to be executed by his wife and himself, and they followed him about, and these were executed and sent on to New York. It was making a mountain out of a mole-hill.

Q. Mr. Fahnestock was a member of the firm of Jay Cooke, McCulloch & Co., was he not?—A. He was.

Q. And this property of his is now or has been in the hands of the trustee of that firm?—A. Yes; the firm went into bankruptcy.

Q. Were there any other papers except those which you have indicated?—A. None that I saw.

Q. Did any one state to you by whom these papers were transmitted to the President?

The WITNESS. I shall decline to answer that question.

Q. What explanation did General Babcock make to the President, the Attorney-General, and others, of that "Sylyph" dispatch—in regard to the origin of the term "Sylyph"?—A. I was not present and do not know.

Q. You have no knowledge of what he said?—A. I understood that he made the same explanation as was made on his trial. I would not trust my memory to recite what it was.

Q. Give it generally, so far as you recollect.—A. It would be the merest hearsay.

Q. What explanation of it was given on the trial of the Babcock case?—A. I believe I read it at the time, but I could not trust my memory to repeat it.

Q. Can you not give the substance of it?—A. I was not present, but read it some time afterward in the Saint Louis papers.

Q. What explanation did General Babcock make to you of the origin of this term Sylyph?—A. Precisely what I have stated before in my examination-in-chief.

Q. Do you not know that his explanation as given to the President was different from that?—A. I do not know that he gave an explanation to the President personally about the origin of the term "Sylyph." I know that he did about the "Sylyph" dispatch. I know it from common rumor, and I think it has been so stated to me.

Q. Do you not know that one of the suspicious circumstances attendant upon this dispatch was that it was signed "Sylyph"?—A. Exactly.

Q. And not signed O. E. Babcock?—A. Certainly. That was the point they made.  
 Q. Was not that a point which the President made when he was demanding an explanation?—A. Doubtless it was. The point was why he should send such a telegram, and why he should sign it "Sylph."

Q. Do you know the reason that he gave to the President for having signed it "Sylph," or as to how that term originated?—A. I do not know personally about the origin of that term. I understand—

Mr. PLAISTED. I object to any statement of what you understand.

The WITNESS. There is nothing to conceal in the matter. I think that the explanation which General Babcock gave to the President is what I have before stated, but I was not present.

Q. Do you feel pretty sure of that?—A. That has been my impression all along. It was the subject of conversation with the President and the Cabinet officers.

By Mr. PLAISTED :

Q. Did you ever hear any other explanation?—A. I never heard any other explanation.

By Mr. COCHRANE :

Q. Did you not hear that the explanation which General Babcock gave to the President of the origin of the word "Sylph" was totally different from that?—A. I never did hear it differently.

Q. Do you not know that the explanation which he gave in court of the origin of that term was totally different—I mean through his witnesses?—A. I never understood that there was a witness allowed to state anything about it.

Q. Do you not know that his counsel made an entirely different statement from that in court, and put the origin of that term on different grounds?—A. The counsel could not give testimony.

Q. Did they not put it on different grounds?—A. That I do not recollect. There was an allusion made to it by Mr. John K. Porter in the course of the trial.

Q. What was that?—A. Some allusion to the matter. I do not recollect what it was.

Q. Did you have any conversation with the President about any explanation that Babcock had given to him?—A. I do not recollect that I had.

Q. Or with the Attorney-General?—A. I think I had with the Attorney-General.

Q. Do you recollect whether the Attorney-General told you what the explanation of Babcock was as to the origin of the term "Sylph"?—A. My impression is that he did.

Q. Do you recollect what it was?—A. I cannot trust my memory to repeat it now. It is a long time ago.

Q. Was the conversation before or after the conversation which you had with Wilson?—A. It was before. It was just after the dispatch was discovered.

Q. How long before?—A. More than a month.

Q. Not more than two months?—A. No; I presume not more than two months.

Q. When General Babcock showed you this copy of what purported to be a copy of the letter written to Mr. Henderson by Mr. Wilson, what did he say to you, if anything, about the original of the letter?—A. He did not mention the original.

Q. I observe, on the copy which you introduce as the one which you showed to Mr. Wilson, a part of an envelope with the word "personal" on; where is the balance of that envelope?—A. That I do not know anything about.

Q. Was the whole envelope there at the time you took this paper to Mr. Wilson?—A. It was.

Q. After you had taken it to Mr. Wilson, to whom did you give the letter?—A. I returned it to General Babcock.

Q. When did you get it from him again?—A. I got it from his counsel, in whose hands it had been since the trial.

Q. From Mr. Storrs?—A. Yes.

Q. When?—A. Yesterday.

Q. Then the paper as you now produce it, with a small piece of the torn envelope adhering thereto, is not in exactly the same condition as it was when you took it to Mr. Wilson?—A. My recollection is that it was torn in that way in opening the envelope, and that that portion of the envelope stuck to the paper.

Q. You do not know what has become of that envelope?—A. I do not.

Q. Do you think that these words, "A true copy," are in the same handwriting as the body of the letter? Look at them carefully.—A. I am not an expert in handwriting, but I should think they are.

Q. Look at the "A" and compare it with any other capital A in the body of the letter, and say if you can find one of the same character.—A. My opinion would be worth very little on that subject.

Q. Do you know by whom this letter was sent to General Babcock?—A. I have not the slightest idea.

Q. Did he tell you?—A. He told me he did not know. He did not recognize the handwriting.

Q. Was there a letter accompanying it?—A. Nothing as stated to me.

Q. Did you ever see the original of this paper?—A. Never.

Q. Did not Mr. Wilson in that interview you had with him tell you that he wrote that letter, intending that General Babcock should be looked after?—A. He positively—my recollection is distinct on that point—told me just the contrary.

Q. Then he did not tell you that?—A. He did not tell me that, and my reason for recollecting it is that if he had told me, I could not have seen how he could have put spies on General Babcock at Saint Louis without at the same time putting spies on the President and the President's family, for they were traveling together.

Q. You could not see how he could put spies on one member of the party without putting spies on the whole party?—A. No; particularly when General Babcock was the President's private secretary.

Q. Have you a very distinct recollection that you did not tell Mr. Wilson that Sylph was a lewd woman?—A. I have the most positive recollection.

Q. "With whom the President had been in intimate association, and that she had bothered and annoyed the President until, at one time, it chanced that McDonald's attention was called to her at some place where she was, either in the sight or vicinage of the President, and he (McDonald) said, 'Why, that is Sylph;' and General Babcock said, 'Do you know that woman, McDonald?' and McDonald said, 'Yes, I know her very well.' General Babcock then said, 'She has been giving the President a great deal of trouble. I wish you would relieve him of her in some way;' and McDonald said, 'Certainly; that is easy: I can manage it;' and he did manage it. And so important was the service which McDonald thus rendered the President that the term 'Sylph' became a common matter of joke between Babcock and McDonald?"—A. Nothing of the kind.

Q. You have a distinct recollection of that?—A. I have a positive recollection.

Q. If you have so distinct a recollection in regard to that conversation, how does it happen that you cannot state a conversation which you had with the Attorney-General and with the President of the United States not more than two months prior to that date?—A. For a very good reason. This story strikes me as so extraordinary and as being such a romance in itself that I am very positive that I never uttered it; but the conversations which other persons had with me I would not recollect so well.

Q. But General Babcock and you had been intimate friends; you knew that General Babcock was about to be indicted, and would you not be very much interested in any explanation which he would make of a piece of testimony which was likely to harm him?—A. I had not the slightest idea that General Babcock was in any serious difficulty. The impression was that he was entirely innocent of the charges.

Q. But you had no idea at the time you talked with Mr. Wilson about it that General Babcock was seriously implicated?—A. I had no idea that he was in any danger of conviction in that matter.

Q. If I understand you correctly, your version of this matter is that you told Mr. Wilson that McDonald, Babcock, and some others were at a hotel or at the fair ground in Saint Louis, and that they happened to see a woman, a tall, handsome woman, to whom McDonald applied the term Sylph, and that, from a simple remark of that kind made under those circumstances, it was afterward used between these parties?—A. I stated that it had been done in a way to create considerable amusement, and that it was referred to.

Q. How?—A. I took no interest in the matter, and never asked the particulars.

Q. Did it not strike you that there was nothing very funny in a mere casual remark of that kind, unless there was something else connected with it?—A. This woman being large in size, the word may have been used ironically and created amusement.

Q. That word has often been used in that connection, has it not been? Is it not a very common thing to speak of a very stately woman as having a sylph-like form, purely by way of joke?—A. I suppose so.

Q. Your recollection is that a simple remark made in the way you have mentioned by McDonald was sufficient to have General Babcock, the private secretary of the President, months afterward sign this dispatch Sylph?

The WITNESS. How long afterward?

Mr. COCHRANE. Some months?

The WITNESS. It was in September or October that they were out there, and I do not know when that dispatch was sent. The impression made on my mind was that this had been done in some peculiar manner to cause amusement, and had been referred to afterward in conversation by way of a joke, and had become a sort of by-word.

Q. What did you say to Mr. Wilson about any peculiar manner in which the thing was done?—A. My recollection is that I stated that it was done in a peculiar manner, just as I have stated in my testimony.

Q. Did you state in what the manner was peculiar?—A. I do not recollect that.

Q. You do not recollect whether you stated that or not?—A. I never thought that there was any significance attached to the origin of the term.

Q. If so, why did you undertake to explain it to Mr. Wilson?—A. Because, as he states, he asked me the question.

Q. Was not the question put to you by Mr. Wilson, as follows: "General Porter, what explanation have you of the Sylph telegram?"—A. I do not know that that was the form of the question he asked me.

Q. Do you not recollect what the question was?—A. It was to that effect. He asked me what the explanation of that was, and I repeated merely what General Babcock had said to me. I knew nothing whatever about it.

Q. You are not now able to state all the peculiar circumstances under which this term Sylph was used by McDonald?—A. I stated exactly all that I have heard; all that General Babcock told me.

Q. Did I not understand you to say that you did not regard it as important, and did not pay much attention to the circumstances?—A. Yes.

Q. Do you know of the President having at any time spoken of a conversation with Mr. Wilson in regard to your explanation of the Sylph telegram; if so, what did the President say, and what are your means of knowledge? [The witness first declined to answer the question, but finally said:] A. The President made no statement to me or in my hearing; and anything that I may have heard in the way of rumor as to what the President said, I must decline to state in evidence.

Q. Did you hear anything from anybody, and, if so, from whom, in regard to the matter?—A. Yes; I heard something.

Q. From whom?—A. From Mr. E. A. Storrs.

Q. What did Mr. Storrs say?—A. That the President said that the statement made by Mr. Wilson in his testimony was incorrect; that Mr. Wilson did not recite this vulgar slander to him; that he commenced to say something about an improper woman, and that the President stopped him instantly, and did not permit him to recite or discuss the matter.

Q. Then you understood from Mr. Storrs that the President had had a conversation with him on the subject since the testimony of Wilson, and that the President had admitted that Wilson, in making the statement of a conversation which he had had with you, commenced to speak about your having mentioned a lewd woman?—A. I did not say that; that latter part is not correct.

Mr. COCHRANE. What fact stated in the question is not correct?

A. I stated that the President said that Wilson commenced to make some remark about an improper woman, and that he stopped him instantly and emphatically, and did not listen to the recital of that story or discuss it with Wilson.

By Mr. COCHRANE:

Q. In this conversation which you had with Mr. Storrs when he made this statement to you, were you speaking of the statement which Mr. Wilson had made before this committee in reference to his (Wilson's) interview with the President?—A. Yes.

Q. Did Mr. Storrs speak of having talked to the President about the truth or falsity of Mr. Wilson's statement that he (Wilson) had mentioned to the President this story about a lewd woman as having come from you?—A. I do not remember the interview, nor how it came about—the allusion to this matter. I understood it was in a casual conversation which Mr. Storrs had had with the President.

Q. Was the testimony of Mr. Wilson upon the subject of having communicated to the President this story, which he alleged had come from you, about a lewd woman, a matter of conversation between Mr. Storrs and the President, as you understood?—A. It was. It was alluded to in their conversation.

Q. And in speaking of that matter the President of the United States had told Mr. Storrs, if I understand you correctly, that Mr. Wilson was going on to speak to him about— A. That he had started to speak to him.

Q. That he had started to speak to him about a lewd woman?—A. No; I did not mention the word lewd.

Q. Well, about a woman of bad character, or an improper woman?—A. An improper woman.

Q. Well, you understand that to mean a lewd woman, do you not?—A. No, I did not understand that that meant lewd; I understood it to mean an improper woman, a woman who was an improper character—a black-mailing woman—something of that character.

Q. And that the President had stopped him?—A. Yes.

Q. Did you understand from Mr. Storrs that when Mr. Wilson was speaking about this improper woman, he was referring to an alleged conversation which he had had with you about the "Sylph" dispatch?—A. Yes.

Q. Don't you know that immediately after the interview which Mr. Wilson had with the President, the President was very indignant at the statement which Wilson had made to him?—A. He could not have been if he had not listened to the recital of this story; and I never understood that he was indignant.

Q. Did he ever, directly or indirectly, mention the matter to you?—A. I have seen the President very seldom—

Q. Did he ever, directly or indirectly, mention the matter to you?—A. He did not.

Q. Did he ever ask you whether you had coupled his name with a lewd woman in connection with any explanation of the "Sylph" dispatch?—A. Never. He never alluded to such a thing in conversation with me.

Q. The Mr. Storrs of whom you speak was one of the counsel for General Babcock, was he not?—A. He was.

Q. He is a lawyer in Chicago?—A. Yes.

Q. Is he still in this city?—A. That I do not know.

Q. Do you know the purpose of Mr. Storrs's visit to Washington at this time?—A. I do not.

Q. Is it not in an effort to get Hesting, one of the Chicago whisky thieves, pardoned?—A. That I do not know.

Q. Do you say positively that you did not use language of this kind in that conversation which you had with Mr. Wilson: "That the greatest services in my [Wilson's] power to render the President of the United States would be to shield and save General Babcock from exposure"?—A. I never used that language.

Q. Did you use anything like that?—A. I used no language that I can remember except as I have already explained.

Q. Did you not state to him that any humiliation of General Babcock would, to a greater or less extent, be a reflection upon the President?—A. Well, I do not remember that I did.

Q. Did not you tell him that General Babcock was a man who had served in the Army with General Grant and whom the General thought a great deal of, and that any exposure of General Babcock would cause the President great pain?—A. If General Babcock was guilty, it would not.

Q. Did you say that, on the hypothesis that, he was not guilty?—A. No; I never used that language to Major Wilson.

Q. Did you use language of that character?—A. The only language that I used that could be construed as of that character is the language which I have already stated in my testimony, in that connection.

Q. What was that?—A. The substance of it was that General Babcock was a distinguished officer of the Army; that every graduate of West Point and every officer in the Army could not help feeling interested in this matter; that the general belief, as I understood, was that General Babcock was entirely innocent; that if guilty he ought to be punished, but that if it proved in the end that he was entirely innocent of the charges which were being made against him, and such correspondence should come to light as that contained in the "bottom or top" letter, and it should be discovered that the prosecution was being pushed by secret and suspicious correspondence, it would have a tendency to interfere with the relations between the President and his officials.

Q. Meaning Mr. Wilson?—A. Mr. Wilson, or any person that was concerned in it.

Q. Were you authorized by the President to make that statement?—A. Not at all. It was merely an incidental remark made in my conversation with Major Wilson.

Q. Your idea was that General Babcock should be tried by a military court, was it not?—A. No; there never was a court-martial ordered to try him. There was a court of inquiry, which is a different thing, ordered to inquire into the circumstances.

Q. Was it your idea—that a court of inquiry should pass upon the question, to the exclusion of a jury?—A. Not at all. There is nothing preventing an officer from being tried by a military court and by a civil court also.

Q. I am aware of that. Do you think that General Babcock should have been treated any differently from any other party charged with a high crime?—A. Not at all; if he was really believed to be guilty.

Q. You know that the grand jury indicted him, do you not?—A. Yes. The grand jury had not indicted him, though, when this conversation occurred with Major Wilson.

Q. How long after that was it when he was indicted?—A. I cannot recollect.

Q. A very short time, was it not?—A. Within a few weeks after.

Q. Did you aid or assist General Babcock in any way in getting up his defense?—A. Not at all. I was not present at the trial, and took no part whatever in it.

Q. Did you assist him in Washington in getting up his facts for the defense in that trial?—A. I did not. I had several conversations with him when we happened to meet.

Q. Who was his lawyer here in the city?—A. That I do not recollect. I think George H. Williams was the only one he retained from here in the case.

Q. Do you know of Mr. Luckey having been to Saint Louis to aid him?—A. No. I know nothing about that except what I have seen in the papers, or have heard in the way of rumor.

Q. Then you did not, if I understand you, either directly or indirectly, aid General Babcock in the preparation of his defense?—A. I did not. I am not a lawyer, and would not be capable of doing it.

Q. Did you have any communication with any party at Saint Louis in General Babcock's interest at any time before or during the trial?—A. Neither directly nor indirectly.

Q. Did Mr. Wilson tell you that he would do what he could, fairly, to see that General Babcock was honestly and squarely dealt with, and that no injustice was done him, but that further than that he could not and would not go; that the matter was in the hands of the local officers at Saint Louis, and that he would urge upon them the grave importance to all parties that no mistake should be made in reference to General Babcock's connection with the ring; did he say all that, or that in substance?—A. He assured me of the first part of that—that he would see that General Babcock was treated with fairness and justice in the matter.

Q. Did you express yourself to Mr. Wilson as wholly and entirely satisfied with his ex-

planation of the letter, and with the position which he assumed, and assure him that the attention of the President had not been called to the forged letter, and would not be?—A. I told him I was entirely satisfied that "W. H." was an interpolation not in the original letter; that the President's attention had not been called to the letter, and that I did not see any necessity of its being called to it. Then he asked me to call the President's attention to it. I think he so states in his testimony.

Q. Did you express yourself as satisfied with the position which he assumed in the matter toward General Babcock?—A. Well, I do not know what expression I made.

Q. Did you part in a friendly way?—A. Entirely.

Q. There seemed to be no issue between you at all, did there?—A. None whatever.

Q. And you were entirely satisfied that those letters "W. H." had been inserted?—A. Entirely. They were not in his letter-press copy-book, and he told me that they had not been inserted in the original letter, and I, of course, took his word for the latter and believed it.

Q. Have you had any conversation with the President since you have been in this city under subpoena?—A. I have not. I have purposely avoided calling on him until after I should have testified.

Mr. COCHRANE. Very properly.

The WITNESS. I may add that I have not consulted with any witness previous to this examination.

Q. Did you have any other conversation with Mr. Storrs than that which you have detailed?

Mr. PLAISTED. I object to that.

By Mr. COCHRANE:

Q. Don't you know, General Porter, that Mr. Storrs has been making himself quite prominent in defending the President in this investigation?—A. I do not. The President certainly requires no defense in the case, in my opinion.

Q. Are you familiar with the whole evidence in the case?—A. I have read all that has been published.

Q. Are you familiar with the evidence that has been taken before this committee, all of it?—A. Yes; more or less familiar with it.

Q. Don't you know that a large portion of the testimony has not been published?—A. Well, I don't mean merely what has been published in the papers. I have read some of the testimony printed for the committee, and some in the public papers, so that I have got a general idea of the whole of it.

Q. Who furnished you with the printed evidence?—A. I saw a copy in the hands of a member of the committee.

Mr. PLAISTED. In my hands?

The WITNESS. Yes.

By Mr. PLAISTED:

Q. How long were you on the staff of General Grant during the war?—A. I went onto his staff in the beginning of 1864.

Q. At what point?—A. When I was actually assigned to his personal staff, was when he was made Lieutenant-General to take command of all the armies.

Q. Where did you serve with him?—A. I served with him in the field, and afterward at the headquarters of the Army at the close of the war.

Q. In what campaigns?—A. In all his campaigns subsequent to that time. I was with him constantly.

Q. In what capacity?—A. As an aid, with the rank of aid-de-camp.

Q. When did General Babcock go on his staff?—A. I do not recollect the exact time.

Q. Was he on the staff before you became a member of it?—A. I think he had done some service with General Grant, but not officially as a member of his personal staff.

Q. Speaking of the letters of General Babcock, or the letters and papers which were submitted to the President in reference to the Black Friday affair, can you state whether there was any letter there from General Babcock to Fahnestock?—A. I only glanced over them; I don't recollect distinctly.

Mr. COCHRANE. I suppose these papers are in the hands of the President?

Mr. PLAISTED. I suppose so.

By Mr. PLAISTED:

Q. Do you remember a single letter or paper there addressed to Fahnestock?—A. No; I do not.

Q. Was General Babcock present at the interview at which you showed the President a copy of this "W. H." letter, as it has been called?—A. General Babcock was in his own room, and the President was in his room, with the doors open between, and I think he may have passed backward and forward.

Q. Do you remember any conversation that the President had with General Babcock or General Babcock with the President at that time?—A. Nothing particularly with the President.

Q. With reference to the removal of Mr. Wilson on account of this letter?—A. When it looked as if Mr. Wilson might be removed, General Babcock said that his removal then might prove unfortunate to him; that he felt his ability to exonerate himself entirely from the charges, and that the dismissal of a prominent member of the prosecution might look as if he had been shielded in some way or given undue assistance.

By Mr. COCHRANE:

Q. You do not know whether he took the same ground when Mr. Handerson was removed?—A. I do not know; I was not here.

The following is the copy of the "W. H." letter produced by the witness:

(A true copy.)

(On a strip of paper adhering to the top of the sheet: Personal.)

"DEPARTMENT OF JUSTICE,  
"OFFICE OF THE SOLICITOR OF THE TREASURY,  
"Washington, D. C., September 26, 1875.

"MY DEAR SIR: This will introduce to you Wm. H. Herr, an agent of the secret-service division, Treasury Department, who is sent to you for special duty in connection with the cases of the United States *vs.* McDonald and Joyce for conspiracy and violation of internal-revenue laws.

"It seems especially desirable, in view of the importance of these cases, that the defendants should be placed under strict surveillance for the next ten days or two weeks in order to anticipate any move on their part to escape and to keep yourself apprised as far as possible of their movements and plans with reference to the charge of conspiracy.

"Referring to my conference with you when here, I need not remind you that it is every way important that you should neglect no fair precaution to reach the very bottom or top (W. H.) of the conspiracy and its ramifications.

"Perhaps the opportunity to obtain information may be good during the next ten days.

"It may be well for you to put on, with Herr, some man of your choice. The latter has orders to follow your instructions in everything. Show Dyer. Can't write both.

"With high regards, your friend,

"BLUFORD WILSON.

"Hon. JOHN B. HENDERSON,

"*Special Assistant Attorney-General, Saint Louis, Missouri.*

"P. S. We watch with interest the proceedings on demurrer. If Miller beats you, move to have the parties committed to await a renewal of indictment."

WASHINGTON, D. C., August 12, 1876.

WILLIAM B. MOORE recalled and further examined.

By Mr. PLAISTED:

Question. Are you special agent of customs at the present time?—Answer. I am.

Q. How long have you held that position?—A. I received my appointment on the 23d of July, 1875.

Q. Have you held it ever since?—A. Yes, sir.

Q. Without interruption?—A. I was removed on the 3d of May, 1876, by order of the Secretary of the Treasury, Mr. Bristow.

Q. Have you been re-appointed?—A. No, sir; the order of removal has been revoked and taken as though I never had been removed.

Q. I read from the testimony of the Ex-Solicitor before this committee: "I dismissed from the secret service, in the spring of 1876, one William B. Moore, who was a special agent of customs, for the reason that he left his post at Baltimore without orders and without subpoena, and went to Saint Louis as a witness in the Babcock case. He was to swear that he was present in General Babcock's room at the White House and saw General Babcock receive the letter from Joyce referred to in the testimony of Everest, and that when opened it contained nothing but a blank sheet of paper. He was not put on the stand. On his return to Washington, he came to me and made repeated requests that I should pay his expenses while traveling from Baltimore to Saint Louis and returning. This I peremptorily refused to do, and told him that the expenses of the trip must, of course, be paid by the defense, in whose interest he was a witness; that for me to pay them would be a misappropriation of the public moneys." Now, as to the statement that you were dismissed for the reason that you left your post at Baltimore without orders and without subpoena, what have you to say?—A. The facts in relation to that statement are simply that I was subpoenaed by an-

thority of the United States district court, on the 12th of February, to the best of my recollection, to appear in Saint Louis to testify in the Babcock case. The subpoena was handed me in Washington by Mr. Cook, General Babcock's attorney. I was stationed in Baltimore as special agent in charge of a subdistrict, including the District of Columbia, and I had full authority, and it was my duty, to visit any part of Maryland or the District of Columbia, as in my judgment my duties required. I had inspected the custom-houses in both Maryland and the District of Columbia, and when this was handed me I was here without reference to it at all.

Q. Without reference to Babcock's case?—A. Without reference to the Babcock case.

Q. You did not, then, leave your post without a subpoena, did you?—A. No, sir.

Q. What have you to say with reference to the expenses which you demanded of Solicitor Wilson?

The WITNESS. Does not the other point about my testifying come in before that?

Mr. PLAISTED. He states that you did not testify.

The WITNESS. He swears that I was to testify, and implies that he knows; that is absolutely false. I never testified, and never stated that I saw General Babcock receive a letter from Joyce.

Q. Either in court or out?—A. Either in court or out.

Q. And you did not testify in the case?—A. I did not testify.

Q. Go on and state further in reference to the payment of your expenses.—A. I went to Saint Louis and made a partial investigation of the custom-house there, and discovered some important irregularities and corrected them, and gave the custom-house authorities valuable information in regard to the use of the new seal that had then just been introduced for the protection of bonded goods on cars passing over bonded routes. I made an official report, stating that I had been subpoenaed in the Babcock case, and detailing the duty that I had performed with reference to the custom-house, and other valuable information in the line of my duty that I had obtained. That report is on file in the Treasury Department, and the original copy is in my letter-book at Baltimore. I made out my account for my regular expenses, and presented it to the supervising special agent, Captain Adams, and for some reason—a very unusual circumstance—Mr. Wilson forbade its going before the regular accounting-officers. Mr. Wilson had neither the approving nor the supervision of my account in the regular order. The manner of obtaining our expenses was to present our accounts to the supervising special agent, who examined into the items, and, if he found no objections, they were then referred to the First Auditor and the Commissioner of Customs, who passed upon and allowed them or disallowed them, as in their judgment was correct.

Q. What was the fate of your account?—A. Mr. Wilson peremptorily refused to allow my account to go before the accounting-officers, and it remained suspended until the order for my removal was revoked, when I presented the same account, containing the same items that he had suspended, and on their going before the accounting-officers they were allowed and paid.

Q. Who were the accounting-officers?—A. Mr. Mahan, the First Auditor, and Mr. Johnson, the Commissioner of Customs, and the Assistant Secretary of the Treasury, who has the final approval of special agents' accounts—Mr. Conant.

Q. How long after the Babcock trial were you dismissed?—A. Nearly three months after my return.

Q. Did you ever have any conversation with Solicitor Wilson as to your dismissal?—A. Yes, sir; I testified before this committee on the 26th day of April. On the 27th day of April I received a communication from Mr. Wilson requesting me to resign, which was virtually a dismissal from the service. He told me of it first himself. I met him on the street, and he told me of it, and I went to the Department and received a copy of the request to resign. I called upon Mr. Wilson and asked him if he had any personal reasons for making that demand, saying that if he had I did not propose to raise any issue with him, but if there were any charges I would like to have myself put right upon the record. He stated to me that the reason for my removal was that I had forced myself before a committee to testify against his friend Mr. Yaryan. I told him that that was false; that his information was false, and, if he cared to hear it, I would prove it by a member of the committee, who, at that time, I thought, was the chairman, Mr. Glover; that Mr. Glover had told me that he had some information in regard to a conversation that Detective Bell had had with me some time prior.

Q. Confine yourself to the question.—A. Well, I told him that I could prove by Mr. Glover that I had not volunteered my testimony, and that I had stated to the committee that I had no knowledge of my own with reference to it; that my testimony was simply hearsay. He remarked, that any statement that Mr. Glover would make would have great influence with him, and he would be very glad to hear it, but he was on his way to give testimony before a committee in the Mary Merritt case, and he could not hear my explanation that day; but he made an appointment to have me visit him with Mr. Glover. I called on Mr. Wilson, at his office, with Mr. Glover, on the 3d of May, and he said to Mr. Glover what he had said to me, that he had removed me because of my having forced myself before this committee to testify against Yaryan. He said he did not propose to have any subordinate of his hanging around committees to testify against men like Yaryan. Mr. Glover stated

to Mr. Wilson that the information upon which they had subpoenaed me had come from a source that he had no reason to believe that I knew anything about; that I was not a volunteer witness, and that my testimony was brought out by leading questions suggested by this other party. Mr. Wilson expressed himself very much gratified with Mr. Glover's statement, and left Mr. Glover to infer that he intended to revoke his action removing me.

By Mr. COCHRANE:

Q. Did he say so?—A. Well, I understood him to say so, and Mr. Glover understood him to say so.

Q. What did he say?—A. On leaving the room, I made a detailed memorandum of the conversation, and I brought that memorandum to Mr. Glover, and asked him if that corresponded with his recollection of the conversation. Mr. Glover looked over it and corrected, with his own hand, portions of it with reference to what he had said, and he then certified, in writing, that that memorandum contained his recollection of the conversation.

Mr. PLAISTED. [Producing a paper.] Is this the memorandum?—A. Yes, sir; that is it.

Q. With Mr. Glover's certificate on it?—A. Yes, sir.

Q. You may refresh your recollection by examining it, and see if you have anything further you wish to state.—A. [Consulting the memorandum.] To the best of my recollection he said, in that interview, that Mr. Glover's statement was perfectly satisfactory.

Q. What day were you dismissed?—A. My removal was dated on the day of this interview—the 3d of May. I received it on the 5th.

Q. What day did you testify before the committee?—A. On the 26th of April.

Q. What day did you meet Mr. Wilson when he told you that you might tender your resignation?—A. To the best of my recollection it was on the 27th of April.

Q. You may read the memorandum if there is anything in it that you wish to state further, or have you stated the substance of it?—A. I have stated the substance of it. This memorandum shows that Mr. Wilson admitted to Mr. Glover that he had removed me because of my testimony before this committee against Yaryan.

Q. And not because you went to Saint Louis?—A. Not because I went to Saint Louis. That was not mentioned at all.

Q. That was not mentioned in this interview between you and Mr. Glover?—A. No, sir; never intimated at all. Nothing of the kind was discussed at the time I presented my account. Mr. Wilson said, when I presented this account, "If the President drags our officers all over the country he must pay them." My reply to that was, that there were at least a dozen other officers of the Government who had been subpoenaed from the Treasury to Saint Louis, and all of them had received their actual expenses, and I could not understand why I should not.

Q. Officers who were called there to testify?—A. Yes, sir; in the Babcock case.

Q. For the prosecution?—A. For both sides.

Mr. PLAISTED. I offer this memorandum of the conversation in evidence.

Mr. COCHRANE. I shall object to it, of course. It is not competent. The witness makes a very different statement now.

The WITNESS. Contradicting that memorandum?

Mr. COCHRANE. Yes, sir; contradicting that memorandum.

The WITNESS. Well, anything in my testimony that contradicts that memorandum is due to a fault of memory.

Mr. COCHRANE. Have you any correction of your testimony that you want to make?

The WITNESS. No, sir.

By Mr. COCHRANE:

Q. What is your position?—A. Special agent of the Treasury.

Q. When were you removed from that position?—A. My removal was to date May 3.

Q. Who removed you?—A. Mr. Bristow.

Q. How were you removed?—A. By an order issued by Mr. Bristow, as Secretary of the Treasury.

Q. Did you get out of the Department?—A. So far as that put me out, I did.

Q. You did not have any more official connection with the Department, did you? You left?—A. For a time.

Q. How did you get back again?—A. I appealed to the President, by a written appeal.

Q. When did you appeal to him; before or after Mr. Bristow went out of the Cabinet?—A. Immediately. On the date of that document; I think it was the 7th of May.

Q. When were you put back?—A. The order was revoked, and I was re-instated.

Q. When were you re-instated?—A. The official action revoking my removal was taken July 8, by Secretary Morrill.

Q. Then this revocation was not made until after Mr. Bristow had retired from the Treasury?—A. No, sir.

Q. This paper is not a revocation, is it? This is an appointment.—A. It appoints me, to date from a certain date.

Q. Well, it is an appointment. I will read it:

"WILLIAM B. MOORE, Esq.:

"SIR: Under the provisions of section 2649 of the Revised Statutes of the United States you are hereby re-appointed a special agent of this Department, at a compensation of \$5 per diem and actual necessary expenses while traveling on official business, for a period of two months, to take effect from May 1, 1876.

"I am, very respectfully,

"LOT M. MORRILL,  
"Secretary of the Treasury."

There never was any action taken by Secretary Bristow re-instating you or revoking the order of removal?—A. None.

Q. And from the date of that order of Secretary Bristow down to the date of this, July 8th, you had no connection with the Department?—A. None.

Q. You performed no official action?—A. I was engaged in preparing my defense.

Q. You were engaged in no official action for the Department?—A. No more than that.

Q. Were you paid for that time?—A. I was.

Q. You received full compensation from the date of your discharge in May, down to the time of your re-appointment in July?—A. Yes, sir.

Q. For which you rendered no service to the Government?—A. I rendered such service as I have told you.

Q. Well, you rendered none, did you?—A. No service. I was on waiting orders.

Q. But you rendered no service to the Government?—A. I was on waiting orders.

Q. You rendered no service to the Government?—A. No more than to vindicate myself.

Q. Do you call that a service to the Government?—A. I do, indeed, when an officer who has an unimpeached—

Q. Well, you were preparing your defense, were you?—A. I was going to state, if you will permit me. My record was unimpeached and unimpeachable.

Q. We don't want that. Tell us how you were serving the Government by making your own defense?—A. I had been summoned before a committee of Congress—

Q. You have stated that. How were you serving the Government by making up your defense?—A. In getting statements from the members of the committee in refutation of the charges that had been made against me, and in getting other official documents.

Q. Was this order of Mr. Morrill's made upon the order of the President?—A. I have no knowledge of the reasons or purposes of Mr. Morrill in making the order.

Q. You know that it was done by order of the President?—A. I never saw any such order.

Q. You know that it was?—A. I do not.

Q. Have you reason to believe that it was?—A. I believe it was.

Q. I understand you to state in your examination-in-chief that Mr. Wilson admitted to Mr. Glover that he had dismissed you because of your obtruding yourself upon the committee?—A. Yes, sir.

Q. Do you find anything in that memorandum so saying?—A. The only thing that I find is—

Q. Do you find anything in that memorandum showing a statement by Solicitor Wilson that he had dismissed you because of your obtruding yourself upon the committee?—A. I do.

Q. Read it.—A. "Mr. Wilson remarked, 'The representations made to me by Yaryan, and on which I based my request for Mr. Moore's resignation, put Mr. Moore in the position of pushing himself on your committee and volunteering testimony against an officer of this Department to whom I think not only the Treasury Department but the country owes a debt of gratitude for services in the prosecution of the whisky ring and I don't propose that any subordinate of mine shall go nosing around committees, breaking down such officers as Yaryan.'"

Q. Was there anything said at all about the Babcock trial? Does he say there that that did not influence him?—A. Not a word or intimation.

Q. Then there was no statement made by Mr. Wilson that he was influenced only by the consideration that you had testified before a committee?—A. Yes, sir; he said it emphatically.

Q. He said he had none other?—A. He said that that was the sole ground of his action.

Q. Do you find that in the memorandum?—A. No, sir; it is not there. He stated that to me.

Q. He stated it to Mr. Glover too, did he?—A. I did not say that he stated that to Mr. Glover.

Q. I ask you whether he said anything to Mr. Glover at that interview about that being the only reason why he had dismissed you?—A. That was his statement. He said that to Mr. Glover.

Q. That that was his sole reason?—A. He did not say it in that emphatic way, but he gave that reason, and gave no other.

Q. Did he say it was the only reason?—A. To the best of my recollection, he said it was the only reason.

Q. Why didn't you put that down in your memorandum?—A. Because I never had an idea that he could trump up any other reason.

Q. You say he trumped it up, do you?—A. Yes, sir.

Q. You did go to swear for General Babcock?—A. I went to Saint Louis.

Q. Were you not subpoenaed?—A. I was.

Q. What were you subpoenaed to swear?—A. I don't know; I never was asked.

Q. Do you swear here that you did not know what you were subpoenaed for?—A. I swear emphatically that I do not know what I was subpoenaed for.

Q. You do not know what you were expected to prove?—A. No, sir; I have an idea.

Q. You have not stated to any person in Washington City here that you did know what you were going there to prove?—A. I stated in Washington City, and I stated to the attorney of Mr. Babcock, that I had seen letters opened there without containing any writing, but I never stated that I saw a letter opened from—

Q. By whom did you say you had seen them opened?—A. I had seen them opened by General Babcock and by General Porter, and subsequently by young Mr. Grant.

Q. Then you did tell the attorney of General Babcock that you had seen General Babcock open letters that contained no writing?—A. I did.

Q. Don't you know and didn't you say afterward that that was the fact that you would be called upon to prove?—A. I have no recollection of so stating.

Q. Do you not know that that was the fact that you were to prove?—A. No, sir; I do not, because I was not called upon.

Q. Do you know of any other fact within your knowledge that you could prove having any bearing upon the case?—A. Nothing except this hearsay that I testified to before your committee. There would be just as much propriety in my being called there as in my being called before your committee. It might have been that hearsay testimony that I was called for.

Q. You think it was as likely to be that hearsay testimony that you were called to testify to in a court of justice?—A. Yes, sir.

Q. You are not a lawyer, are you?—A. No, sir; I am not a Pennsylvania lawyer.

Mr. COCHRANE. No; I do not think you are; you have not got the cut of one.

Q. How came you to state to the attorney of General Babcock that you had seen those letters opened by General Babcock?—A. I do not know that I could give you the circumstances particularly.

Q. You don't recollect?—A. I never had spoken to him in my life until that occasion.

Q. Then how did you come to speak to him that time?—A. I think it was from reading some of the testimony given before the court. I knew none of the parties.

Q. You read some testimony as having been given before the court and then you went and saw Mr. Cook and suggested to him that you had seen General Babcock opening such letters without anything in them?—A. Yes.

Q. How long afterward was it that he had you subpoenaed?—A. Immediately; on the same day.

Q. During the interview?—A. No; he told me that he must get a subpoena, and he brought a paper which purported to be an official paper from the court.

Q. Did you tell him at the time these hearsay statements which you afterward gave to this committee under oath?—A. Yes, sir.

Q. At that time?—A. Yes, sir; I touched upon those, to the best of my recollection.

Q. Did you give them to him in detail as you did before the committee?—A. No; I could not do that from memory, because I had a written memorandum.

Q. What did you tell him about it?—A. I told him that this Mr. Bell had made these statements to me, which raised a strong probability of Mr. Yaryan being the Washington branch of the Saint Louis whisky ring.

Q. You had that idea?—A. I had that idea, and I have it still.

Q. You still have it?—A. Yes, sir.

Q. Do you swear that he is a member of the ring?—A. O, no, sir.

Q. You do not want to do that?—A. O, no; I never assumed to do that. I do not swear to other people's knowledge.

Q. Where did Mr. Cook get this subpoena?—A. I have no knowledge.

Q. You say he gave you the subpoena?—A. Yes; he presented it and read it to me; there were several names in it.

Q. Did he give you the subpoena?—A. He handed it to me, and I read it. I asked him to let me keep it, but he said there were several other names in it and he could not let me keep it.

Q. You did not hear it read?—A. No, sir.

Q. By what court was that subpoena issued?—A. I am not clear in my recollection. I have no doubt that he has the paper. He is in Washington now.

Q. Was there a seal of the court upon it?—A. I think there was.

Q. Are you clear about that?—A. I think I am.

Q. What court?—A. I cannot recollect.

Q. How do you recollect that there was a seal if you cannot think what court it was?—A. I recollect that there was the signature of court officials and the usual formula of subpoenas.

Q. But was there a seal?—A. Not a colored seal, but a stamp on the paper representing it.

Q. What court officials sent it?—A. I don't remember.

Q. How do you know they were court officials?—A. I remember it very distinctly. The reason I state it positively now is that I thought it was by authority of the Supreme Court of the United States.

Q. Are you not able to tell who those court officials were?—A. No; I cannot tell. I presume I can get the document and put it in, if it is important.

Q. Well, you went to Saint Louis?—A. I did.

Q. Under subpoena for the defense?—A. Under a subpoena for the defense.

Q. How long were you there?—A. Three or four days.

Q. Did you get any witness-fees?—A. No, sir.

Q. Did you get any money from anybody?—A. No, sir.

Q. Not a dollar?—A. Not a dollar.

Q. Did neither General Babcock nor his attorney furnish you any money?—A. Not one dollar.

Q. Did they pay your expenses at the hotel?—A. No, sir; I paid my own bills. I borrowed the money in Washington.

Q. Has that money ever been returned to you from General Babcock or from his attorney?—A. No, sir.

Q. Then you have received nothing from General Babcock?—A. Nothing whatever. I never had a transaction to the extent of a dollar with him in my life.

Q. What was the amount of the bill that you put into the Department which you say Mr. Wilson would not permit to be presented?—A. It was between \$90 and \$100.

Q. Do I understand you to say that Mr. Wilson had no right to prevent that bill going before the accounting-officers?—A. It was out of the usual course.

Q. Had he not a right to do it by virtue of his office?—A. He had the power; he did do it.

Q. He had the right, had he not?—A. No, sir; in my opinion he had not.

Q. Then how could he keep it from going before the proper officers?—A. By ordering Mr. Adams not to allow it to go to the accounting-officers.

Q. Who was Mr. Adams?—A. He is supervising special agent.

Q. What were his duties?—A. He was chief of my corps.

Q. Then Mr. Adams obeyed Mr. Wilson?—A. He obeyed Mr. Wilson; but Mr. Adams subsequently approved the account, and stated to me that he did not disapprove of it at the time, except by order of Mr. Wilson.

Q. How many days were you in Saint Louis?—A. I was in Saint Louis three or four days.

Q. Would you have gone to Saint Louis if it had not been for this trial?—A. No, sir.

Q. Where did you stop while there?—A. At the Lindell Hotel.

Q. Was General Babcock stopping there?—A. Yes, sir.

Q. Did you have any conversations with General Babcock during that time?—A. Yes, sir.

Q. About the case?—A. Yes, sir; frequently.

Q. Did he consult you in regard to different matters connected with it?—A. No, sir. I took great interest in Mr. Babcock's case, and made inquiries.

Q. You made inquiries there for him at his suggestion?—A. Of him.

Q. Did you make inquiries of other people for him?—A. No, sir.

Q. Did you do any service for him?—A. None whatever.

Q. Why were you not called, do you know?—A. Because on stating the information that was supposed to have, they found it was entirely irrelevant, and that the circumstance that I had seen at the White House was in no way connected with any of those transactions, and had no bearing upon the case.

Q. Mr. Cook was a lawyer, was he not?—A. He was.

Q. One of General Babcock's counsel?—A. Yes.

Q. He thought it was relevant, didn't he, when he subpoenaed you?—A. Well, he did not express himself particularly.

Q. He subpoenaed you at once, though, when you stated the facts to him, but the other counsel differed with him?—A. Yes, sir. He thought it was of sufficient importance to send me out there.

Q. You did not hear of any attack that was to be made by the prosecution upon your character?—A. None whatever.

The investigation was here suspended until next session.



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